

1990, chapter 47

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION AND OTHER LEGISLATION

Bill 30

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

Introduced 29 March 1990

Passage in principle 24 April 1990

Passage 20 November 1990

Assented to 21 November 1990

Coming into force: 21 November 1990

Acts amended:

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

Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)

Act respecting municipal territorial organization (R.S.Q., chapter O-9)





CHAPTER 47

An Act to amend the Act respecting municipal territorial organization and other legislation

[Assented to 21 November 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

- c. O-9,
s. 38, am. **1.** Section 38 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by adding the words “prepared by a land surveyor” after the word “municipality” in subparagraph 2 of the second paragraph.
- c. O-9,
s. 59,
French
text, am. **2.** The French text of section 59 of the said Act is amended by replacing the word “relatif” in the fourth line by the word “relatifs”.
- c. O-9,
s. 86, am. **3.** Section 86 of the said Act is amended by adding the words “prepared by a land surveyor” after the word “municipality” in subparagraph 2 of the first paragraph.
- c. O-9,
s. 111, am. **4.** Section 111 of the said Act is amended by replacing the word “six” in the second lines of the first and second paragraphs by the word “twelve”.
- c. O-9,
s. 119, am. **5.** The English text of section 119 of the said Act is amended by replacing the words “the following” in the second line of the fifth paragraph by the words “any subsequent”.
- c. O-9,
s. 129, am. **6.** Section 129 of the said Act is amended by inserting the words “prepared by a land surveyor” after the word “annexed” in the second line.
- c. O-9,
s. 133, am. **7.** Section 133 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

Order for
holding
of poll

"Only the council of the annexing municipality may order the holding of a poll or the withdrawal of the by-law. If the council decides that a poll must be held, it shall fix the date of the poll not later than at its first sitting following receipt of the copy of the certificate stating the results of the registration procedure. Only the mayor of the annexing municipality may give a voice vote to break a tie in the votes cast."

c. O-9,
s. 139, am.

8. Section 139 of the said Act is amended

(1) by striking out paragraph 3;

(2) by inserting, after paragraph 5, the following paragraph:

"(5.1) a copy of the notice announcing the registration procedure and, where it is not included in the notice, a copy of the certificate of publication of the notice, where applicable;"

c. O-9,
s. 153, am.

9. Section 153 of the said Act is amended by replacing the words "submitted by" in the second line of the fifth paragraph by the word "of".

c. O-9,
s. 154, am.

10. Section 154 of the said Act is amended

(1) by replacing the word "relatif" in the third line of the second paragraph of the French text by the word "relatifs";

(2) by adding, after the third paragraph, the following paragraph:

Provisions
not
applicable

"The first three paragraphs do not apply where the by-law sets out the apportionment of the assets and liabilities and has been approved, otherwise than pursuant to section 134, by the council of the municipality affected by the annexation."

c. O-9,
s. 160, am.

11. Section 160 of the said Act is amended by adding the following sentence: "It has precedence over any inconsistent provision in the annexation by-law."

c. O-9,
s. 167, am.

12. Section 167 of the said Act is amended by replacing the words "Ministère des Affaires municipales" in the fifth and sixth lines by the words "Minister of Municipal Affairs".

c. O-9,
s. 171, am.

13. The English text of section 171 of the said Act is amended by replacing the words "the following" in the second and third lines of the fifth paragraph by the words "any subsequent".

c. O-9,
s. 176, am. **14.** Section 176 of the said Act is amended by replacing the word “agreement” in the second line by the words “annexation by-law and subject to the provisions of the agreement, if any.”

c. O-9,
s. 202, am. **15.** Section 202 of the said Act is amended by adding, after the word “boundaries”, the words “prepared by a land surveyor”.

c. O-9,
s. 275, am. **16.** Section 275 of the said Act is amended by adding, at the end of the first paragraph, the following sentences: “The name under which a municipality shall continue to exist shall not contain the word “corporation”. The word is removed where it is used in conjunction with the term “city”, “town”, “village”, “parish”, “township”, “united townships”, “part ... of the parish” or “part ... of the township”; it is replaced by the word “municipality” in other cases.”

c. O-9,
s. 280, am. **17.** Section 280 of the said Act is amended by replacing the year “1991” in the third line of the first paragraph by the year “1993”.

c. O-9,
s. 284, am. **18.** Section 284 of the said Act is amended by replacing the year “1990” in the seventh line by the year “1992”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1,
s. 186.1, am. **19.** Section 186.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by inserting the words “any reduction or any extension of territory,” after the word “boundaries,” in the first line of the first paragraph;

(2) by inserting the words “reduction, extension,” after the word “rectification,” in the fourth line of the second paragraph.

c. A-19.1,
s. 186.2, am. **20.** Section 186.2 of the said Act is amended by adding the following sentence: “The publication and the coming into force of the amended letters patent are governed by sections 175 and 176.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

c. E-2.2,
s. 41, am. **21.** Section 41 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding the following paragraphs:

Cessation
of division “The council of such a municipality may, by by-law, order that the territory of the municipality cease to be divided for election purposes, on the terms and conditions it determines.

Certified
copy of
by-law

The clerk or the secretary-treasurer shall transmit a certified copy of the by-law to the Minister of Municipal Affairs as soon as possible after its coming into force.”

c. E-2.2,
Div. V,
added

22. The said Act is amended by inserting, after section 41, the following division:

“DIVISION V

“EFFECTS OF ALTERATION OF TERRITORIAL BOUNDARIES OF MUNICIPALITY ON
DIVISION THEREOF FOR ELECTION PURPOSES

Alteration
of bound-
aries

“41.1 The Minister of Municipal Affairs may, by order, allow a municipality whose territorial boundaries have been altered to maintain division into wards. The order shall contain the new description of the boundaries of the ward affected by the alteration of the territorial boundaries of the municipality and shall specify the period during which division into wards is to be maintained, where that is the case.

Delimitation
of electoral
district

Where the territorial boundaries are altered in a municipality which is divided into electoral districts or in a municipality whose council has passed a draft by-law pursuant to section 14, the Minister may, by order, temporarily delimit the electoral district affected by the alteration of the boundaries of the municipality. The order shall contain the new description of the boundaries of the district and specify the period for which it is valid and, where that is the case, prescribe a reduction in the number of electoral districts fixed by by-law; as a result of such a reduction, the number of electoral districts may fall below the minimum number set out in section 9.

Addition
of territory

The addition of territory by annexation does not constitute an alteration of territorial boundaries for the purposes of the first and second paragraphs.

Order

“41.2 The order comes into force on its date of publication in the *Gazette officielle du Québec* or on any later date indicated in the order.

Public
notice

“41.3 As soon as possible after the publication of the order, the clerk or the secretary-treasurer shall give public notice of the publication in the municipality.”

c. E-2.2,
s. 314.1, am.

23. Section 314.1 of the said Act, enacted by section 4 of chapter 56 of the statutes of 1989, is amended

(1) by striking out the word “numbered” in subparagraph 1 of the third paragraph;

(2) by inserting, after the word “districts” in subparagraph 4 of the third paragraph, the words “or wards”.

MISCELLANEOUS AMENDMENTS

Repeal of
provisions

24. The legislative provisions listed in the Schedule are repealed to the extent specified therein.

TRANSITIONAL PROVISIONS

Jurisdiction
of city of
Montréal

25. Notwithstanding the repeal of the second paragraph of article 31 of the Act to revise and consolidate the charter of the city of Montréal (1959-60, chapter 102), the city of Montréal shall retain its jurisdiction, as provided in the said paragraph, over the territory referred to therein until 31 December 1992 or until the date of the coming into force of a decision of the Minister of Municipal Affairs under section 279 of the Act respecting municipal territorial organization.

Jurisdiction
of city of
Shawinigan

26. Notwithstanding the repeal of section 11 of the Act to revise and consolidate the charter of the town of Shawinigan Falls (1908, chapter 95), the city of Shawinigan shall retain its jurisdiction, as provided in the said section, over the territory referred to therein until 31 December 1992 or until the date of the coming into force of the decision of the Minister of Municipal Affairs under section 279 of the Act respecting municipal territorial organization.

Jurisdiction
of city of
Sorel

27. Notwithstanding the repeal of sections 407 and 408 of the Act to incorporate the city of Sorel (1889, chapter 80), the city of Sorel shall retain its jurisdiction, as provided in the said sections, over the territory referred to therein until 31 December 1992 or until the date of the coming into force of a decision of the Minister of Municipal Affairs under section 279 of the Act respecting municipal territorial organization.

Validity
of by-law

28. No annexation by-law or amalgamation order having come into force pursuant to the Act respecting municipal territorial organization before 29 March 1990 may be declared null on the grounds

(1) that the by-law or order establishes a rule of municipal law for a period exceeding five years or makes exception, for a period exceeding five years, to any provision of any Act under the administration of the Minister of Municipal Affairs, by granting a tax

privilege, by altering the boundaries of a ward or by preventing the council of the municipality from exercising its discretion as provided by law;

(2) that the by-law or order prescribes that a tax privilege granted in respect of an immovable ceases to have effect upon the transfer of the immovable by the person who owned it at the time of the coming into force of the by-law or order;

(3) that the by-law sets out the apportionment of the assets and liabilities relating to the area affected by the annexation and, as a consequence, sections 154 to 160 of the Act respecting municipal territorial organization pertaining to the negotiation of an agreement on such apportionment have not been complied with;

(4) that the by-law prescribes an adjustment of the values entered on the real estate assessment roll or on the roll of rental values which is inconsistent with section 171 of the Act respecting municipal territorial organization; or

(5) that the order provides for the holding of a regular election other than a general election.

Pending
cases

This section does not affect cases pending on 29 March 1990.

Regional
county
municipality
of Pabok

29. For the purposes of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the regional county municipality of Pabok is, in respect of the municipality of Port-Daniel, subject to the three-year assessment roll system.

Rolls of
municipality
of Port-
Daniel

The real estate assessment roll and the roll of rental values of the municipality of Port-Daniel contemplated in section 121 of the Act respecting municipal territorial organization are three-year rolls applicable in the municipal fiscal years 1990, 1991 and 1992.

Establish-
ment
of rolls

In establishing the three-year rolls of the municipality of Port-Daniel for the fiscal years 1993, 1994 and 1995, the assessor shall equilibrate, within the meaning of section 46.1 of the Act respecting municipal taxation, the values entered on the rolls.

Coming into
force

30. This Act comes into force on 21 November 1990.

SCHEDULE

LEGISLATIVE PROVISIONS REPEALED UNDER SECTION 24

Municipality	Title of Act	Repealed provisions
1. Barkmere	An Act to incorporate the Town of Barkmere (1926, chapter 80)	Section 19
2. Lac-Sergent	An Act to incorporate the town of Lac Sergent (1921, chapter 128)	Section 21
3. Lebel-sur-Quévillon	An Act to incorporate the town and the school municipality of Lebel-sur-Quévillon (1965, 2nd session, chapter 108)	Section 8
4. Montréal	An Act to revise and consolidate the charter of the city of Montréal (1959-60, chapter 102)	The second paragraph of article 31
5. Québec	An Act to amend the charter of the city of Québec (1948, chapter 51)	Section 26
6. Richmond	An Act to amend and consolidate the charter of the town of Richmond (1901, chapter 50)	Section 3
7. Saint-Lambert	An Act to amend the charter of the town of Prévile (1958-59, chapter 105)	Section 3

Municipality	Title of Act	Repealed provisions
8. Salaberry-de-Valleyfield	An Act to consolidate the charter of the city of Salaberry-de-Valleyfield (1931-32, chapter 111)	Section 78
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1945, chapter 81)	Section 7
9. Shawinigan	An Act to revise and consolidate the charter of the town of Shawinigan Falls (1908, chapter 95)	Section 11
10. Sorel	An Act to incorporate the city of Sorel (1889, chapter 80)	Sections 33, 407, 408 and 409
11. Westmount	An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city (1908, chapter 89)	Sections 7 and 8