

1995, chapter 34
**AN ACT TO AMEND THE CITIES AND TOWNS ACT,
THE MUNICIPAL CODE OF QUÉBEC AND
OTHER LEGISLATIVE PROVISIONS**

Bill 68

Introduced by Mr Guy Chevrette, Minister of Municipal Affairs

Introduced 16 March 1995

Passage in principle 28 March 1995

Passage 21 June 1995

Assented to 22 June 1995

Coming into force: 22 June 1995

Legislation amended:

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Cities and Towns Act (R.S.Q., chapter C-19)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1)

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)

Act respecting municipal debts and loans (R.S.Q., chapter D-7)

Act respecting municipal fire fighting cooperation (R.S.Q., chapter E-11)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Act respecting the Société de transport de la Ville de Laval (1984, chapter 42)

Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32)

Charter of the city of Montréal (1959-60, chapter 102)





CHAPTER 34

An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions

[Assented to 22 June 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CITIES AND TOWNS ACT

c. C-19,
s. 28, am.

1. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 1 of chapter 33 of the statutes of 1994, is again amended

(1) by replacing paragraph 2.1 of subsection 1 by the following paragraph:

“(2.1) Alienate for valuable consideration any movable or immovable property; each month the clerk shall publish a notice concerning any property having a value greater than \$10 000 that has been alienated by the municipality otherwise than by auction or by public tender; the notice shall describe each property and indicate, opposite each property, the price of alienation and the identity of the purchaser;”;

(2) by replacing the first paragraph of subsection 3 by the following paragraphs:

Surety

“(3) Every municipality may also become surety for any institution, partnership or legal person devoted to the pursuit of purposes mentioned in subsection 2.

Authoriza-
tion

However, a municipality having a population of less than 50 000 shall obtain the authorization of the Minister of Municipal Affairs 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.”;

(3) by inserting the words “, where his authorization is required,” after the word “may” in the first line of the second paragraph of subsection 3.

c. C-19,
s. 28.0.1,
added

2. The said Act is amended by inserting, after section 28, the following section:

Non-profit
body

“28.0.0.1 Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), a municipality may establish and maintain a non-profit body the object of which is to furnish technical assistance to an enterprise situated in its territory, and grant a subsidy to any non-profit body that furnishes technical assistance to an enterprise situated in its territory.”

c. C-19,
ss. 28.3, 28.4,
repealed
c. C-19,
s. 29, am.

3. Sections 28.3 and 28.4 of the said Act are repealed.

4. Section 29 of the said Act, amended by section 23 of chapter 23 of the statutes of 1994, is again amended

(1) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

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

(2) by replacing the third paragraph by the following paragraph:

Notice

“The clerk shall, within thirty 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.”

c. C-19,
s. 29.3, am.

5. Section 29.3 of the said Act, amended by section 2 of chapter 33 of the statutes of 1994, is again amended by replacing the word “three” in the second line of the first paragraph by the word “five”.

c. C-19,
s. 29.4, am.

6. Section 29.4 of the said Act is amended by replacing the third paragraph by the following paragraph:

Gratuitous
alienation

“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, a school board, the municipal housing bureau or any other non-profit agency.”

c. C-19,
s. 29.9.1,
am.

7. Section 29.9.1 of the said Act is amended by replacing the words “or for” in the fourth line of the first paragraph by the words “, the execution of work or”.

c. C-19,
s. 29.9.2,
am.

8. Section 29.9.2 of the said Act, enacted by section 5 of chapter 33 of the statutes of 1994, is amended

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

Delegation

“29.9.2 The party responsible for carrying out an agreement entered into under section 29.5 or 29.9.1 may, by agreement, delegate that responsibility to the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) or to a department referred to in the second paragraph of section 4 of that Act.”;

(2) by replacing the words “purchases made” in the second line of the second paragraph by the words “acquisitions made or conditions of acquisition negotiated”;

(3) by inserting the words “or a department” after the word “Director” in the second line of the second paragraph.

c. C-19,
s. 72.1,
added

9. The said Act is amended by inserting, after section 72, the following section:

Provisions
applicable

“72.1 Sections 71 and 72 apply to a municipal officer who has been in the employ of the municipality for at least six months, who is not an employee represented by a certified association within the meaning of the Labour Code (R.S.Q., chapter C-27) and who is either referred to in paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) or responsible for the issuance of a permit required under section 4 of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8).”

c. C-19,
s. 73, am.

10. Section 73 of the said Act is amended

(1) by replacing the words “Section 72 shall” in the first line by the words “Sections 72 and 72.1”;

(2) by inserting the words “or 72.1” after the figure “72” in the fourth line;

(3) by inserting the words “or 72.1” after the figure “72” in the fifth line.

c. C-19, s. 76, repealed
11. Section 76 of the said Act is repealed.

c. C-19, s. 108, am.
12. Section 108 of the said Act is amended by replacing the third paragraph by the following paragraph:

Information sent to the Minister
 “If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the clerk shall inform the Minister of Municipal Affairs of the name of the new auditor as soon as possible after his appointment.”

c. C-19, s. 114.2, am.
13. Section 114.2 of the said Act is amended by adding, at the end, the following paragraph:

Power to refuse access
 “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 (R.S.Q., 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 company 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.”

c. C-19, s. 346.1, added
14. The said Act is amended by inserting, after section 346, the following section:

Municipal information bulletin
“346.1 Every notice or document, other than a notice referred to in section 514 or an advertisement referred to in section 573, which a municipality must publish for municipal purposes under this Act or any other Act in a newspaper circulated in its territory, may be published in a municipal information bulletin rather than in a newspaper.

Municipal information bulletin
 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 least eight times a year or at the intervals established by by-law of the municipality.”

c. C-19,
s. 468.32,
am.

15. Section 468.32 of the said Act, amended by section 12 of chapter 33 of the statutes of 1994, is again amended

(1) by replacing paragraph 2.1 by the following paragraph:

“(2.1) alienate for valuable consideration any movable or immovable property; each month the secretary shall publish a notice concerning any property having a value greater than \$10 000 that has been alienated by the management board otherwise than by auction or by public tender; the notice shall describe each property and indicate, opposite each property, the price of alienation and the identity of the purchaser;”;

(2) by replacing the words “subparagraph 2 of the first paragraph” in the sixth line of paragraph 3 by the words “paragraph 2.1”.

c. C-19,
s. 473, am.

16. Section 473 of the said Act, amended by section 109 of chapter 67 of the statutes of 1993, is again amended

(1) by striking out subsection 3;

(2) by striking out the words “and send it to the Minister of Municipal Affairs during the month of January following its adoption, subject to the other provisions of this section, *mutatis mutandis*” in the second, third, fourth and fifth lines of the third paragraph of subsection 5.

c. C-19,
s. 474, am.

17. Section 474 of the said Act is amended by replacing the fourth paragraph of subsection 3 by the following paragraph:

Fixing of
date

“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. As soon as possible after the passing of the resolution by which the council fixes that date, the clerk shall transmit a certified copy thereof to the Minister.”

c. C-19,
s. 514, am.

18. Section 514 of the said Act is amended by striking out the last paragraph.

c. C-19,
s. 539,
repealed

19. Section 539 of the said Act is repealed.

c. C-19,
s. 544.1,
added

20. The said Act is amended by inserting, after section 544, the following section:

Part re-
served for
repayment

“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 passage of the loan by-law, in connection with the object of the by-law.

Specifica-
tion of part

That part of the loan must be specified in the by-law.”

c. C-19,
ss. 555.1,
555.2,
added

21. The said Act is amended by inserting, after section 555, the following sections:

Delegation

“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.

Procedure

“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.”

c. C-19,
s. 563.1,
replaced

22. Section 563.1 of the said Act is replaced by the following section:

Approval

“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 Municipal Affairs.

Exceptions

However, approval of the conditions of a loan is not required in respect of a loan contracted by means of an issue of bonds, a loan contracted by means of 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.”

c. C-19,
s. 573, am.

23. Section 573 of the said Act is amended

(1) by adding, after the second paragraph of subsection 1, the following paragraphs:

Newspaper

“The newspaper in which the call for public tenders must be published for a construction contract involving an expenditure of \$100 000 or more must be a daily newspaper circulated mainly in Québec.

“*construction contract*”

For the purposes of the third paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by adding, at the end of subsection 2, the following paragraph:

Exception

“However, in the case of tenders in relation to a contract referred to in the third paragraph of subsection 1, the time limit for the receipt of tenders shall not be less than fifteen days.”;

(3) by inserting, after subsection 2, the following subsection:

Restriction

“(2.1) A call for public tenders in relation to a contract referred to in the third paragraph of subsection 1 may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the municipality will be considered.”

MUNICIPAL CODE OF QUÉBEC

c. C-27.1,
a. 6, am.

24. Article 6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 21 of chapter 33 of the statutes of 1994, is again amended by replacing paragraph 1.1 by the following paragraph:

“(1.1) alienate for valuable consideration any movable or immovable property; each month the secretary-treasurer shall publish a notice concerning any property having a value greater than \$10 000 that has been alienated by the municipality otherwise than by auction or by public tender; the notice shall describe each property and indicate, opposite each property, the price of alienation and the identity of the purchaser;”.

c. C-27.1,
a. 7, am.

25. Article 7 of the said Code, amended by section 23 of chapter 23 of the statutes of 1994, is again amended

(1) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

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

(2) by replacing the third paragraph by the following paragraph:

“The secretary-treasurer shall, within thirty 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.”

c. C-27.1,
a. 8.1,
added

26. The said Code is amended by inserting, after article 8, the following article:

8.1 Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), a municipality may establish and maintain a non-profit body the object of which is to furnish technical assistance to an enterprise situated in its territory, and grant a subsidy to any non-profit body that furnishes technical assistance to an enterprise situated in its territory.”

c. C-27.1,
a. 9, am.

27. Article 9 of the said Code, amended by section 22 of chapter 33 of the statutes of 1994, is again amended

(1) by replacing the first paragraph by the following paragraphs:

9. Every municipality may become surety for an institution, a partnership or a legal person devoted to the pursuit of purposes mentioned in article 8.

However, a municipality having a population of less than 50 000 shall obtain the authorization of the Minister of Municipal Affairs 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.”;

(2) by inserting the words “, where his authorization is required,” after the word “may” in the first line of the second paragraph.

c. C-27.1,
aa. 13, 14,
repealed
c. C-27.1,
a. 14.1, am.

28. Articles 13 and 14 of the said Code are repealed.

29. Article 14.1 of the said Code, amended by section 23 of chapter 33 of the statutes of 1994, is again amended by replacing the word “three” in the second line of the first paragraph by the word “five”.

c. C-27.1,
a. 14.2, am. **30.** Article 14.2 of the said Code is amended by replacing the third paragraph by the following paragraph :

“Notwithstanding any inconsistent provision, the municipality may also alienate an immovable referred to in this article gratuitously in favour of the Government, any of its ministers or bodies, a regional county municipality, a school board, the municipal housing bureau or any other non-profit agency.”

c. C-27.1,
a. 14.7.1,
am. **31.** Article 14.7.1 of the said Code is amended by replacing the words “or for” in the fourth line of the first paragraph by the words “, the execution of work or”.

c. C-27.1,
a. 14.7.2,
am. **32.** Article 14.7.2 of the said Code, enacted by section 26 of chapter 33 of the statutes of 1994, is amended

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

“**14.7.2** The party responsible for carrying out an agreement entered into under article 14.3 or 14.7.1 may, by agreement, delegate that responsibility to the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) or to a department referred to in the second paragraph of section 4 of that Act.”;

(2) by replacing the words “purchases made” in the second line of the second paragraph by the words “acquisitions made or conditions of acquisition negotiated”;

(3) by inserting the words “or a department” after the word “Director” in the second line of the second paragraph.

c. C-27.1,
aa. 185-198,
repealed **33.** Section II of Chapter II of Title V of the said Code, including articles 185 to 198, is repealed.

c. C-27.1,
a. 209, am. **34.** Article 209 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

“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 (R.S.Q., 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 company 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.”

c. C-27.1,
headings,
a. 267.0.1,
added

35. The said Code is amended by inserting, after article 267, the following headings and article :

“CHAPTER IV

“EMPLOYEES RESPONSIBLE FOR THE ISSUANCE OF CERTAIN
PERMITS OR CERTIFICATES

“**267.0.1** Articles 180 to 182 apply to every municipal officer who has been in the employ of the municipality for at least twelve months, who is not an employee represented by a certified association within the meaning of the Labour Code (R.S.Q., chapter C-27) and who is either referred to in paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) or responsible for the issuance of a permit required under section 4 of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q, 1981, c. Q-2, r.8).”

c. C-27.1,
aa. 437.1,
437.2,
added

36. The said Code is amended by inserting, after article 437, the following articles :

“**437.1** Every notice or document, other than an advertisement referred to in article 935 or a document referred to in article 1027, which a municipality must publish for municipal purposes under this Code or any other Act in a newspaper circulated 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 least eight times a year or at the intervals established by by-law of the municipality.

“**437.2** Every municipality may pass by-laws

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

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

c. C-27.1,
a. 578, am.

37. Article 578 of the said Code, amended by section 31 of chapter 33 of the statutes of 1994, is again amended by inserting, after the second paragraph, the following paragraph:

“A regional county municipality referred to in the second paragraph may, however, pass any by-law that may be passed by a local municipality, required for the acquisition, establishment or operation of a property or service or for the carrying out of work provided for in the agreement.”

c. C-27.1,
a. 601, am.

38. Article 601 of the said Code, amended by section 33 of chapter 33 of the statutes of 1994, is again amended

(1) by replacing paragraph 2.1 by the following paragraph:

“(2.1) alienate for valuable consideration any movable or immovable property; each month the secretary shall publish a notice concerning any property having a value greater than \$10 000 that has been alienated by the management board otherwise than by auction or by public tender; the notice shall describe each property and indicate, opposite each property, the price of alienation and the identity of the purchaser;”;

(2) by replacing the words “subparagraph 2 of the first paragraph” in the sixth line of paragraph 3 by the words “paragraph 2.1”.

c. C-27.1,
a. 625, am.

39. Article 625 of the said Code is amended by striking out the words “approved by the Minister of Municipal Affairs” in the first and second lines.

c. C-27.1,
a. 710, am.

40. Article 710 of the said Code is amended

(1) by striking out the words “approved by the Minister of Municipal Affairs” in the second and third lines of the first paragraph;

(2) by striking out the last sentence of the first paragraph;

(3) by replacing the fifth and sixth paragraphs by the following paragraph:

“A municipality which joins an agreement must transmit to each party to the agreement a copy of the resolution and, where

applicable, a statement of the conditions of eligibility not determined in the agreement.”;

(4) by striking out the first sentence of the last paragraph.

c. C-27.1,
a. 935, am.

41. Article 935 of the said Code is amended

(1) by adding, after the second paragraph of subarticle 1, the following paragraphs:

“The newspaper in which the call for public tenders must be published for a construction contract involving an expenditure of \$100 000 or more must be a daily newspaper circulated mainly in Québec.

For the purposes of the third paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by adding, at the end of subarticle 2, the following paragraph:

“However, in the case of tenders in relation to a contract referred to in the third paragraph of subarticle 1, the time limit for the receipt of tenders shall not be less than fifteen days.”;

(3) by inserting, after subarticle 2, the following subarticle:

“(2.1) A call for public tenders in relation to a contract referred to in the third paragraph of subarticle 1 may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the municipality will be considered.”

c. C-27.1,
a. 944.3, am.

42. Article 944.3 of the said Code, enacted by section 42 of chapter 33 of the statutes of 1994, is amended by replacing the figure “944.1” in the last line by the figure “944.2”.

c. C-27.1,
a. 954, am.

43. Article 954 of the said Code is amended by replacing the fourth paragraph of subsection 3 by the following paragraph:

“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 article 956 is respected. As soon as possible after the passing of the resolution by which the council fixes that date, the secretary-treasurer shall transmit a certified copy thereof to the Minister.”

c. C-27.1,
a. 966, am. **44.** Article 966 of the said Code is amended by replacing the third paragraph by the following paragraph :

“If the auditor appointed for a fiscal year is not the auditor in office for the preceding fiscal year, the secretary-treasurer shall inform the Minister of Municipal Affairs of the name of the new auditor as soon as possible after his appointment.”

c. C-27.1,
a. 1026, am. **45.** Article 1026 of the said Code is amended by replacing the last paragraph by the following paragraph :

“However, the council of the regional county municipality may, by by-law, fix any other date for the sale of the immovables. If that date falls on a non-juridical day, the sale is deferred to the next following working day.”

c. C-27.1,
a. 1027, am. **46.** Article 1027 of the said Code is amended by striking out the last paragraph.

c. C-27.1,
a. 1033, am. **47.** Article 1033 of the said Code is amended by replacing the words “and further to the repayment of any sum advanced by him to defray the cost of publication in the *Gazette officielle du Québec*, and” in the fourth, fifth and sixth lines by the words “and to”.

c. C-27.1,
a. 1040,
repealed **48.** Article 1040 of the said Code is repealed.

c. C-27.1,
a. 1063.1,
added **49.** The said Code is amended by inserting, after article 1063, the following article :

“1063.1 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 passage of the loan by-law, in connection with the object of the by-law.

That part of the loan must be specified in the by-law.”

c. C-27.1,
aa. 1066.1,
1066.2,
added **50.** The said Code is amended by inserting, after article 1066, the following articles :

“1066.1 The council may, by by-law, on the conditions it determines, delegate to the secretary-treasurer the power to award the contract, in the name of the municipality, to the person entitled thereto in accordance with article 1065.

“1066.2 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 article 1065.”

c. C-27.1,
a. 1067,
repealed
c. C-27.1,
a. 1071, am.

51. Article 1067 of the said Code is repealed.

52. Article 1071 of the said Code is amended by replacing the words “section 12” in the second line by the words “sections 12 and 12.1”.

c. C-27.1,
a. 1071.1,
replaced

53. Article 1071.1 of the said Code is replaced by the following article:

“1071.1 In addition to obtaining any approval required under article 1061, the municipality shall, before contracting a loan, have the conditions of the loan approved by the Minister of Municipal Affairs.

However, approval of the conditions of a loan is not required in respect of a loan contracted by means of an issue of bonds, a loan contracted by means of an issue of notes following the application of the procedure for a call for tenders prescribed in article 1065, or a loan contracted by means of an issue of notes for an amount less than \$100 000.”

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1,
s. 46, am.

54. Section 46 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by replacing the words “loan by-law” in the fourth line of the first paragraph by the words “by-law or resolution”;

(2) by replacing the words “council of the regional county municipality to obtain its opinion on the by-law. Upon receiving the by-law, the secretary-treasurer must inform in writing the municipality of the date of the reception” in the sixth, seventh, eighth and ninth lines of the first paragraph by the words “regional county municipality, which may consider the advisability of the works in view of the objectives of the development plan and of the complementary document”;

(3) by striking out the second and third paragraphs.

c. A-19.1,
s. 49, am.

55. Section 49 of the said Act is amended

(1) by replacing the words “, to every contiguous regional county municipality, and to the Commission for registration” in the sixth and seventh lines of the first paragraph by the words “and to every contiguous regional county municipality”;

(2) by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth and sixth lines of the second paragraph by the words “and to every contiguous regional county municipality”.

c. A-19.1,
s. 51, am.

56. Section 51 of the said Act is amended by striking out the last sentence of the third paragraph.

c. A-19.1,
s. 53.6, am.

57. Section 53.6 of the said Act is amended by replacing the words “, to every contiguous regional county municipality, and to the Commission for registration” in the fifth and sixth lines of the first paragraph by the words “and to every contiguous regional county municipality”.

c. A-19.1,
s. 53.7, am.

58. Section 53.7 of the said Act is amended by striking out the words “, and to the Commission for registration” in the fourth line of the last paragraph.

c. A-19.1,
s. 53.11, am.

59. Section 53.11 of the said Act is amended by adding the following paragraph:

Certified
copy

“Where the council has adopted the document required under the first paragraph of section 53.10 by way of a reference, the secretary-treasurer shall transmit to the Commission a certified copy of the document adopted under the second paragraph of section 48.”

c. A-19.1,
s. 74, am.

60. Section 74 of the said Act is amended

(1) by replacing the words “loan by-law” in the fourth and fifth lines of the first paragraph by the words “by-law or resolution”;

(2) by replacing the words “council of the regional county municipality to obtain its opinion on the by-law. Upon receiving the by-law, the secretary-treasurer must inform in writing the municipality of the date of the reception” in the seventh, eighth, ninth and tenth lines of the first paragraph by the words “regional

county municipality, which may consider the advisability of the works in view of the interim control measures in force in its territory”;

(3) by striking out the second and third paragraphs.

c. A-19.1,
s. 75, am. **61.** Section 75 of the said Act is amended by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) documents sent under section 46 shall stand in lieu of documents required under section 74.”

c. A-19.1,
s. 204, am. **62.** Section 204 of the said Act is amended by adding, at the end, the following paragraph:

Reimburse-
ment “The council may, by by-law, order the reimbursement of expenses incurred by its members to attend sittings of the council, its committees or the board of delegates. The by-law may prescribe the cases and the terms and conditions of reimbursement.”

c. A-19.1,
s. 264.1, am. **63.** Section 264.1 of the said Act is amended by striking out subparagraph 11 of the second paragraph.

c. A-19.1,
s. 264.2, am. **64.** Section 264.2 of the said Act is amended

(1) by replacing the words “and environmental quality” in the first and second lines of subparagraph 3.1 of the second paragraph by the words “, traffic and transport”;

(2) by striking out subparagraph 4 of the second paragraph.

c. A-19.1,
s. 264.3, am. **65.** Section 264.3 of the said Act is amended by striking out subparagraph 6 of the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

c. C-37.1,
s. 83, am. **66.** Section 83 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended

(1) by inserting, after the second paragraph, the following paragraphs:

Newspaper “The newspaper in which the call for public tenders must be published for a construction contract involving an expenditure of \$100 000 or more must be a daily newspaper circulated mainly in Québec.

“construction contract”

For the purposes of the third paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by adding, at the end of the third paragraph, the following sentence: “However, in the case of tenders in relation to a contract referred to in the third paragraph, the time limit for the receipt of tenders shall not be less than fifteen days.”;

(3) by inserting, after the third paragraph, the following paragraph:

Restriction

“A call for public tenders in relation to a contract referred to in the third paragraph may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the Community will be considered.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2,
s. 120.0.3,
am.

67. Section 120.0.3 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), enacted by section 21 of chapter 68 of the statutes of 1993, is amended

(1) by inserting, after the first paragraph, the following paragraphs:

Newspaper
circulated
mainly in
Québec

“The newspaper in which the call for public tenders must be published for a construction contract must be a daily newspaper circulated mainly in Québec.

“construction contract”

For the purposes of the second paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by adding, at the end of the second paragraph, the following sentence: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than fifteen days.”;

(3) by inserting, after the second paragraph, the following paragraph:

Restriction

“A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the Community will be considered.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3,
s. 92.0.2,
am.

68. Section 92.0.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), enacted by section 36 of chapter 67 of the statutes of 1993, is amended

(1) by inserting, after the first paragraph, the following paragraphs:

Newspaper
circulated
mainly in
Québec

“The newspaper in which the call for public tenders must be published for a construction contract must be a daily newspaper circulated mainly in Québec.

“*construction
contract*”

For the purposes of the second paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by adding, at the end of the second paragraph, the following sentence: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders must not be less than fifteen days.”;

(3) by inserting, after the second paragraph, the following paragraph:

Restriction “A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the Community will be considered.”

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

c. C-70,
s. 40, am. **69.** Section 40 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended

(1) by inserting, after the first paragraph, the following paragraphs:

Newspaper “The newspaper in which the call for public tenders must be published for a construction contract involving an expenditure of \$100 000 or more must be a daily newspaper circulated mainly in Québec.

“*construction contract*” For the purposes of the second paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by inserting, after the first sentence of the second paragraph, the following sentence: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders shall not be less than fifteen days.”;

(3) by inserting, after the second paragraph, the following paragraph:

Restriction “A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the corporation will be considered.”

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

c. D-7,
Div. V,
heading,
am.

70. The heading of Division V of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is amended by replacing the word “BONDS” by the words “NEGOTIABLE INSTRUMENTS”.

c. D-7, s. 12,
am.

71. Section 12 of the said Act is amended

(1) by striking out the words “the seal of the Ministère des Affaires municipales and” in the first and second lines of the first paragraph;

(2) by striking out the words “the seal and” in the first line of the second paragraph.

c. D-7,
ss. 12.2,
12.3, added

72. The said Act is amended by inserting, after section 12.1 enacted by section 46 of chapter 33 of the statutes of 1994, the following sections:

Certificate

“12.2 A note of \$100 000 or more or a note issued following a call for tenders may bear the certificate mentioned in section 12.

Incontest-
ability

“12.3 The incontestability set out in section 12 applies to every note even where it does not bear the certificate mentioned in that section.”

c. D-7, s. 15,
am.

73. Section 15 of the said Act is amended

(1) by striking out the words “, as the case may be, by” in the fifth line of the first paragraph;

(2) by striking out the words “, as the case may be,” in the ninth line of the first paragraph;

(3) by inserting, after the first paragraph, the following paragraph:

Application
for authori-
zation

“Every municipality may empower any person it designates to apply for an authorization provided for in the first paragraph.”;

(4) by adding, at the end, the following paragraph:

No other
authoriza-
tion

“Notwithstanding any provision of a general law or special Act, a loan referred to in the first paragraph requires no authorization by the Minister of Municipal Affairs other than the authorizations provided for in that paragraph, and no subsequent approval by that Minister.”

c. D-7,
s. 25.1,
added

74. The said Act is amended by inserting, after section 25, the following section:

Agreement

“25.1 Every municipality may enter into an agreement by which it entrusts to a person the responsibility of keeping the register provided for in section 23.

Designation

The agreement must designate the person responsible for performing the duties which are imposed by sections 24 and 25 on the clerk, the secretary or the secretary-treasurer of the municipality, as the case may be.”

ACT RESPECTING MUNICIPAL FIRE FIGHTING COOPERATION

c. E-11, s. 5,
am.

75. Section 5 of the Act respecting municipal fire fighting cooperation (R.S.Q., chapter E-11) is amended by striking out the second paragraph.

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
s. 83,
replaced

76. Section 83 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is replaced by the following section:

Date

“83. Where the budget of the local municipality is adopted after the beginning of the fiscal year, the date of 1 March provided for in section 81 is replaced for that fiscal year, with respect to the sending of the notice and of the account, by the date corresponding to the sixtieth day following the adoption of the budget.

Date

If the notice and the account cannot be sent within the prescribed time, the local municipality or, as the case may be, the community or the other municipality having jurisdiction referred to in section 82 shall fix the date before which the notice and the account must be sent. As soon as possible after the passing of the resolution by which the municipality or the community fixes that date, the clerk of the municipality or of the community shall transmit a certified copy thereof to the Minister.”

c. F-2.1,
s. 131, am.

77. Section 131 of the said Act is amended

(1) by striking out the words “the Minister permits that” in the first line;

(2) by replacing the word “be” in the second line by the word “is”.

c. F-2.1,
s. 134, am.

78. Section 134 of the said Act is amended

(1) by striking out the words “without the authorization of the Minister or later than the date authorized by him under section 83” in the second and third lines;

(2) by inserting the words “or 131, as the case may be,” after the figure “130” in the fifth line.

c. F-2.1,
s. 244.8, am.

79. Section 244.8 of the said Act, amended by section 70 of chapter 30 of the statutes of 1994, is again amended by adding, at the end, the following paragraph:

Authoriza-
tion not
required

“An agreement entered into with a body referred to in the third paragraph concerning a “9-1-1 centre” does not require the authorization or approval of the Minister as an agreement involving a financial commitment for the municipality.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

1984, c. 42,
s. 70, am.

80. Section 70 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended

(1) by inserting, after the first paragraph, the following paragraphs:

Newspaper
circulated
mainly in
Québec

“The newspaper in which the call for public tenders must be published for a construction contract involving an expenditure of \$100 000 or more must be a daily newspaper circulated mainly in Québec.

“construc-
tion
contract”

For the purposes of the second paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by adding, at the end of the second paragraph, the following sentence: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time prescribed for the receipt of tenders shall not be less than fifteen days.”;

(3) by inserting, after the second paragraph, the following paragraph:

Restriction “A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the corporation will be considered.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

1985, c. 32,
s. 91, am.

81. Section 91 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended

(1) by inserting, after the first paragraph, the following paragraphs:

Newspaper
circulated
mainly in
Québec

“The newspaper in which the call for public tenders must be published for a construction contract involving an expenditure of \$100 000 or more must be a daily newspaper circulated mainly in Québec.

“*construc-
tion
contract*”

For the purposes of the second paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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) by adding, at the end of the second paragraph, the following sentence: “However, in the case of tenders in relation to a contract referred to in the second paragraph, the time limit for the receipt of tenders shall not be less than fifteen days.”;

(3) by inserting, after the second paragraph, the following paragraph:

Restriction

“A call for public tenders in relation to a contract referred to in the second paragraph may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered

by an intergovernmental trade liberalisation agreement applicable to the corporation will be considered.”

CHARTER OF THE CITY OF MONTRÉAL

1959-60,
c. 102,
a. 107, am.

82. Article 107 of the charter of the city of Montréal (1959-60, chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988, by section 68 of chapter 27 of the statutes of 1992, by section 5 of chapter 82 of the statutes of 1993 and by section 3 of chapter 53 of the statutes of 1994, is again amended

(1) by inserting, after subarticle 3, the following subarticles:

Newspaper

“(3.1) The newspaper in which the call for public tenders must be published for a construction contract involving an expenditure of \$100 000 or more must be a daily newspaper circulated mainly in Québec.

“*construction contract*”

For the purposes of the first paragraph, “construction contract” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work. It also includes site preparation, excavation, drilling, dynamiting, 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.

Restriction

“(3.2) A call for public tenders in relation to a contract referred to in subarticle 3.1 may stipulate that only tenders submitted by contractors, in addition to contractors having an establishment in Québec, who have an establishment in a province or territory covered by an intergovernmental trade liberalisation agreement applicable to the city will be considered.”;

(2) by adding, at the end of subarticle 4, the following sentence: “However, in the case of tenders in relation to a contract referred to in subarticle 3.1, the time limit for the receipt of tenders shall not be less than fifteen days.”

TRANSITIONAL AND FINAL PROVISIONS

New voting mechanisms

83. The city of Hull may, in accordance with an agreement with the Minister of Municipal Affairs and the chief electoral officer, test new voting mechanisms at its next general election.

Agreement	The agreement shall describe the new voting mechanisms and refer to the provisions of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) it amends or replaces.
Effect	The agreement has force of law.
Evaluation report	84. The city of Hull shall, after holding the election during which the testing referred to in section 83 is carried out, transmit an evaluation report to the Minister of Municipal Affairs and to the chief electoral officer.
Effect	85. Sections 9, 10 and 35 have effect from 16 March 1995.
Time limit for appeal	A person referred to in section 72.1 of the Cities and Towns Act, enacted by section 9, or in article 267.0.1 of the Municipal Code of Québec, enacted by section 35, must, where applicable, appeal to the Commission municipale du Québec not later than 31 July 1995 if the resolution dismissing him, suspending him without salary or reducing his salary was made between 16 March 1995 and 15 July 1995.
Effect	86. Sections 13, 34 and 42 have effect from 17 June 1994.
Effect	87. Section 62 has effect from 20 June 1984.
Coming into force	88. This Act comes into force on 22 June 1995.