

NATIONAL ASSEMBLY

FIRST SESSION

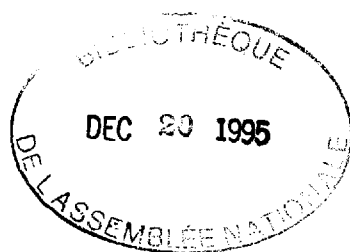
THIRTY-FIFTH LEGISLATURE

Bill 127

**An Act to amend various
legislative provisions
concerning municipalities**

Introduction

**Introduced by
Mr Guy Chevette
Minister of Municipal Affairs**



**Québec Official Publisher
1995**

EXPLANATORY NOTES

The purpose of this bill is to remove or reduce a number of constraints imposed by general municipal legislation, and by some sectorial Acts, on the elected officers and administrators of municipalities. The bill also extends the scope of various municipal powers.

The bill amends the Cities and Towns Act and the Municipal Code of Québec, in particular to allow the council of a municipality to make certain administrative decisions by way of a resolution rather than by by-law, such as decisions to establish or amend the pension plans of municipal officers. The bill also empowers municipalities to extend the coverage of the pension and insurance plans applicable to its employees to the employees of municipal and supramunicipal bodies. Decisions made by the council in relation to intermunicipal agreements and the adoption of budgetary estimates may also be made by way of resolutions.

New provisions are introduced to protect elected municipal officers and municipal employees from prosecution.

The Cities and Towns Act and the Municipal Code of Québec are also amended to introduce administrative changes dealing with the power given to municipal councils to delegate the hiring of certain employees to their senior managers, the right granted to municipalities to require that environmental damage to municipal property be remedied by the person responsible for the damage, the exemption of municipalities from the requirement of transmitting a resolution to amend a loan by-law to the Minister of Municipal Affairs, the power granted to the Minister to exempt a municipality, on the conditions he determines, from calling for tenders before awarding a contract, the possibility for municipalities to publish public calls for tenders, in connection with construction contracts for \$100 000 or more, through an electronic tendering system and in any newspaper circulated in the territory of the municipality, and

the power given to municipalities to reserve parking spaces on a public street for the holders of appropriate authorization.

The bill also empowers municipalities to enter into agreements with the Government to allow them to take charge, on an experimental basis, for certain activities or responsibilities ordinarily assigned to the Government, a Minister or a government body.

In addition to relaxing certain constraints in the area of planning and development, in particular by abolishing the requirement to forward documents to the Commission municipale du Québec, the bill revises several related rules, especially as regards the publication of various notices and orders, the holding of public meetings by municipal councils, the amending of planning by-laws, and the exercise of regulatory powers by the Government.

The bill limits the grounds for which the Government may issue an order establishing a special planning zone in Québec. It introduces a new procedure for the approval of amendments to the planning by-laws by qualified voters, to replace the current procedure for automatic approval. The current system of interim control by-laws is replaced by a new system of interim measures to be applied at the local or regional level.

The bill sets out new rules for the creation and administration of industrial parks under the Act respecting municipal industrial immovables, and allows local municipalities to enter into agreements for the purpose of establishing an intermunicipal board to exercise the powers granted under that Act.

Lastly, the bill introduces provisions into the Act respecting the remuneration of elected municipal officers to extend its application to regional county municipalities, and makes various other changes to that Act.

LEGISLATION AMENDED BY THIS BILL:

- 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 municipal industrial immovables (R.S.Q., chapter I-0.1);

- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

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

Bill 127

An Act to amend various legislative provisions concerning municipalities

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CITIES AND TOWNS ACT

1. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 1 of chapter 34 of the statutes of 1995, is again amended by replacing paragraph 2.2 of subsection 1 by the following paragraph:

“(2.2) Lease its property;”.

2. The said Act is amended by inserting, after section 29.1, the following sections:

“29.1.1 A municipality may enter into an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis.

“29.1.2 The agreement must set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

“29.1.3 A municipality may join any municipality, a regional county municipality or an urban community for the purposes of an agreement with the Government under section 29.1.1.

“29.1.4 An agreement entered into under section 29.1.1 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.

“29.1.5 Sections 29.1.1 to 29.1.4 apply to every municipality governed by this Act, and to Ville de Montréal and Ville de Québec.”

3. Section 29.9.2 of the said Act, amended by section 8 of chapter 34 of the statutes of 1995, is again amended by inserting, after the first paragraph, the following paragraphs:

“The party responsible for carrying out an agreement to which reference is made in the first paragraph may also, by agreement, delegate that responsibility to a non-profit organization whose principal activity consists in managing the joint procurement of property or services for public institutions within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), for school boards, for educational institutions or for non-profit organizations.

The Minister of Municipal Affairs may exempt the carrying out of a contract delegated pursuant to the first paragraph from the application of the rules governing the awarding of contracts by a municipality.”

4. The said Act is amended by inserting, after section 71, the following section:

“71.1 The council may, on the conditions determined by resolution, delegate to any person referred to in subparagraph *a* of the second paragraph of section 71 the power to hire officers and employees other than those referred to in the second paragraph of section 71.”

5. Sections 74 and 75 of the said Act and Form I entitled “Oath of office” are repealed.

6. Section 84 of the said Act is amended by striking out the second paragraph.

7. Section 108 of the said Act, amended by section 12 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

8. Section 414 of the said Act is amended by replacing the first paragraph of subparagraph 6 of the first paragraph by the following paragraph:

“(6) To regulate public dance-halls;”.

9. Section 415 of the said Act is amended by inserting, after paragraph 30.1, the following paragraph:

“(30.2) To grant certain groups or classes of persons the exclusive right to park their vehicles on the roadway of certain streets on the conditions set out in the by-law, provided that the applicable provisions are indicated by means of appropriate signs;”.

10. Section 458.26 of the said Act is replaced by the following section:

“458.26 The council may guarantee the loans contracted by the association. The second and third paragraphs of paragraph 3 of section 28, adapted as required, apply to such a guarantee.”

11. Section 463 of the said Act is amended by adding, after paragraph 4, the following paragraph:

“(5) To require any person who soils public property to carry out cleaning operations in the manner prescribed by by-law and to order that any person who contravenes the by-law shall pay, in addition to the fine, the cost of the cleaning operations carried out by the municipality.”

12. Section 464 of the said Act is amended

(1) by replacing the third paragraph of subparagraph 8 of the first paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution approved by the majority of the employees of the said body, include those employees within the scope of the application of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees' contributive shares to the pension fund from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council

integrates the employees of the body must specify the terms and conditions of the integration.”;

(2) by replacing the second paragraph of subparagraph 10 of the first paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution, include the employees of the body within the scope of the application of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares of the cost of the premium from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body must specify the terms and conditions of the integration.”;

(3) by replacing the words “subparagraph 10” in the first line of the second paragraph by the words “subparagraphs 8, 10 and 11”.

13. Section 468 of the said Act is amended

(1) by replacing the words “may, by by-law,” in the second line of the first paragraph by the word “, may”;

(2) by striking out the fourth, fifth, sixth and seventh paragraphs.

14. Section 468.1 of the said Act is amended by replacing the word “by-laws” in the second line of the second paragraph by the word “resolutions”.

15. Section 468.26 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“468.26 The board of directors may, by by-law, establish the remuneration of the chairman and of the other members of the board. Such remuneration may be fixed on an annual, monthly or weekly basis or on the basis of the member’s attendance at the meetings of the board of directors, or by combining the last method with any of the other three.

The members of the board of directors may also be reimbursed for expenses actually incurred while acting for the management

board, provided such expenses receive the prior authorization of the board of directors. The reimbursement shall be approved by the board of directors on presentation of a statement and of supporting vouchers."

16. Section 468.34 of the said Act is amended by replacing the word "by-law" in the first line of the third paragraph by the words "a resolution approved".

17. Section 468.45 of the said Act is amended by inserting the words ", subject to the rules established in an agreement referred to in section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1)," after the word "may" in the first line of the second paragraph.

18. Section 478.1 of the said Act is amended by replacing the words "not exceeding \$10" in the third line by the words ", the amount of which is fixed by by-law of the council,".

19. Section 481 of the said Act is amended by striking out the words ", not exceeding 5%," in the first line of the fifth paragraph.

20. Section 484 of the said Act is amended by adding, at the end, the following paragraph:

"An application to the court for the recovery of arrears of taxes on an immovable filed before the expiry of the time limit set out in the first paragraph and served on a person referred to in the first paragraph of section 498 not later than sixty days after the expiry of the time limit, shall interrupt prescription with respect to any person referred to in the first paragraph of the said section."

21. Section 513 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The notice may contain an abridged enumeration of the consecutive cadastral numbers of immovables belonging to the same owner."

22. Section 564 of the said Act is amended by striking out the third paragraph.

23. Section 573 of the said Act, amended by section 23 of chapter 34 of the statutes of 1995, is again amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders for a construction contract involving an expenditure of \$100 000 or more must be published either in a daily newspaper circulated mainly in Québec, or by means of an electronic tendering system and in a newspaper circulated in the territory of the municipality.”

24. Section 573.1.2 of the said Act is amended

(1) by replacing the word “three” in the second line by the word “five”;

(2) by replacing the word “three” in the fourth line by the word “five”.

25. The said Act is amended by inserting, after section 573.3, the following section:

“573.3.1 The Minister of Municipal Affairs may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders.”

26. Section 573.4 of the said Act is amended by replacing the figure “573.3” in the first line by the figure “573.3.1”.

27. The said Act is amended by inserting, after section 604.5, the following division:

“DIVISION XIII.1

“DEFENCE, REPRESENTATION AND INDEMNIZATION OF MUNICIPAL OFFICERS AND EMPLOYEES AND COUNCIL MEMBERS

“604.6 A municipality shall assume the defence of a person against whom judicial proceedings have been instituted, or the representation of a person impleaded in judicial proceedings, where the proceedings pertain to anything done by the person in the exercise of his duties as a member of the council of the municipality or to his alleged disqualification for office as a member of the council, or where a contestation of election is involved.

For the purposes of this division, the word “court” includes the meanings assigned to the word “tribunal” by section 56 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

“604.7 The municipality shall pay the damages, if any, resulting from a wrongful act performed by a council member in the exercise

of his duties, except if the latter has committed a gross or intentional fault or a personal fault separable from the exercise of his duties.

“604.8 A municipality shall assume the defence of any person prosecuted by a third person or the representation of any person impleaded in judicial proceedings, for anything done in the exercise of his duties as an officer or employee of the municipality.

“604.9 The municipality may require a person whose defence it has assumed to reimburse, where the person has committed a gross or intentional fault or a personal fault separable from his duties as an officer or employee or as a council member, all or part of the sums it has paid for that purpose as professional fees and expenses.

“604.10 Where the proceedings referred to in section 604.6 are instituted by the municipality, section 604.7 does not apply and the court must determine the part of the expenses to be borne by the municipality.

“604.11 Where the proceedings referred to in section 604.6 are penal proceedings instituted against a person who was a member of the council or an officer or employee of the municipality at the time the offence concerned was committed, the municipality shall assume the expenses relating to the person's defence only if the person had reasonable grounds to believe that he acted within the law.

In every case in which the person is released or acquitted, the municipality must reimburse the expenses related to his defence.

“604.12 Any municipality may, by by-law, provide for the payment of an indemnity to any council member, officer or employee who has suffered material loss in, or in connection with, the performance of his duties.

The by-law must specify the circumstances giving rise to the payment of an indemnity, the amount of the indemnity or the manner of fixing that amount, and the time limit for filing an application for an indemnity.

The payment of an indemnity following an application must be decided by the council.

“604.13 This division applies to every municipality governed by this Act, and to Ville de Montréal and Ville de Québec.”

MUNICIPAL CODE OF QUÉBEC

28. Article 6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 24 of chapter 34 of the statutes of 1995, is again amended by replacing paragraph 3 by the following paragraph:

“(3) lease its property;”.

29. Article 8.1 of the said Code, enacted by section 26 of chapter 34 of the statutes of 1995, is amended by adding, at the end, the following paragraph:

“A regional county municipality may, in addition, furnish the technical assistance referred to in the first paragraph directly, by appointing any person in its employ to a position as an economic development agent.”

30. The said Code is amended by inserting, after article 10.4, the following articles:

“**10.5** A municipality may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, a Minister or a government body, are transferred to the municipality on an experimental basis.

“**10.6** The agreement must set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

“**10.7** A municipality may join any municipality or any urban community for the purposes of an agreement with the Government under article 10.5.

“**10.8** An agreement entered into under article 10.5 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.”

31. Article 14.7.2 of the said Code, amended by section 32 of chapter 34 of the statutes of 1995, is again amended by inserting, after the first paragraph, the following paragraphs:

"The party responsible for carrying out an agreement to which reference is made in the first paragraph may also, by agreement, delegate that responsibility to a non-profit organization whose principal activity consists in managing the joint procurement of property or services for public institutions within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), for school boards, for educational institutions or for non-profit organizations.

The Minister of Municipal Affairs may exempt the carrying out of a contract delegated pursuant to the first paragraph from the application of the rules governing the awarding of contracts by a municipality."

32. Article 165 of the said Code is amended by replacing the words "Every appointment" in the first line of the second paragraph by the words "The appointment, salary determination".

33. The said Code is amended by inserting, after article 165, the following article:

"165.1 The council may, on the conditions it determines by resolution, delegate to the secretary-treasurer or to any officer who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) the power to hire officers other than those who are not employees within the meaning of the Labour Code."

34. Article 167 of the said Code is repealed.

35. Article 178 of the said Code is amended by striking out the second paragraph.

36. The said Code is amended by inserting, after article 203, the following article:

"203.1 The council may make by-laws relating to the administration of the finances of the municipality and determine by whom, and in accordance with what formalities, payments are to be made out of the funds of the municipality."

37. Article 204 of the said Code is amended by replacing the word "The" in the first line of the first paragraph by the words "Unless otherwise provided for in a by-law made under article 203.1, the".

38. Article 441 of the said Code is repealed.

39. Article 491 of the said Code is amended by striking out paragraph 4.

40. Article 546 of the said Code is amended by adding, after paragraph 5, the following paragraph:

“(6) to require any person who soils public property to carry out cleaning operations in the manner prescribed by by-law and to order that any person who contravenes the by-law shall pay, in addition to the fine, the cost of cleaning operations carried out by the municipality.”

41. The said Code is amended by inserting, after article 563, the following articles:

“563.1 A municipality may suspend the supply of water to a person who has failed to pay the water rates or the compensation for the water service on the lapse of 30 days after the sending, by registered or certified mail, of a written notice informing the person of his failure to pay.

“563.2 A municipality may suspend the supply of water to a person who makes abusive use of the water or whose equipment causes water to be wasted or the quality of the water to deteriorate.

The suspension must be preceded by a notice to the owner of the immovable concerned, sent at least 10 days before the supply is to be suspended, exposing the problem and indicating the corrective measures to be taken.

The notice must be sent by registered or certified mail.

“563.3 The water rates or the compensation for the water service imposed by the municipality shall remain payable notwithstanding a suspension of the water supply in accordance with articles 563.1 and 563.2.”

42. The said Code is amended by inserting, after article 566.2, the following article:

“566.3 A municipality may, by by-law, grant certain groups or classes of persons the exclusive right to park their vehicles on the roadway of certain streets on the conditions set out in the by-law,

provided that the applicable provisions be indicated by means of appropriate signs."

43. Article 569 of the said Code is amended

(1) by striking out the words ", by by-law," in the first line of the first paragraph;

(2) by striking out the fourth, fifth, sixth and seventh paragraphs.

44. Article 570 of the said Code is amended by replacing the word "by-laws" in the second line of the second paragraph by the word "resolutions".

45. Article 595 of the said Code is amended by replacing the first paragraph by the following paragraphs:

"595. The board of directors may, by by-law, establish the remuneration of the chairman and of the other members of the board. Such remuneration may be fixed on an annual, monthly or weekly basis or on the basis of the member's attendance at the meetings of the board of directors, or by combining the last method with any of the other three.

The members of the board of directors may also be reimbursed for the expenses actually incurred while acting for the management board, provided such expenses receive the prior authorization of the board of directors. The payment of a reimbursement shall be approved by the board of directors on presentation of a statement and of supporting vouchers."

46. Article 603 of the said Code is amended by replacing the words "by-law by" in the first line of the third paragraph by the words "a resolution of".

47. Article 614 of the said Code is amended by inserting the words ", subject to the rules established in an agreement referred to in section 13.1 of the Act respecting municipal industrial immovables" after the word "may" in the first line of the second paragraph.

48. Article 659 of the said Code is replaced by the following article:

“659. The council may guarantee the loans contracted by the association. The second and third paragraphs of article 9, adapted as required, apply to such a guarantee.”

49. The said Code is amended by replacing article 705 by the following article:

“705. The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution approved by the majority of the employees of the said body, include those employees within the scope of the application of a by-law contemplated in article 704. The body concerned shall deduct the employees’ contributive shares to the pension fund from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body concerned must specify the terms and conditions of the integration.”

50. Article 708 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution, include the employees of the body within the scope of the application of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares to the cost of the premium from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body concerned must specify the terms and conditions of the integration.”

51. Article 711.1 of the said Code is amended by replacing the words “article 708” in the second line by the words “articles 704 and 708 to 710”.

52. The said Code is amended by inserting, after article 711.19, the following title:

"TITLE XVIII.2**"DEFENCE, REPRESENTATION AND INDEMNIZATION OF
MUNICIPAL OFFICERS AND EMPLOYEES AND COUNCIL MEMBERS**

"711.20 A municipality shall assume the defence of a person against whom judicial proceedings have been instituted, or the representation of a person impleaded in judicial proceedings, where the proceedings relate to anything done by the person in the exercise of his duties as a member of the council of the municipality or to his alleged disqualification for office as a member of the council, or where a contestation of election is involved.

For the purposes of this Code, the word "court" includes the meanings assigned to the word "tribunal" by section 56 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

"711.21 The municipality shall pay the damages, if any, resulting from a wrongful act performed by a council member in the exercise of his duties, except if the latter has committed a gross or intentional fault or a personal fault separable from the exercise of his duties.

"711.22 A municipality shall assume the defence of any person prosecuted by a third person or the representation of any person impleaded in judicial proceedings, for anything done in the exercise of his duties as an officer or employee of the municipality.

"711.23 The municipality may require a person whose defence it has assumed to reimburse, where the person has committed a gross or intentional fault or a personal fault separable from his duties as an officer or employee or as a council member, all or part of the sums it has paid for that purpose as professional fees and expenses.

"711.24 Where the proceedings referred to in article 711.20 are instituted by the municipality, section 711.21 does not apply and the court must determine the part of the expenses to be borne by the municipality.

"711.25 Where the proceedings referred to in article 711.20 are penal proceedings instituted against a person who was a member of the council or an officer or employee of the municipality at the time the offence concerned was committed, the municipality shall assume the expenses relating to the person's defence only if the person had reasonable grounds to believe that he acted within the law.

In every case in which the person is released or acquitted, the municipality must reimburse the expenses relating to his defence.

“711.26 Any municipality may, by by-law, provide for the payment of an indemnity to any council member, officer or employee who has suffered material loss in, or in connection with, the exercise of his duties.

The by-law must specify the circumstances giving rise to the payment of an indemnity, the amount of the indemnity or the manner of fixing that amount, and the time limit for filing an application for an indemnity.

The payment of an indemnity following an application must be decided by the council.”

53. Article 739 of the said Code is replaced by the following article:

“739. The municipality may, in accordance with paragraph 1.1 of article 6, alienate, even gratuitously, the right of way of a road no longer in use or re-use it for any purpose coming under its jurisdiction.”

54. Article 935 of the said Code, amended by section 41 of chapter 34 of the statutes of 1995, is again amended by replacing the third paragraph by the following paragraph:

“A call for public tenders for a construction contract involving an expenditure of \$100 000 or more must be published either in a daily newspaper circulated mainly in Québec, or by means of an electronic tendering system and in a newspaper circulated in the territory of the municipality.”

55. Article 936.2 of the said Code is amended

(1) by replacing the word “three” in the second line by the word “five”;

(2) by replacing the word “three” in the fourth line by the word “five”.

56. The said Code is amended by inserting, after article 938, the following article:

“938.1 The Minister of Municipal Affairs may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders.”

57. Articles 945 to 947 of the said Code are repealed.

58. The said Code is amended by inserting, after the heading of Title XXII and before article 954, the following article:

“953.1 Not later than 31 December each year, the council must adopt, by resolution, the municipality’s program of capital expenditures for the following three fiscal years.

The program must be divided into annual phases. It must set out, for the period concerned, the object and amount of and means of financing the capital expenditures that the municipality proposes to make and that are to be financed over a period of more than twelve months.

The council of a municipality to which, by law, the budget of a transit authority must be submitted must also adopt the program of capital expenditures of that authority. In such a case, this article shall apply, adapted as required, and the provisions applicable to the procedure to be followed prior to the adoption of the budget of the transit authority shall also be applied, in the same manner, to the procedure to be followed prior to the adoption of its program of capital expenditures, to the extent that those provisions are consistent with those of this article.”

59. Article 955 of the said Code is amended

(1) by replacing the words “and the latest auditor’s report” in the first and second lines of the second paragraph by the words “, the latest auditor’s report and the latest three-year program of capital expenditures”;

(2) by replacing the words “and the general orientation of the next budget” in the third and fourth lines of the second paragraph by the words “the general orientation of the next budget and the next three-year program of capital expenditures”.

60. Article 956 of the said Code is amended

(1) by inserting the words “or the three-year program of capital expenditures” after the word “budget” in the first line of the first paragraph;

(2) by inserting the words “or the three-year program of capital expenditures” after the word “budget” in the second line of the second paragraph.

61. Article 957 of the said Code is amended

(1) by inserting the words “or the three-year program of capital expenditures” after the word “budget” in the first line;

(2) by replacing the word “thereof” in the first line by the words “for the budget”;

(3) by inserting the words “, the three-year capital program” after the word “budget” in the fifth line.

62. Article 962.1 of the said Code is amended by replacing the words “not exceeding \$10” in the third line by the words “, the amount of which shall be fixed by by-law,”.

63. Article 966 of the said Code, amended by section 44 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

64. Article 985 of the said Code is amended

(1) by striking out the second sentence;

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

“An application to the court for the recovery of arrears of taxes on an immovable filed before the expiry of the time limit set out in the first paragraph and served on a person referred to in article 982 not later than sixty days after the expiry of the time limit, shall interrupt prescription with respect to any person referred to in the said article.”

65. Article 1007 of the said Code is amended by striking out the words “not exceeding 5 percent” in the second line of the third paragraph.

66. Article 1027 of the said Code, amended by section 46 of chapter 34 of the statutes of 1995, is again amended by replacing the sixth paragraph by the following paragraph:

“The notice may contain an abridged enumeration of the consecutive cadastral numbers of immovables belonging to the same owner.”

67. Article 1076 of the said Code is amended by striking out the third paragraph.

68. Article 1102 of the said Code is repealed.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

69. Section 12 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the words “, to the adjacent regional county municipalities and, for registration, to the Commission” in the second and third lines of the third paragraph by the words “and to the adjacent regional county municipalities”.

70. Section 15 of the said Act is amended by striking out the words “, and be registered with the Commission” in the third and fourth lines of the second paragraph.

71. Section 16 of the said Act is amended by striking out the second paragraph.

72. Section 18 of the said Act is amended by replacing the words “, to the adjacent regional county municipalities and, for registration, to the Commission” in the second and third lines of the third paragraph by the words “and to the adjacent regional county municipalities”.

73. Section 25 of the said Act is amended by striking out the words “, and registered with the Commission” in the fourth line of the second paragraph.

74. Section 27 of the said Act is amended by striking out the words “, and be registered with the Commission” in the third line of the third paragraph.

75. Section 28 of the said Act is amended by striking out the words “, and be registered with the Commission” in the third and fourth lines of the second paragraph.

76. Section 29 of the said Act is amended by striking out the words “, and be registered with the Commission” in the fourth line of the second paragraph.

77. Section 33 of the said Act is amended by replacing the words “, to the council of the regional county municipality, and to the Commission for registration” in the fifth and sixth lines of the first paragraph by the words “and to the council of the regional county municipality”.

78. Section 34 of the said Act is amended by replacing the words “, to the council of the regional county municipality, and to the Commission for registration” in the fifth and sixth lines of the second paragraph by the words “and to the council of the regional county municipality”.

79. Section 37 of the said Act is amended by inserting the words “accompanied with a certified copy of the plan, program or by-law concerned and” after the word “resolution” in the first line of the second paragraph.

80. Section 42 of the said Act is amended by striking out the words “and registered with the Commission” in the second line of the third paragraph.

81. Section 44 of the said Act is amended by striking out the words “and transmit a copy thereof to the Commission for registration” in the third and fourth lines of the first paragraph.

82. Section 48 of the said Act is amended by striking out the third paragraph.

83. Section 53.12 of the said Act is amended by striking out the second sentence of the second paragraph.

84. Section 55 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the sixth and seventh lines of the third paragraph by the words “and to every contiguous regional county municipality”.

85. Section 56 of the said Act is repealed.

86. Section 56.1 of the said Act is amended 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”.

87. Section 56.3 of the said Act is amended 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”.

88. Section 56.4 of the said Act is amended by striking out the third paragraph.

89. Section 56.6 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fourth and fifth lines of the third paragraph by the words “and to every contiguous regional county municipality”.

90. Section 56.13 of the said Act is amended by replacing the words “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the fifth, sixth and seventh lines of the third paragraph by the words “and to every contiguous regional county municipality”.

91. Section 56.14 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

92. Section 59.1 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth and fifth lines of the second paragraph.

93. Section 59.2 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the third and fourth lines of the third paragraph.

94. Section 59.3 of the said Act is amended by inserting the words “, accompanied with the program or by-law concerned” after the word “assessment” in the third line of the second paragraph.

95. Section 59.6 of the said Act is amended by striking out the words “transmit a certified copy of the resolution to the Commission for registration purposes and” in the third and fourth lines of the second paragraph.

96. Section 59.7 of the said Act is amended by adding the words “and may request and receive free of charge a certified copy of the planning program or by-law concerned” after the word “period” in the second line of the third paragraph.

97. Sections 61 to 75 of the said Act are replaced by the following sections:

“61. Any regional county municipality that is in the process of amending or revising its development plan may adopt an interim control by-law. Prior to such adoption, it may also pass a resolution under section 62.

“§ 1. — Interim control measures established by resolution

“62. The council of the regional county municipality may, by a resolution applicable to all or part of its territory, prohibit, in whole or in part, new uses of the land, new structures, cadastral operations or the parcelling out of lots by alienation. As soon as the resolution is passed, a copy thereof shall be sent to the Minister and to the municipalities whose territory forms part of that of the regional county municipality.

Nothing in the resolution may, however, prohibit agricultural activities on land under cultivation, the installation, by the municipality, of water and sewer services in an existing public street in execution of an order issued under the Environment Quality Act or the installation of electricity, gas, telecommunication or cable distribution networks.

Moreover, nothing in the resolution may prohibit cadastral operations required by a declaration of co-ownership made under article 1038 of the Civil Code of Québec or the alienation of part of a building requiring the partitioning of the land on which it is situated, or cadastral operations or the parcelling out of lots effected to allow the Government or a government department or mandatary to construct a traffic lane, or cadastral operations effected under the second paragraph of article 3043 of the Civil Code of Québec.

“63. A resolution passed under section 62 may set out the conditions under which the prohibitions enacted thereby may be lifted with the issuance of a permit by an officer of a local municipality to which the resolution applies and that is designated therein.

The resolution may provide that a prohibition against erecting a new structure will be lifted, in particular, where the intended structure has received, before the resolution is passed, all the authorizations required by the municipality, provided construction begins within six months of such passing, or where the following conditions are met:

(1) the parcel of land on which the intended structure is to be erected, including dependencies, forms one or more separate lots on the plan and book of reference, which are in conformity with the subdivision by-law of the municipality or, if they are not in conformity with the by-law, are protected by acquired rights;

(2) the waterworks and sewer services for which an authorization was received or a permit issued under the law are already installed along the street where the structure is intended or the by-law ordering their installation is already in force;

(3) the landsite on which the intended structure is to be erected is adjacent to a public street.

The resolution may also provide that a prohibition against carrying out a cadastral operation will be lifted, in particular, where the cadastral operation has already received, before the resolution is passed, all the authorizations required by the municipality, where applicable, provided the operation is effected within six months of such passing, or where the following conditions are met:

(1) the waterworks and sewer services are, on the date of passing of the resolution, already installed along the street where a parcel of land in respect of which a cadastral operation is intended is situated;

(2) the parcel of land is adjacent to a public street.

“64. A resolution passed under section 62 shall cease to have effect

(1) ninety days after it is passed, if the interim control by-law has not been adopted on that date;

(2) on the date of coming into force of the interim control by-law;

(3) at any time, on a decision of the council.

“§ 2. — Interim control by-law

“65. The interim control by-law may prescribe

(1) the area to which it applies;

(2) the prohibitions imposed by section 62;

(3) the conditions on which the prohibitions referred to in paragraph 2 may be lifted with the issuance of a permit by the officer designated by the council, whether or not such conditions are provided for in section 63;

(4) special rules in the matters of zoning, subdivision or building and issuance of required permits and certificates, in which case sections 113, 115, 116 and 118 to 122 apply, adapted as required;

(5) the administrative terms and conditions governing the issuance of permits by the officer designated by the council of the regional county municipality including, where applicable, the sending to that officer of the applications for permits made to the designated officer of the municipality in whose territory the immovable referred to in the application is situated.

For the purposes of the issuance of a permit or certificate referred to in subparagraph 3 or 4 of the first paragraph, the council of the regional county municipality may designate, for the territory of a municipality, an officer of that municipality. The council of the regional county municipality must obtain the consent of the council of the municipality to make a valid designation.

“66. The adoption of the by-law requires a majority vote of the members of the council.

“67. On the adoption of the by-law, a copy of it shall be sent to every municipality whose territory forms part of that of the regional county municipality and to the Minister. The Minister shall acknowledge receipt thereof and the secretary-treasurer shall note such acknowledgment in the margin of the minute book opposite the by-law.

Each municipality shall make the copy available for inspection at its office.

“68. On the adoption of the by-law, the secretary-treasurer shall publish in a newspaper circulated in the territory of the regional county municipality a notice indicating that a copy of the by-law is available for inspection at the office of each municipality.

“69. Within sixty days after receiving a copy of the by-law, the Minister shall give his opinion on the by-law as regards the aims that the Government, its ministers or mandataries and public bodies are pursuing or intend to pursue in respect of land use development in the territory of the regional county municipality, including the

land use plan provided for in section 21 of the Act respecting the lands in the public domain, as well as the equipment, infrastructure and development projects they intend to carry out in the territory.

“70. The by-law comes into force on the day a notice attesting that it is consistent with the aims and projects referred to in section 69 is served on the regional county municipality by the Minister, or, failing such notice, on the expiry of the period prescribed in that section. Notice of the coming into force of the by-law shall be published in a newspaper circulated in its territory by the regional county municipality.

“71. The opinion stating that the proposed amendment is not consistent with the aims and projects referred to in section 69 must include reasons. In that case, the Minister may, in the opinion, request that the regional county municipality replace the by-law.

Any resolution passed under section 62 shall cease to have effect

(1) ninety days after service of the notice of the Minister, if the replacement by-law has not been adopted on that date;

(2) on the date of coming into force of the replacement by-law in accordance with section 70;

(3) on the date of the opinion of the Minister, if he does not require the by-law to be replaced;

(4) at any time, on a decision of the council.

“72. Sections 66 to 71 apply to a replacement by-law adopted by the regional county municipality following an opinion referred to in section 71.

“73. The by-law may, at any time, be repealed by a resolution passed by a majority vote of the members of the council.

An interim control by-law adopted in the course of the process of amendment of the development plan, that has not been repealed under the first paragraph, shall remain in force in the territory of a municipality until the date of coming into force of the last concordance by-law that the council of the municipality concerned is required to adopt under section 58 to take account of the amendment of the plan.

An interim control by-law adopted in the course of the process of revision of the development plan, that has not been repealed under the first paragraph, shall remain in force in the territory of the municipality,

(1) until the date of coming into force of the last concordance by-law that the council of the municipality concerned is required to adopt under section 59 to take account of the revision of the plan; or

(2) until the date on which all the by-laws of the municipality concerned, among those referred to in section 59.1, which need not be amended by a concordance by-law to take account of the revision of the plan are determined under the fourth paragraph of section 59.2 or 59.4, if that date is later than the date referred to in subparagraph 1 or if none of the by-laws of the municipality concerned, among the by-laws referred to in section 59.1, needs to be so amended.

“§ 3. — Effects of the interim control

“74. No building or subdivision permit and no certificate of authorization or occupancy may be issued pursuant to a municipal by-law unless all the authorizations required by the interim control by-law in respect of the activity that is the subject of the application have been received or if the activity is prohibited by a resolution passed under section 62.

“75. No cadastral operation may be carried out contrary to a resolution passed under section 61 or to a by-law adopted under that section, or unless a certificate is filed by the officer designated by the council of the regional county municipality under section 65 attesting that he has issued the permit required by that section.

“75.1 As long as a by-law or resolution adopted or passed under section 61 remains in force in the territory of a municipality, every by-law or resolution of the municipality whose object is the execution of public works other than rebuilding, corrective or repair works on immovables already in place must, upon its approval, be sent to the regional county municipality. The regional county municipality may assess the advisability of the works in light of the interim control measures in force in the territory of the municipality.”

98. Section 81 of the said Act is amended

(1) by striking out the words “and, for registration, to the Commission” in the second line of the third paragraph;

(2) by striking out the fifth paragraph.

99. Section 82 of the said Act is amended

(1) by striking out the words “, and be sent, for registration, to the Commission” in the second and third lines of the second paragraph;

(2) by striking out the words “and shall also be published in a newspaper circulated in the territory of the municipality” in the third and fourth lines of the third paragraph;

(3) by striking out the words “; it shall be published in the *Gazette officielle du Québec*, together with a notice of the date of its coming into force” in the first, second and third lines of the fourth paragraph.

100. Section 86 of the said Act is amended by striking out the words “and, for registration, to the Commission” in the second line of the second paragraph.

101. Section 87 of the said Act is repealed.

102. Section 90 of the said Act is amended by replacing the words “municipal council and presided by the mayor” in the second line by the words “mayor or by a member of the council designated by the mayor”.

103. Section 91 of the said Act is amended by striking out the words “and, for registration, to the Commission” in the second line.

104. Section 93 of the said Act is amended by replacing the words “municipal council” in the first line by the words “mayor or the representative of the mayor designated under section 90”.

105. Section 102 of the said Act is amended

(1) by striking out the words “, and to the Commission for registration” in the seventh and eighth lines of the first paragraph;

(2) by replacing the words “, and to the Commission for registration, whether amended or not; the approval provided for in sections 131 to 137 is not required in this case” in the eighth, ninth and tenth lines of the second paragraph by the words “; sections 130.8 to 137 do not apply to a by-law the sole purpose of which is to make such amendments”.

106. Section 103 of the said Act is amended by inserting the words “; the municipality may obtain free of charge from the Commission a certified copy of the plan and by-law concerned” after the word “municipality” in the second line of the second paragraph.

107. Section 109.1 of the said Act is amended

- (1) by striking out the second paragraph;
- (2) by striking out the last sentence of the third paragraph;
- (3) by striking out the fourth paragraph.

108. Section 109.2 of the said Act is replaced by the following section:

“109.2 The draft by-law shall be submitted for consultation at a public meeting held by the mayor or by a member of the council designated by the mayor.

The council shall fix the date, time and place of the meeting; it may delegate all or part of such power to the clerk or the secretary-treasurer of the municipality.”

109. Section 109.4 of the said Act is amended by replacing the word “council” in the first line by the words “mayor or the representative of the mayor designated under section 109.2”.

110. Section 109.5 of the said Act is amended by striking out the second paragraph.

111. Section 109.6 of the said Act is amended by replacing the words “, to the regional county municipality and to the Commission for registration purposes” in the third and fourth lines of the third paragraph by the words “and to the regional county municipality”.

112. Sections 109.7 and 109.8 of the said Act are replaced by the following sections:

“109.7 Within 120 days after the documents mentioned in section 109.6 are transmitted, the council of the regional county municipality shall approve the provisions of the by-law that are consistent with the objectives of the development plan and with the provisions of the complementary document and disallow the provisions that are not consistent therewith.

The resolution by which the council of the regional county municipality disallows all or part of the by-law must include reasons.

As soon as practicable after the resolution is passed, the secretary-treasurer shall issue a certificate of conformity in respect of the provisions approved by the regional county municipality and send a certified copy of the certificate and of the resolution to the municipality.

“109.8 The council of the municipality may apply to the Commission for an assessment of the conformity of the provisions of the by-law disallowed by the council of the regional county municipality with the objectives of the development plan and the provisions of the complementary document, or of all the provisions of the by-law, if the council of the regional county municipality has failed to give its opinion within the period prescribed in section 109.7.

The clerk or the secretary-treasurer of the municipality shall serve on the Commission and on the regional county municipality a certified copy of the resolution requesting the assessment, accompanied with a certified copy of the by-law concerned.

The copy must be received by the Commission not later than fifteen days after the sending of the required documents is made under the third paragraph of section 109.7 or, as the case may be, after the expiry of the period prescribed in that section.”

113. Section 109.9 of the said Act is amended

(1) by inserting the words “all or part of” after the word “that” in the first line of the second paragraph;

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

“The secretary-treasurer shall, as soon as practicable after receipt of a copy of the assessment, issue a certificate of conformity in respect of the provisions of the by-law identified in the assessment as being in conformity with the objectives of the development plan and the provisions of the complementary document and send a certified copy thereof to the municipality.”

114. Section 109.12 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

115. Section 110.1 of the said Act is replaced by the following section:

“110.1 Where no development plan is in force in the territory of the municipality, the by-law shall come into force in accordance with the Act governing the municipality in that respect. However, where no interim control measure is in force in the whole or in part of the territory of such a municipality, the by-law must be approved by the council of the regional county municipality and shall come into force on the date of such approval.”

116. Section 110.6 of the said Act is amended by striking out the words “transmit a certified copy of the resolution to the Commission for registration purposes and” in the third and fourth lines of the second paragraph.

117. Section 110.7 of the said Act is amended by inserting the words “and may request and receive free of charge a certified copy of the plan and the by-law concerned” after the word “period” in the second line of the third paragraph.

118. Sections 111 to 112.1 of the said Act are replaced by the following sections:

“111. A municipality that is in the process of amending its planning program may, for its territory, pass the resolution referred to in section 62 and adopt a by-law under section 65. Sections 63, 66, the first paragraph of section 73, section 74 and section 75 then apply, adapted as required.

However, every provision of a resolution or by-law passed or adopted by the council of the regional county municipality under section 61 prevails, in the territory of a municipality, over any inconsistent provision of a resolution or by-law passed or adopted by the council of that municipality under the first paragraph.

“112. A resolution passed under section 111 shall cease to have effect

(1) ninety days after it is passed, if the interim control by-law has not been adopted on that date;

(2) on the date of coming into force of the interim control by-law; or

(3) at any time, on a decision of the council.

“112.1 An interim control by-law adopted by a municipality under the first paragraph of section 111 that has not been repealed under the first paragraph of section 73 shall remain in force until the latest of the following dates:

(1) the date of coming into force of the last concordance by-law that the council is required to adopt under section 58, 59, 59.5 or 110.4 for the purpose of taking into account, where applicable, the amendment or revision of the development plan or the amendment of the planning program;

(2) the date on which all by-laws of the municipality, among those referred to in section 59.1, which need not be amended by a concordance by-law for the purpose of taking into account the revision of the development plan, are determined under the fourth paragraph of section 59.2 or 59.4;

(3) the date on which all by-laws of the municipality, among those referred to in section 110.4, which need not be amended by a concordance by-law for the purpose of taking into account the amendment of the planning program, are deemed, under the first or second paragraph of section 110.9, to be in conformity with the amended planning program.”

119. Section 113 of the said Act is amended

(1) by striking out the words “the architecture, symmetry and exterior aspect of structures; the location of a group of structures on a single site; the exterior materials of structures;” in the seventh, eighth and ninth lines of subparagraph 5 of the second paragraph;

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

“(5.1) to regulate, by zone or sector of a zone, the architecture, symmetry and exterior aspect of structures, the location of a group of structures on a single site and the exterior materials of structures;”;

(3) by striking out the word “use,” in the first line of subparagraph 13 of the second paragraph;

(4) by inserting, after subparagraph 13 of the second paragraph, the following subparagraph:

“(13.1) to regulate or restrict, by zone, the use of a structure;”.

120. Section 115 of the said Act is amended

(1) by striking out the words “and to identify the public or private nature of thoroughfares” in the second and third lines of subparagraph 1 of the second paragraph;

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

“(1.0.1) to identify the public or private nature of thoroughfares;”.

121. Section 119 of the said Act is amended

(1) by replacing the words “contemplated in subparagraphs 12, 13” in the second line of paragraph 2 by the words “or any use referred to in subparagraphs 12, 13, 13.1”;

(2) by striking out the words “, provided that the tariff is not higher than that fixed by the Government under subparagraph 5 of the first paragraph of section 241” in the third and fourth lines of paragraph 6.

122. Section 125 of the said Act is amended by replacing the words “council and presided by the mayor” in the second line by the words “mayor or by a member of the council designated by the mayor”.

123. Section 126 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The notice shall also be posted in the office of the municipality.”

124. Section 127 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**127.** Where the by-law concerns one zone or sector of the municipality, to the exclusion of all or some other zones or sectors, the notice must illustrate by means of a sketch the perimeter of that zone or sector or describe it summarily using, whenever possible, the names of thoroughfares.”

125. Section 128 of the said Act is repealed.

126. Section 129 of the said Act is amended by inserting the words “or the representative of the mayor designated under section 125” after the word “mayor” in the first line.

127. The heading of subdivision 1.1 of Division V of Chapter IV of the said Act is replaced by the following heading:

“§ 2. — *Amending by-law*”.

128. Section 130.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, this subdivision does not apply to a by-law applicable only to an unorganized territory that is adopted by a regional county municipality for any purpose other than the making of an amendment referred to in section 130.8.”

129. The said Act is amended by inserting, after section 130.1, the following heading:

“§ 2.1 — *Public consultation*”.

130. Section 130.3 of the said Act is replaced by the following section:

“130.3 The draft by-law shall be submitted for consultation at a public meeting held by the mayor or by a member of the council designated by the mayor.

The council shall fix the date, time and place of the meeting; it may delegate all or part of such power to the clerk or the secretary-treasurer of the municipality.”

131. Section 130.4 of the said Act is amended

(1) by replacing the figure “15” in the first line of the first paragraph by the word “seven”;

(2) by replacing the second paragraph by the following paragraphs:

“The notice must indicate that the draft by-law is available for inspection at the office of the municipality.

Unless the by-law is a concordance by-law that must be adopted under section 58 or 59, where the project concerns one zone or sector, the notice must illustrate by means of a sketch the perimeter of that zone or sector or describe it summarily using, whenever possible, the names of thoroughfares.”

132. Section 130.6 of the said Act is replaced by the following section:

“130.6 At the public meeting, the mayor or the representative of the mayor designated under section 130.3 shall explain the draft by-law and give the persons and bodies present an opportunity to present their views. Where applicable, he shall also inform them of the possibility of filing with the council, in accordance with sections 130.8 and following, a petition requiring that certain provisions of the draft by-law be submitted to the qualified voters for approval in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2). He shall specify the provisions of the draft by-law that may be the subject of such a petition.”

133. Section 130.7 of the said Act is replaced by the following section:

“130.7 After the public meeting, the council of the municipality shall adopt the by-law, with or without changes, subject to section 130.8.”

134. Subdivision 2 of Division V of Chapter IV of the said Act is replaced by the following subdivision:

“§ 2.2 — Approval by qualified voters

“§§ 2.2.1 — Petition for approval

“130.8 Notwithstanding section 130.7, every draft by-law adopted under section 130.2 that contains any provision whose object is to amend the zoning or subdivision by-law of the municipality by amending, replacing or striking out any provision concerning a matter referred to in any of subparagraphs 1 to 5, 6, 10, 11, 13.1 and 16.1 to 22 of the second paragraph of section 113 or concerning a matter referred to in any of subparagraphs 1, 3 and 4.1 of the second paragraph of section 115 must be the subject of a second draft by-law.

The first paragraph does not apply to a draft by-law all the provisions to which that paragraph applies were withdrawn after the adoption of the draft by-law under section 130.2; nor does it apply

(1) to a draft concordance by-law that makes an amendment under section 58, 59 or 110.4 solely for the purpose of taking into

account the amendment or revision of the development plan or the amendment of the planning program;

(2) to a draft by-law that makes an amendment, following an application under section 40, solely for the purpose of taking account of the coming into force of the first development plan of the regional county municipality.

“131. Every provision referred to in section 130.8 that concerns a matter which, under section 113 or 115, may be regulated by zone or by sector, may be the subject

(1) of a petition presented by the qualified voters of the zone or sector to which the provision applies;

(2) of a petition presented by the qualified voters of any zone or sector that is contiguous to the zone or sector to which the provision applies;

(3) of a joint petition presented by the qualified voters of three zones or sectors among those to which a provision of the draft by-law referred to in section 130.8 applies and those contiguous to such zones and sectors, none of which is contiguous to the zone or sector to which the provision that is the subject of the petition applies.

Every provision referred to in section 130.8 that concerns a matter which may not be regulated by zone or by sector under section 113 or 115 may be the subject of a joint petition presented by the qualified voters of three zones. However, every provision whose object is to amend the classification of structures and of uses, adopted under subparagraph 1 of the second paragraph of section 113 and the effect of which is to amend authorized uses or authorized structures in a zone, is considered to be a provision referred to in the first paragraph.

Every provision adopted under subparagraph 16.1 of the second paragraph of section 113 or under subparagraph 4.1 of the second paragraph of section 115 may be the subject of a joint petition presented by the qualified voters of three zones or sectors among those to which that provision applies, or of all the zones or sectors to which it applies if there are fewer than three such zones or sectors.

“132. Following the adoption of a second draft by-law and within ninety days of the adoption of the draft by-law referred to in section 130.2, the clerk or the secretary-treasurer shall give a public

notice to the qualified voters of all the zones or sectors to which a provision referred to in section 130.8 applies and to those of the zones or sectors that are contiguous thereto.

The heading of the notice must indicate the number and title of the draft by-law and the fact that it may be the subject of a petition presented by the qualified voters in order to have the draft by-law submitted to them for approval.

The notice must

- (1) indicate the date of adoption of the draft by-law;
- (2) indicate the date of the public meeting held under section 130.3 and whether or not any amendments have been made to the draft by-law since that meeting;
- (3) give a brief description of the object of the provisions in respect of which a petition may be presented under section 131 or indicate the fact that a document explaining the draft by-law is available free of charge at the office of the municipality;
- (4) indicate that those provisions may be the subject of a petition presented, in accordance with section 131, by the qualified voters of the zones or sectors to which the provisions apply and of the zones or sectors contiguous thereto in order to have the provisions submitted, as the case may be, to such qualified voters for approval or for approval by the qualified voters of all or any part of the municipality in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- (5) indicate the conditions set out in the first paragraph of section 133 subject to which a petition will be receivable;
- (6) mention that all the provisions of the draft by-law that are not the subject of a petition may be adopted by the council and will then be deemed to be approved by the qualified voters;
- (7) indicate the place, days and times at which the draft by-law may be inspected.

The notice must also illustrate by means of a sketch the perimeter of the zones or sectors to which any provision referred to in section 130.8 applies or describe them summarily using, whenever possible, the names of thoroughfares.

“133. A petition under section 131 must be sent, within eight days after publication of the notice under section 132, to the clerk or the secretary-treasurer, and it must clearly identify the provision to which it relates and be signed

(1) by at least twelve qualified voters for each zone or sector in which the petition originates, or

(2) by a majority of such qualified voters for each zone or sector where there are fewer than twenty-three.

The provisions of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) which concern the manner in which the rights of a legal person may be exercised and the manner in which qualified voters entitled to have their names entered on the referendum list and applications for a referendum poll are counted apply, adapted as required, to the signing of the petition.

“134. For the purposes of sections 131 to 133, a qualified voter is any person who, on the date of adoption of the second draft by-law, meets all the conditions for being a qualified voter within the meaning of section 518 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), except the condition relating to the date of reference.

“§§ 2.2.2 — Adoption and approval by qualified voters

“135. On the expiry of the period determined for the filing of a petition and subject to the second paragraph, the council shall adopt the by-law; the by-law is then deemed to be approved by the qualified voters.

However, any provision in respect of which a petition was presented under section 131 must, for the purpose of adoption, be the subject of a separate by-law in accordance with section 136.

“136. The following provisions shall be grouped in as many separate by-laws, in the following order, and each provision must appear in only one by-law:

(1) firstly, provisions applicable to the same zone or sector, which have been the subject of a petition presented under subparagraph 2 of the first paragraph of section 131 by the qualified voters of a zone or sector that is contiguous to the zone or sector to which the provisions apply;

(2) secondly, provisions applicable to the same zone or sector, which have been the subject of a petition presented under subparagraph 1 of the first paragraph of section 131 by the qualified voters of the zone or sector to which the provisions apply;

(3) lastly, provisions which have been the subject of a joint petition under subparagraph 3 of the first paragraph of section 131 or under the second paragraph of section 131.

Provisions which have been the subject of a joint petition under the third paragraph of section 131 must also be grouped in a separate by-law.

“136.1 Every by-law adopted under section 136 must, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), be approved by the qualified voters of the sector concerned. For that purpose, the sector concerned consists

(1) for each by-law referred to in subparagraph 1 of the first paragraph of section 136, of the zone or sector to which the by-law applies and of all the contiguous zones or sectors from which a petition originates;

(2) for each by-law referred to in subparagraph 2 of the first paragraph of section 136, of the zone or sector to which the by-law applies;

(3) for each by-law referred to in subparagraph 3 of the first paragraph of section 136, of the territory of the municipality;

(4) for each by-law referred to in the second paragraph of section 136, of the zones or sectors to which the by-law applies.

“137. When a development plan is in force in the territory of the municipality, the clerk or the secretary-treasurer must give to the regional county municipality a notice indicating the date on which each by-law adopted under section 136 is deemed to have been approved by the qualified voters.”

135. Section 137.2 of the said Act is amended by replacing the words “the by-law requires the approval of the qualified voters” in the first line of the second paragraph by the words “approval of the by-law by the qualified voters is required under section 136.1”.

136. Section 137.3 of the said Act is replaced by the following section:

“137.3 Within 120 days after the documents described in section 137.2 are transmitted, the council of the regional county municipality shall approve the provisions of the by-law that are in conformity with the objectives of the plan and with the provisions of the complementary document and disallow any provisions that are not in conformity therewith.

The resolution by which the council of the regional county municipality disallows all or part of the by-law must include reasons.

As soon as practicable after the adoption of the resolution, the secretary-treasurer shall issue a certificate of conformity in respect of the provisions approved by the regional county municipality and send a certified copy of the certificate and the resolution to the municipality. However, where the by-law must also be approved by the qualified voters and such approval has not been given when the council gives its approval, the certificate which must be issued or transmitted under the first paragraph shall be issued or transmitted as soon as practicable after the regional county municipality receives the notice provided for in section 137.”

137. Section 137.4 of the said Act is replaced by the following section:

“137.4 The council of the municipality may apply to the Commission for an assessment of the conformity of the provisions of the by-law disallowed by the council of the regional county municipality with the objectives of the development plan and the provisions of the complementary document, or of all the provisions of the by-law, if the council of the regional county municipality has failed to give its opinion within the period prescribed in section 137.3.

The clerk or the secretary-treasurer of the municipality shall serve on the Commission and on the regional county municipality a certified copy of the resolution requesting the assessment, accompanied with a certified copy of the by-law concerned.

The copy must be received by the Commission not later than fifteen days after the sending of the required document is made under the third paragraph of section 137.3 or, as the case may be, after the expiry of the period prescribed in that section.”

138. Section 137.5 of the said Act is amended

(1) by inserting the words “all or part of” after the word “that” in the first line of the second paragraph;

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

“The secretary-treasurer shall, as soon as practicable after receipt of the copy of the assessment, issue a certificate of conformity in respect of the provisions of the by-law which are identified in the assessment as being in conformity with the objectives of the development plan and the provisions of the complementary document and send a certified copy thereof to the municipality. However, where the by-law must also be approved by the qualified voters and such approval has not been given when the secretary-treasurer receives the assessment of the Commission, the certificate shall be issued and a copy thereof transmitted to the municipality as soon as practicable after the regional county municipality receives the notice provided for in section 137.”

139. Section 137.8 of the said Act is amended by striking out the words “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

140. Section 137.11 of the said Act is amended by inserting the words “and may request and receive free of charge a certified copy of the planning program and the by-law concerned” after the word “period” in the second line of the third paragraph.

141. Section 137.16 of the said Act is amended by replacing the first paragraph by the following paragraph:

“137.16 Subject to section 105, every by-law referred to in section 123 or 130.1 of a municipality in whose territory no development plan is in force

(1) must, where no interim control measure is in force in all or part of the territory of the municipality, be approved by the council of the regional county municipality and shall come into force on the date of such approval;

(2) shall come into force, in all other cases, in accordance with the Act governing the municipality in that respect.”

142. Section 137.17 of the said Act is amended by striking out the words "to every contiguous municipality," in the third and fourth lines.

143. Section 150 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "However, where those provisions are the provisions of the by-law and none of them applies to the intended intervention, the development plan shall be the document considered for the purposes of the first paragraph."

144. Section 159 of the said Act is replaced by the following section:

"159. A special planning zone shall be created in order to solve a development or environmental problem whose urgency or seriousness, in the opinion of the Government, justifies its intervention."

145. Sections 204 to 204.8 of the said Act are repealed.

146. Section 227 of the said Act is amended

(1) by inserting the words ", a resolution provided for in section 62" after the figure "145.21" in the third line of subparagraph 1 of the first paragraph;

(2) by inserting the words "resolution, the" after the words "with the" in the second line of the second paragraph.

147. Section 229 of the said Act is amended

(1) by striking out the words "section 61 or" in the fourth line of the first paragraph;

(2) by striking out the words "61 or" in the third line of the second paragraph.

148. Section 230 of the said Act is amended by replacing the words "section 61 or" in the second line of the first paragraph by the words "a resolution passed under section 62 or contrary to section".

149. Section 241 of the said Act is repealed.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

150. Section 1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended by adding, at the end, the following paragraph:

“This section does not apply to expenditures incurred pursuant to an agreement entered into under section 13.1.”

151. Section 7 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the first paragraph, an intermunicipal board may not lease an immovable for the purposes mentioned in the first paragraph, or grant a further lease, for a period ending after the date on which an agreement entered into in accordance with section 13.1 ends.”

152. The said Act is amended by inserting, after section 13, the following sections:

“13.1 A local municipality may, in accordance with sections 468 to 469.1 of the Cities and Towns Act (R.S.Q., chapter C-19) or with articles 569 to 624 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), adapted as required, enter into an agreement with another local municipality for the purposes of any object mentioned in sections 2, 6 and 7.

The agreement may also pertain to the carrying out of work for the construction of municipal infrastructures or equipment to serve the immovables acquired under section 2 or used in a manner consistent with this Act.

“13.2 No agreement may provide for an operating procedure other than that of an intermunicipal board.

“13.3 The agreement must set out, in addition to the information required under sections 468.3 and 468.10 of the Cities and Towns Act or articles 571 and 579 of the Municipal Code of Québec,

(1) the rules governing the apportionment of the revenues deriving from the alienation, operation or leasing of any immovable in excess of the revenues required to fulfil the undertakings made under this Act;

(2) the rules governing the apportionment of the monies received from real estate tax or surtax and other taxes and surtaxes, and from the compensations and tariffs charged on the immovables alienated, operated or leased under this Act or in respect of those immovables;

(3) the maximum amount of expenses to be borne by each municipality party to the agreement for the purposes of the objects referred to in the first paragraph of section 13.1, to be financed otherwise than by a loan by-law.

The agreement may provide that the rules made under subparagraph 2 of the first paragraph apply for a period exceeding the term of the agreement. Sections 468.53 and 469 of the Cities and Towns Act and articles 622 and 623 of the Municipal Code of Québec, adapted as required, shall apply where there is disagreement as to the application of those rules.

The agreement may provide the manner in which the financial contribution of each municipality party to the agreement, in connection with the payment of work for the construction of municipal infrastructures or equipment to serve the immovables acquired pursuant to section 2 or used in a manner consistent with this Act, are to be apportioned.

“13.4 The resolution authorizing the conclusion of an agreement under section 13.1 must be approved by the qualified voters.

The first paragraph does not exempt the agreement from the requirement of being submitted for approval to the Minister of Municipal Affairs in accordance with section 468.1 of the Cities and Towns Act and article 570 of the Municipal Code of Québec.

The first paragraph does not apply to Ville de Québec.

“13.5 An intermunicipal board is deemed to be a local municipality for the purposes of sections 6.0.1 and 6.0.2, the first paragraph of section 10 and sections 11 and 12.

“13.6 Any immovable transferred to a municipality as a result of the dissolution of an intermunicipal board is deemed to have been acquired by the municipality under section 2.

“13.7 A local municipality may enter into an agreement with the owner of an immovable that is situated in its territory and that was acquired from an intermunicipal board pursuant to an agreement

under section 13.1, for the purpose of granting that owner a tax credit to compensate all or part of the difference between the amount of the real estate tax or surtax and other tax or surtax and of the compensations and tariffs paid by the owner in respect of the immovable and the amount he would have to pay were his immovable situated in that part of the territory of another municipality in which the agreement applies.

The municipality may also enter into an agreement, for the same purposes as those referred to in the first paragraph, with the lessee of an immovable situated on its territory and belonging to the said intermunicipal board.

The duration of an agreement under the first or the second paragraph may not exceed the period during which the rules referred to in subparagraph 2 of the first paragraph of section 13.3 are applicable. Such agreement shall, however, cease to apply, in the case of the first paragraph, when the immovable to which it applies is no longer used for industrial, para-industrial or research purposes and, in the case of the second paragraph, upon the expiry of the lease.

This section applies notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15)."

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

153. Section 1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by striking out the words "regional county municipalities," in the first and second lines.

154. Section 2 of the said Act is amended

(1) by replacing the words "and that of its councillors" in the second line of the first paragraph by the words ", its warden and its other members";

(2) by replacing the third and fourth paragraphs by the following paragraphs:

"The functions which may give rise to additional remuneration for special duties are

(1) acting mayor;

- (2) acting warden;
- (3) chairman of the council;
- (4) chairman, vice-chairman, interim chairman and member of the executive committee of a local municipality and councillor associated therewith;
- (5) member of the administrative committee of a regional county municipality;
- (6) delegate of a regional county municipality;
- (7) chairman, vice-chairman and member of any other commission or committee.

In no case may the sum of the basic remuneration and any additional remuneration of a member of a council other than the mayor or warden be greater than 90% of the sum of the basic remuneration and any additional remuneration of the mayor or, as the case may be, the warden.

Any by-law affecting the remuneration of the mayor or the warden must, in order to be adopted, have been voted for by the mayor or warden."

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

"2.1 For functions listed in section 2 performed within a regional county municipality, remuneration or additional remuneration may be attached to each level of competence exercised by the regional county municipality. A level of competence is the set of powers for the exercise of which a given group of council members is empowered to deliberate and vote.

In the case provided for in the first paragraph, the council member shall receive the remuneration or additional remuneration attached to the level of competence for the exercise of which he is empowered to deliberate and vote.

"2.2 In the case provided for in section 2.1, the establishment of remuneration or additional remuneration attached to a level of competence is deemed to form part of the exercise of such competence for the purpose of determining the persons who are empowered to deliberate and vote on that matter.

One and the same by-law may only establish the remuneration and additional remuneration in respect of which the same council members are empowered to deliberate and vote.

"2.3 In the case provided for in section 2.1, the expenditures of the regional county municipality resulting from the payment of remuneration or additional remuneration attached to a level of competence are deemed to form part of the expenditures resulting from the exercise of such competence, for the purpose of determining who is to provide the financing therefor."

156. Section 3 of the said Act is amended by adding, at the end, the following paragraph:

"The remuneration may also be fixed by combining the remuneration fixed on the basis of the attendance of the member as mentioned in the first paragraph with any other method of remuneration provided for in that paragraph."

157. Section 5 of the said Act is amended

(1) by striking out the words " , of not over 6 %," in the second and third lines of the second paragraph;

(2) by striking out the words "or 6 % , as the case may be" in the seventh line of the fifth paragraph.

158. Section 6 of the said Act is amended by adding, at the end, the following paragraph:

"This section, adapted as required, applies where the warden is replaced by the acting warden."

159. Section 8 of the said Act is amended by adding the words " , in the case of a local municipality, or the administrative committee, in the case of a regional county municipality" after the word "committee" in the third line of the first paragraph.

160. Section 9 of the said Act is amended by adding, at the end, the following paragraph:

"In addition to being posted, the notice shall be sent by the secretary-treasurer of the regional county municipality and shall be published in a newspaper circulated in its territory, within the same time limit."

161. Section 14 of the said Act is replaced by the following section:

"14. The excess amount referred to in section 20 shall be added to the amount established in accordance with sections 12 and 13 to determine the minimum annual remuneration to be received by a mayor."

162. Section 18 of the said Act is repealed.

163. Section 19 of the said Act is amended by striking out the words "or 18," in the third line of the first paragraph.

164. Section 20 of the said Act is replaced by the following section:

"20. Where the amount equal to one-half of the amount of the mayor's remuneration under sections 12 and 13 exceeds the maximum established under section 22, the excess amount is paid to the mayor as remuneration rather than as an expense allowance."

165. Section 22 of the said Act is amended by striking out the words "However, the adjustment is not limited to an increase of 6 %," in the fourth and fifth lines of the first paragraph.

166. Section 24 of the said Act is amended

(1) by striking out the words "or in section 18" in the second line of the first paragraph;

(2) by adding the words "or, as the case may be, to the administrative committee" after the word "committee" in the second line of the second paragraph.

167. Section 25 of the said Act is amended by replacing the second paragraph by the following paragraph:

"However, the mayor and the warden are not required to obtain such prior authorization when they perform an act as part of their duties. The same rule applies in the case of a council member designated by the mayor or, as the case may be, by the warden to replace him where he is unable to represent the municipality."

168. The said Act is amended by inserting, after section 26, the following sections:

“26.1 The council of a regional county municipality may, by by-law, order the reimbursement of expenses incurred by its members in attending sittings of the council, its committees or the board of delegates. The by-law may prescribe the cases in which a reimbursement may be obtained and the terms and conditions for the reimbursement.

“26.2 A municipality may pay an advance to one of its members who has been authorized under section 25 to travel on behalf of the municipality, the amount of which may not exceed the foreseeable cost of meals, lodging and transportation.

Not later than fifteen days after the trip for which an advance was paid, the council member must, if the amount of the advance exceeds that of all the expenses in respect of which he is entitled to a reimbursement, reimburse the excess amount to the municipality.”

169. Section 28 of the said Act is amended by adding the words “in the case of a local municipality, and to the administrative committee, in the case of a regional county municipality” after the word “committee” in the second line.

170. Section 30 of the said Act is amended by replacing the words “or, where applicable, the executive committee” in the first and second lines of the first paragraph by the words “, the executive committee or the administrative committee, as the case may be,”.

171. Section 30.1 of the said Act is amended by inserting the word “local” after the word “A” in the first line of the first paragraph.

172. Section 31 of the said Act is amended

(1) by inserting the word “local” after the word “a” in the first line of the first paragraph;

(2) by inserting the word “local” after the word “a” in the first line of the second paragraph.

CHARTER OF THE CITY OF MONTRÉAL

173. 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, section 849 of chapter 57 of the statutes of 1987, section 9 of chapter 87 of the statutes of 1988, section 68 of chapter 27 of the statutes of 1992, section 5 of chapter 82 of the statutes of

1993, section 3 of chapter 53 of the statutes of 1994 and section 82 of chapter 34 of the statutes of 1995, is again amended by replacing the first paragraph of subarticle 3.1 by the following paragraph:

“(3.1) A call for public tenders for a construction contract involving an expenditure of \$100 000 or more must be published either in a daily newspaper circulated mainly in Québec, or by means of an electronic tendering system and in a newspaper circulated in the territory of the city.”

TRANSITIONAL AND FINAL PROVISIONS

174. No lease on a movable or immovable property granted by a municipality before (*insert here the date of assent to this Act*) may be invalidated on the ground that the municipality did not have the authority to lease that property.

The first paragraph does not apply to cases pending on (*insert here the date of introduction of this Act*).

175. No pension plan applicable to the officers and employees of a municipality may be declared invalid on the ground that the plan was established or amended by resolution before the coming into force of sections 12 and 51.

The first paragraph does not apply to cases pending on (*insert here the date of introduction of this Act*).

176. A municipality, until such time as it adopts a by-law under section 478.1 of the Cities and Towns Act, amended by section 18, or under article 962.1 of the Municipal Code of Québec, amended by section 62, may claim an administrative charge not exceeding \$10 from the drawer of a cheque or order of payment whose payment is refused by the drawee.

177. Every resolution passed under section 48 or 56 of the Act respecting land use planning and development that provides for interim control measures to apply in all or part of the territory of a municipality on (*insert here the date of assent to this Act*), and that has not been repealed on (*insert here the date occurring 90 days after the date of assent to this Act*), shall cease to have effect on that date.

178. Sections 63 to 75 of the Act respecting land use planning and development, replaced by section 97, shall continue to apply to an interim control by-law that is adopted by a regional county

municipality in the process of drawing up its development plan and that is in force on *(insert here the date of assent to this Act)*.

Sections 61 to 75.1 of the said Act, enacted by section 97, apply where a regional county municipality wishes to amend a by-law referred to in the first paragraph.

179. Sections 65 to 75.1 of the Act respecting land use planning and development, enacted by section 97, apply to an interim control by-law adopted before *(insert here the date of assent to this Act)* by a regional county municipality in the process of amending or revising its development plan.

180. Sections 130.7 and 130.8 to 137 of the Act respecting land use planning and development, as enacted by sections 133 and 134, apply to every draft by-law that is referred to in section 130.2 of the said Act and that is adopted before *(insert here the date of assent to this Act)*.

181. Sections 130.8 to 137 of the Act respecting land use planning and development, replaced by section 134, continue to apply to by-laws adopted before *(insert here the date of assent to this Act)* pursuant to section 130.7 of the said Act.

182. This Act comes into force on *(insert here the date of assent to this Act)*.