

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1990, chapter 95
**AN ACT RESPECTING THE RÉGIE
INTERMUNICIPALE DE GESTION DES DÉCHETS
SUR L'ÎLE DE MONTRÉAL**

Bill 257

Introduced by Mr Claude Dauphin, Member for Marquette

Introduced 7 June 1990

Passage in principle 22 June 1990

Passage 22 June 1990

Assented to 22 June 1990

Coming into force: 22 June 1990

Act amended:

Act respecting the Régie intermunicipale de gestion des déchets sur l'île de Montréal (1988, chapter 93)



CHAPTER 95

An Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal

[Assented to 22 June 1990]

Preamble WHEREAS it is expedient to grant additional powers to the Régie intermunicipale de gestion des déchets sur l'Île de Montréal and to amend the intermunicipal agreement of 3 December 1984;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- Interpreta-
tion
1. In this Act, unless the context indicates otherwise,
- "member
municipality"
- (1) "**member municipality**" means any municipality which is a party to the intermunicipal agreement;
- "waste"
- (2) "**waste**" means solid waste within the meaning of the Regulation respecting solid waste (R.R.Q., 1981, chapter Q-2, r. 14), as it reads on the date of coming into force of this Act;
- "intermuni-
cipal
agreement"
- (3) "**intermunicipal agreement**" means the intermunicipal agreement entered into on 3 December 1984, under the terms of which the Minister of Municipal Affairs ordered the establishment of the Régie intermunicipale de gestion des déchets sur l'Île de Montréal, including amendments thereto;
- "Régie"
- (4) "**Régie**" means the Régie intermunicipale de gestion des déchets sur l'Île de Montréal.

CHAPTER I

PROVISIONS RESPECTING WASTE

Ownership
of waste

2. Waste removed by or on behalf of a member municipality shall become the exclusive property of the Régie upon acceptance and delivery thereof.

Selection
and
conditions

3. The Régie may, in respect of a member municipality, determine which waste, among that removed by or on behalf of a municipality, it intends to take delivery of, prescribe terms and conditions for its removal, transportation and delivery, define the terms and conditions of its acceptance and designate any facility for its delivery.

Delivery

4. A member municipality shall, at the request of the Régie, deliver to the facilities designated by the Régie the waste determined by the Régie pursuant to section 3 and comply with the applicable terms and conditions.

Approval of
collection
and disposal
methods

5. A member municipality shall not grant or renew a contract for the removal of waste determined pursuant to section 3 unless the collection and disposal methods are approved by the Régie.

CHAPTER II

POWERS AND ADMINISTRATION OF THE RÉGIE

Powers
of the
Régie

6. In addition to the powers which are conferred thereon by the Cities and Towns Act (R.S.Q., chapter C-19), the Régie may

(1) fix, according to the method which it deems appropriate, the schedule of contributions, prices or fees payable by the member municipalities or other persons or categories of persons in respect of the services it provides and for the use of its installations;

(2) with the prior authorization of the Minister of Municipal Affairs, acquire all the shares of a company established under the laws of Québec whose principal activity falls within the objects of the Régie; the board of directors of such a company shall remain formed exclusively of members of the board of directors of the Régie;

(3) with the prior authorization of the Minister of Municipal Affairs and the Minister of the Environment, conclude with the company referred to in paragraph 2 any contract related to the achievement of its objects without being required to call for tenders, notwithstanding sections 573 and 573.1 of the Cities and Towns Act;

(4) notwithstanding sections 468.37 to 468.39 of the Cities and Towns Act, by by-law which requires only the approval of the Minister of Municipal Affairs, contract loans to provide for the payment of the fees and other preliminary expenses connected with the achievement of its objects.

Intermunicipal agreement, s. 1, replaced

7. Section 1 of the intermunicipal agreement, as it reads on the date of coming into force of this Act, is replaced by the following section:

“Section 1

Object of the Agreement

1.1 The object of this agreement is to provide for the design, construction, financing, operation and development of all or part of a waste management system serving the municipalities which are parties hereto.

The waste management system which is the subject hereof may contemplate all waste or bear solely on certain waste. The system may serve, in addition to the municipalities which are parties to this agreement, municipalities which are not bound hereby and any other person, as the Régie sees fit and on the conditions it determines.

1.2 In this agreement, unless the context indicates otherwise, the word “waste” has the meaning assigned by paragraph 2 of section 1 of the Act respecting the Régie intermunicipale de gestion des déchets sur l’Île de Montréal (1990, chapter 95) and the words “waste management system” have the meaning assigned by paragraph 12 of section 1 of the Environment Quality Act (R.S.Q., chapter Q-2), adapted as required.”

Intermunicipal agreement, s. 7, replaced

8. Section 7 of the said agreement is replaced by the following section:

“Section 7

Financial Contribution

7.1 The municipalities which are parties to this agreement shall assume all the expenses of the Régie and shall contribute financially towards any deficit of the latter as provided for in subsections 7.2 and 7.3, to the extent that such deficit is not already provided for by

revenues which the Régie may draw from its activities, including the contributions, prices or fees which it may charge such municipalities in respect of its services.

7.2 The financial contribution payable by the municipalities which are parties to this agreement shall be set by the Régie. Fifty per cent of such contribution shall be apportioned proportionately to the respective total amounts of the taxable real estate assessments of the municipalities and the other fifty per cent shall be apportioned proportionately to their respective total populations.

7.3 For the purposes of subsection 7.2, the total taxable assessment of a municipality is that appearing in the valuation roll of such municipality as in force at the time the contribution is established. Similarly, the total population of a municipality is that indicated in the latest census taken for such municipality and recognized as valid by order of the Government published in the *Gazette officielle du Québec*, in accordance with the Act respecting municipal territorial organization (R.S.Q., chapter O-9)."

Intermunicipal agreement, s. 8, am.

9. The first paragraph of section 8 of the said agreement is replaced by the following paragraph:

"8. This agreement shall terminate on 2 December 2015."

CHAPTER III

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Waste from outside territory of the Régie

10. Except in the cases provided for in section 114 of the Regulation respecting solid waste, the Régie may accept waste brought to its installations even if it is not generated on its territory.

Inapplicability

The first paragraph of section 115 of the Regulation does not apply to the Régie.

Awarding of contracts

11. Sections 573 to 573.3 of the Cities and Towns Act, adapted as required, apply to the awarding of contracts by a company all of whose shares have been acquired by the Régie pursuant to paragraph 2 of section 6.

Exceptions

However, the first paragraph does not apply to contracts concluded under paragraph 3 of section 6, nor to contracts awarded, with the prior authorization of the Minister of Municipal Affairs and the Minister of the Environment, for the construction or operation of a waste management and disposal system.

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Prohibition

Notwithstanding its articles and notwithstanding the Companies Act (R.S.Q., chapter C-38), no company to which the first paragraph applies may acquire or possess shares issued by another company.

Nullity

Any agreement made or contract awarded contrary to this section is absolutely null.

Intermunicipal agreement

12. The intermunicipal agreement, as amended by this Act, is an agreement contemplated by subdivision 23 of Division XI (sections 468 to 469.1) of the Cities and Towns Act and may be amended in accordance with section 468.2 of the said Act.

1988, c. 93, s. 1, am.

13. Section 1 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1988, chapter 93) is amended

(1) by replacing the words "in pursuing its objectives" in the second line by the words "for the purposes of establishing and operating a composting plant";

(2) by striking out the words "or expropriation" in the second and third lines.

1988, c. 93, s. 2, repealed

14. Section 2 of the said Act, replaced by section 2 of chapter 101 of the statutes of 1989, is repealed.

1988, c. 93, s. 6, repealed

15. Section 6 of the said Act, amended by section 3 of chapter 101 of the statutes of 1989, is repealed.

Conservation of effect

16. All acts accomplished prior to 22 June 1990 pursuant to a legislative or contractual provision replaced or repealed by this Act conserve their effects if they are still useful. If such be the case, they shall be deemed to have been accomplished pursuant to the corresponding provision of this Act or the intermunicipal agreement as amended hereby.

Coming into force

17. This Act comes into force on 22 June 1990.