

1985, chapter 3
**AN ACT TO AMEND VARIOUS LEGISLATION
FAVOURING THE DEVELOPMENT
OF WATER SITES**

Bill 6

Introduced by Mr Alain Marcoux, Minister of Municipal Affairs

Introduced 13 November 1984

Passage in principle 6 December 1984

Passage 4 April 1985

Assented to 4 April 1985

Coming into force: 4 April 1985

Acts amended:

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

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

Act respecting the Communauté régionale 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 the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21)

Charter of the City of Québec (1929, chapter 95)

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





CHAPTER 3

An Act to amend various legislation favouring the development of water sites

[Assented to 4 April 1985]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-27.1,
heading
replaced

1. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the heading of Section XX of Chapter II of Title XIV by the following heading:

“IMPROVEMENT OF WATER SITES
AND PROTECTION AGAINST FLOODING”.

c. C-27.1,
s. 555.1,
added

2. The said Code is amended by inserting, after the heading of Section XX of Chapter II of Title XIV, the following article:

“**555.1** Every local corporation, for the object of improving the quality of water sites and promoting access thereto, may make, amend or repeal by-laws to order development works on the beds, including the banks or shores and the lands bordering thereon, of municipal or other lakes and watercourses situated in its territory, and works to control their water-level.

The corporation may execute the works on its own immovables, on any privately owned immovable with the concurrence of the owner or, according to law, on immovables forming part of the public domain.

In the case of works on a privately owned immovable, the works constructed become the property of the owner of the immovable, who thereby becomes responsible for their upkeep. If the owner fails to do the upkeep, the local corporation may do it at his expense.”

c. C-19,
s. 413, am.

3. Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding, after paragraph 32, the following paragraph:

Development works “(33) To order, for the object of improving the quality of water sites and promoting access thereto, development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

Immovables The council may execute the works on its own immovables, on any privately owned immovable with the concurrence of the owner or, according to law, on immovables forming part of the public domain.

Liability In the case of works on a privately owned immovable, the works constructed become the property of the owner of the immovable, who thereby becomes responsible for their upkeep. If the owner fails to do the upkeep, the council may do it at his expense.”

c. C-37.1,
s. 84.3,
added **4.** The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 84.2, the following section:

Development works “**84.3** The Community has the competence, for the object of improving the quality of water sites and promoting access thereto, to order, by by-law, development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

Immovables The Community may execute the works on its own immovables or, according to law, on immovables forming part of the public domain where works are executed both on its immovables and on an immovable forming part of the public domain at once.”

c. C-37.2,
s. 121.2,
added **5.** The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 121.1, the following section:

Development works “**121.2** The Community has the competence, for the object of improving the quality of water sites and promoting access thereto, to order, by by-law, development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

Immovables The Community may execute the works on its own immovables or, according to law, on immovables forming part of the public domain where works are executed both on its immovables and on an immovable forming part of the public domain at once.”

c. C-37.3,
s. 96.01,
added **6.** The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 96, the following section:

96.01 The Community has the competence, for the object of improving the quality of water sites and promoting access thereto, to order, by by-law, development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

Immovables The Community may execute the works on its own immovables or, according to law, on immovables forming part of the public domain where works are executed both on its immovables and on an immovable forming part of the public domain at once."

7. Section 18 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21) is amended by replacing paragraph 3 by the following paragraphs:

"(3) to carry out other studies in matters of sewerage and water purification;

"(4) to finance development works on the beds, including the banks or shores and the lands bordering thereon, of lakes or watercourses;

"(5) to finance works to control the water-level of lakes or watercourses."

8. The said Act is amended by inserting, after section 27, the following section:

27.1 The corporation has authority to pursue the objects contemplated in paragraphs 4 and 5 of section 18 only if a municipality has made an application to it to that effect and if the Minister of the Environment has given his approval to the projected development or control works described in the application and determined the financial obligations of the Government in respect of the works.

Agreement Once the conditions have been fulfilled, the corporation shall make an agreement with the municipality concordant with the terms approved and determined by the Minister pursuant to the first paragraph.

Financial obligations The making of the agreement confers on the corporation the right to require the execution in its favour of the financial obligations contemplated in the first paragraph up to the amount provided for in the agreement for works financed by the corporation."

9. Section 30 of the said Act is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) to prescribe the minimum content of agreements contemplated in the third paragraph of section 21 and in the second paragraph of section 27.1;”;

(2) by inserting after the word “systems” in the fourth line of subparagraph 3 of the first paragraph the words “, development work on lakes or watercourses, works to control the water-level of lakes or watercourses”.

c. S-18.21,
s. 42,
replaced

10. Section 42 of the said Act, replaced by section 170 of chapter 38 of the statutes of 1984, is again replaced by the following section:

Approval

“**42.** Notwithstanding any provision of any general law or special Act, no convention or agreement contemplated in section 21 or section 27.1 requires approval by the Minister of Municipal Affairs as an agreement engaging the credit of a municipality.”

c. S-18.21,
s. 44,
replaced

11. Section 44 of the said Act is replaced by the following section:

Referendum

“**44.** This Act does not prevent a municipality from consulting, in respect of a convention contemplated in the first paragraph of section 21 or an agreement contemplated in the second paragraph of section 27.1, the electors who are owners of taxable immovables, in accordance with article 444 of the Municipal Code, or the owners, in accordance with section 351 of the Cities and Towns Act, as the case may be.”

c. S-18.21,
s. 44.1,
replaced

12. Section 44.1 of the said Act is replaced by the following section:

Application
of c. T-14

“**44.1** The Municipal Works Act (R.S.Q., chapter T-14) does not apply in the case of works carried out pursuant to an agreement contemplated in section 21 or 27.1.”

1929, c. 95,
s. 489d,
added

13. The Charter of the City of Québec (1929, chapter 95) is amended by inserting, after section 489c, the following:

“SECTION XXXVI A

“IMPROVEMENT OF WATER SITES

Develop-
ment works

“**489d.** The city, for the object of improving the quality of water sites and promoting access thereto, may make by-laws to do development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

Immovables

The city may execute the works on its own immovables, on any privately owned immovable with the concurrence of the owner or, according to law, on immovables forming part of the public domain.

Liability

In the case of works on a privately owned immovable, the works constructed become the property of the owner of the immovable, who thereby becomes responsible for their upkeep. If the owner fails to do the upkeep, the city may do it at his expense."

1959-60,
c. 102,
a. 527a,
added

14. The Charter of the City of Montréal (1959-60, chapter 102) is amended by inserting, after article 527, the following section and article:

"SECTION 8A

"IMPROVEMENT OF WATER SITES

Development works

"527a. Without limiting the scope of articles 516, 517, 518 and 519, the city, for the object of improving the quality of water sites and promoting access thereto, may, by by-law, do development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

Immovables

The city may execute the works on its own immovables, on any privately owned immovable with the concurrence of the owner or, according to law, on immovables forming part of the public domain.

Liability

In the case of works on a privately owned immovable, the works constructed become the property of the owner of the immovable, who thereby becomes responsible for their upkeep. If the owner fails to do the upkeep, the city may do it at his expense."

Exception

15. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into force

16. This Act comes into force on 4 April 1985.