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# NATIONAL ASSEMBLY

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THIRD SESSION

THIRTY-FOURTH LEGISLATURE

Bill 29

**An Act to amend the Cities and  
Towns Act, the Municipal Code of  
Québec and other legislative  
provisions**

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**Introduction**



**Introduced by  
Mr Claude Ryan  
Minister of Municipal Affairs**

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## EXPLANATORY NOTES

*This bill amends the Cities and Towns Act and the Municipal Code of Québec in order to empower a municipality to convert its public lighting system, as part of the program administered by Hydro-Québec, and finance the cost of the operation by way of a turn-key contract providing that the new system will be turned over to the municipality once the work is completed.*

*In addition, the bill authorizes a regional county municipality to contribute, by grants or by loans, to an investment fund intended to provide financial support to enterprises in its territory that are in a start-up or developmental phase.*

*Furthermore, the rules governing municipal loans are simplified, the requirements concerning the content of loan by-laws are redefined, and the responsibility for signing notes, bonds and other debt securities is transferred to municipal treasurers. The bill authorizes the use of a facsimile signature on bonds, and on the certificate of conformity issued by the Minister.*

*Lastly, the bill includes amendments of a technical nature to the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions.*

## ACTS AMENDED BY THIS BILL:

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9).

## Bill 29

### An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 29.7 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the second sentence of the first paragraph by the following sentence: "The total amount of a contract pertaining to such a purchase and the combined population of the municipalities that are parties to the agreement must be taken into consideration for the purposes of the application of those rules."

**2.** Section 29.9 of the said Act is amended by replacing the third paragraph by the following paragraph:

"The total amount of a contract made following a joint call for tenders and the combined population of the municipalities that are parties to the joint call must be taken into consideration for the application of the rules governing the awarding of contracts."

**3.** The said Act is amended by inserting, after section 29.11, the following section:

**"29.12** Subject to the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), a municipality may enter into an agreement with any person or any government other than the government of Québec, or with any department or body of such a government, the object of which is the supply of services, expertise, supplies, materials or equipment relating to any matter within its jurisdiction.

The municipality may implement the agreement and exercise the rights and perform the obligations arising from the agreement, even outside its territory."

**4.** Section 468.9 of the said Act is amended by adding, at the end, the following paragraph:

“Where a contract must be awarded in accordance with sections 573 and 573.1, the population to be taken into consideration is the combined population of the municipalities that are parties to the agreement.”

**5.** Section 468.41 of the said Act is amended by replacing the word “secretary” in the second line by the word “treasurer”.

**6.** Section 468.42 of the said Act is amended by replacing the word “secretary” in the second line by the word “treasurer”.

**7.** Sections 544 to 546 of the said Act are replaced by the following section:

**“544.** Every by-law ordering a loan must

(1) specify its object;

(2) contain a detailed description of the expenditure to be incurred under the by-law;

(3) indicate the amount and term of the loan.”

**8.** Section 549 of the said Act is amended

(1) by replacing the word “clerk” wherever it occurs in the second line of the second paragraph by the word “treasurer”;

(2) by replacing the word “clerk” in the third and in the fourth lines of the second paragraph by the word “treasurer”;

(3) by inserting the words “and that of the treasurer” after the word “mayor” in the sixth line of the second paragraph.

**9.** The said Act is amended by inserting, after section 573.11, the following sections:

**“573.12** Any contract under which a municipality entrusts a person with the responsibility of performing work for the conversion of its public lighting network and of administering and maintaining the network during the period determined in the contract may also entrust that person with the responsibility of assuming the financing of the costs relating to the acquisition of the network by the municipality, and may provide for the reimbursement of the costs by means of the payment of instalments to that person by the

municipality for such amount and in such number as are determined in the contract.

**“573.13** The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a contract entered into in accordance with section 573.12.”

**10.** Section 604.2 of the said Act is amended by replacing the words “right of way of a” in the second line by the words “right of way of a street or of”.

**11.** Section 604.3 of the said Act is amended by inserting the words “of a street or” after the word “rebuilding” in the third line of the second paragraph.

**12.** Article 14.5 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the second sentence of the first paragraph by the following sentence: “The total amount of a contract pertaining to such a purchase and the combined population of the municipalities that are parties to the agreement must be taken into consideration for the purposes of the application of those rules.”

**13.** Article 14.7 of the said Code is amended by replacing the third paragraph by the following paragraph:

“The total amount of a contract made following a joint call for tenders and the combined population of the municipalities that are parties to the joint call must be taken into consideration for purposes of the application of the rules governing the awarding of contracts.”

**14.** The said Code is amended by inserting, after article 14.9, the following article:

**“14.10** Subject to the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), a municipality may enter into an agreement with any person or any government other than the government of Québec, or with any department or body of such a government, the object of which is the supply of services, expertise, supplies, materials or equipment relating to any matter within its jurisdiction.

The municipality may implement the agreement and exercise the rights and meet the obligations arising from the agreement, even outside its territory.”

**15.** Article 578 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“Where a contract must be awarded in accordance with articles 935 and 936, the population to be taken into consideration is the combined population of the municipalities that are parties to the agreement.”

**16.** Article 610 of the said Code is amended by replacing the word “secretary” in the second line by the word “treasurer”.

**17.** Article 611 of the said Code is amended by replacing the word “secretary” in the second line by the word “treasurer”.

**18.** The said Code is amended by inserting, after article 688.4 enacted by section 120 of chapter 3 of the statutes of 1993, the following articles:

**“688.5** Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), any regional county municipality may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase that are situated in its territory. The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister of Municipal Affairs.

The by-law must indicate the maximum contribution that the regional county municipality may make to the fund. The amount that a regional county municipality may commit under this article may not exceed \$500 000.

The third paragraph of section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) does not apply in respect of the by-law mentioned in the first paragraph.

**“688.6** The adoption of a by-law under the first paragraph of article 688.5 requires a majority of two-thirds of the votes cast.

The population of the local municipalities whose vote is affirmative must constitute at least 60 % of the population of the regional county municipality. The vote of a local municipality is determined by a majority of the votes cast by its representatives.”

**19.** Article 725.2 of the said Code is amended by inserting the words “or of a front road” after the word “road” in the second line.

**20.** Article 725.3 of the said Code is amended by inserting the words “or a front road” after the word “road” in the third line of the second paragraph.

**21.** The said Code is amended by inserting, after article 944.1, the following articles:

**“944.2** Any contract under which a municipality entrusts a person with the responsibility of performing work for the conversion of its public lighting network and of administering and maintaining the network during the period determined in the contract may also entrust that person with the responsibility of assuming the financing of the costs relating to the acquisition of the network by the municipality, and may provide for the reimbursement of the costs by means of the payment of instalments to that person by the municipality for such amount and in such number as are determined in the contract.

**“944.3** The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a contract entered into in accordance with article 944.1.”

**22.** Article 1063 of the said Code is replaced by the following article:

**“1063.** Every by-law ordering a loan must

- (1) specify its object;
- (2) contain a detailed description of the expenditure to be incurred under the by-law;
- (3) indicate the amount and term of the loan.”

**23.** Article 1064 of the said Code is amended by inserting the words “and that of the secretary-treasurer” after the word “council” in the fourth line of the third paragraph.

**24.** The English text of section 1 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), amended by section 68 of chapter 54 of the statutes of 1992, is again amended

(1) by inserting, after the first paragraph, the following paragraph:

“The Minister may, in the regulation, fix maximum reimbursement periods, which may vary according to the purpose for

which the loan is effected and the categories of municipal corporations the Minister may determine.”;

(2) by striking out the last paragraph.

**25.** The said Act is amended by inserting, after section 12, the following section:

**“12.1** The certificate mentioned in section 12 may be issued under a facsimile of the signature of the Minister or of the authorized person. However, the presumption of validity set out in the said section shall not apply, where the certificate is issued under a facsimile of the signature, unless the bonds bear the manual signature of the authorized member of the council, or of the officer or financial agent mandated by the municipality.”

**26.** Section 210.39 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 71 of chapter 65 of the statutes of 1993, is amended by replacing paragraph 2 by the following paragraph:

“(2) the resolution is passed by a majority of the votes cast. The population of the local municipalities whose vote is affirmative must constitute at least 75 % of the population of the regional county municipality. The vote of a local municipality is determined by the majority of the votes cast by its representatives.”

**27.** A bond issued after (*insert here the date of assent to this Act*) under a loan by-law that came into force before that date may be signed by the secretary or the clerk, as the case may be, or by the treasurer, and the legislative provisions as amended by sections 5, 6, 8, 16, 17, 23 and 25 of this Act shall apply in respect of the bond.

**28.** Sections 1, 2, 4, 12, 13 and 15 have effect from 23 June 1992.

**29.** Sections 9 and 21 have effect from 1 January 1990.

**30.** Section 24 has effect from 1 April 1993.

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