

NATIONAL ASSEMBLY
Thirty-fourth Legislature, third session

1994, chapter 71

AN ACT RESPECTING THE RÉGIE D'AQUEDUC RICHELIEU-CENTRE

Bill 213

Introduced by Mr Albert Khelfa, Member for Richelieu

Introduced 15 December 1992

Passage in principle 17 June 1994

Passage 17 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Act amended: None



CHAPTER 71

An Act respecting the Régie d'aqueduc Richelieu-Centre

[Assented to 17 June 1994]

Preamble

WHEREAS the Régie d'aqueduc Richelieu-Centre passed by-laws authorizing the construction of an intermunicipal waterworks system and the contracting of a loan for this purpose;

Whereas the municipalities which are parties to the intermunicipal agreement under which the Régie was established passed by-laws authorizing the construction of local water mains and the contracting of loans for this purpose;

Whereas all the work was carried out by the Régie d'aqueduc Richelieu-Centre;

Whereas the municipalities collected the taxes provided for in their respective by-laws to pay their share of the cost of the work carried out by the Régie, without, however, having contracted the loans required under the by-laws for work of a local nature;

Whereas, following a judgment by the Court of Québec, the legality of the collection of those taxes is called into question;

Whereas it is in the public interest to validate, on the one hand, the taxes imposed by the municipalities which are parties to the intermunicipal agreement for the payment of the work carried out by the Régie and, on the other hand, the carrying out of that work and the loan contracted by the Régie for that purpose;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Work of a
local nature

1. The work of a local nature defined in by-laws 241-81 of the village of Massueville, 192 of the parish of Saint-Aimé, 337-81 of the

parish of Saint-Barnabé, 81-3 of the southern part of the parish of Saint-Bernard, 386 of the parish of Saint-David, 180 of the parish of Saint-Jude, 196-81 of the parish of Saint-Louis and 81-120 of the municipality of Saint-Marcel-de-Richelieu, carried out by the Régie d'aqueduc Richelieu-Centre, is deemed to have been legally carried out by the Régie insofar as its by-laws 2, 4 and 5 did not order the carrying out of the work and the intermunicipal agreement did not authorize the Régie to carry out the work.

Loan The loan contracted by the Régie under its by-laws 2, 4 and 5 shall not be invalidated on the grounds that those by-laws did not order the work of a local nature referred to in the first paragraph or that the Régie is not authorized to order that work under the intermunicipal agreement.

Special tax **2.** A special tax imposed and collected by a municipality mentioned in section 1 for the payment of the loan referred to in the same section shall not be invalidated on the grounds that the work was not carried out by the municipality and the loan was not contracted by the municipality.

Voluntary payment **3.** A voluntary payment by a ratepayer in order to have his building exempted from the tax referred to in section 2 shall not be invalidated on the grounds that the loan by-law imposing the tax does not provide for the possibility of making such a payment or that the by-law permitting it did not receive the approval required by law.

Voluntary payment Moreover, it shall not be invalidated on the grounds that the work ordered in the loan by-law imposing the tax was not carried out and the loan ordered in that loan by-law was not contracted.

Case pending **4.** This Act does not affect a case pending on 23 April 1991.

Coming into force **5.** This Act comes into force on 17 June 1994.