



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 221
(Private)

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

Introduction

**Introduced by
Mr Claude Dauphin
Member for Marquette**

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Bill 221

(Private)

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

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In this Act, unless the context indicates otherwise,

(1) “member municipality” means any municipality which is a party to the intermunicipal agreement;

(2) “intermunicipal agreement” means the intermunicipal agreement entered into on 3 December 1984, under the terms of which the Minister of Municipal Affairs ordered the establishment of the Régie intermunicipale, including amendments thereto;

(3) “Régie” means the Régie intermunicipale de gestion des déchets sur l'Île de Montréal.

2. The Régie may, by by-law,

(1) prescribe rules relating to the transport of waste and the conditions of its acceptance at the installations of the Régie, which may vary according to the classes established for that purpose, and designate a site for the deposit of waste which, except in the case of waste designated for composting, must be situated on the territory of a member municipality;

(2) establish classes of waste, determine what waste is reusable or recyclable and prescribe procedures for the sorting and treatment of waste for the purposes of removal or selective collection;

(3) require every person who transports waste to hold a permit for such purpose and prescribe the fee for the permit, the procedure for its issue and the conditions for its issue, renewal, suspension and revocation;

(4) in the cases it determines, require every person whose waste is transported to furnish the person who transports it with a bill of lading, require the latter to keep the bill of lading in his possession when effecting such transportation and require each of such persons to keep a register of all bills of lading furnished or received;

(5) prescribe the form and minimum content of the bill of lading and register provided for in paragraph 4.

3. The Régie may limit the application of a by-law adopted under section 2 to a part of its territory; it may also exclude waste removed by or on behalf of a member municipality.

The by-laws adopted by the Régie under section 2 shall prevail over any by-law of a municipality or the Communauté urbaine de Montréal relating to the same subject.

4. The Régie may, by by-law, prescribe that any infringement of a by-law adopted under section 2 shall constitute an offence and prescribe the penalty entailed thereby.

The penalty may be a fine of a fixed amount, a maximum fine or a fine fixed by the judge which cannot be less than the minimum or exceed the maximum prescribed by the by-law.

In the case of a natural person, the fine referred to in the second paragraph cannot exceed \$1 000 for a first offence and \$2 000 for a second or subsequent conviction.

In the case of a legal person, the fine cannot exceed \$2 000 for a first offence and \$4 000 for a second or subsequent conviction.

5. Penal proceedings may be brought by the Régie within six months from the date of commission of the offence.

6. Every municipal court in the territory of the Régie shall have jurisdiction to hear proceedings in respect of any infringement of the by-laws of the Régie.

Where the interested person is convicted, the fine shall belong to the Régie, and the costs, to the municipality whose municipal court rendered the judgment.

7. Section 356, the first paragraph of section 357, sections 359 and 361, the first paragraph of section 362 and sections 363, 367, 368 and 397 to 408 of the Cities and Towns Act (R.S.Q., chapter C-19), adapted as required, apply to the by-laws adopted under section 2.

8. The Régie may, by by-law, authorize, on the conditions it determines, its agents or employees to visit and examine the interior and exterior of any movable and immovable property in order to ascertain that its by-laws are being complied with. Every person is required to admit an agent or employee so authorized. The latter must exhibit, on request, a document identifying his status.

9. Any new issue of capital stock by the company referred to in paragraph 2 of section 6 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1990, chapter 95) may be acquired only by the Régie, which may carry out the acquisition by by-law adopted in accordance with sections 468.37 to 468.39 of the Cities and Towns Act.

The Régie may, in the same manner, stand surety for the company or grant it financial aid in any form.

10. The performance of the obligations of the Régie may be levied against its property; the performance of the obligations of the company referred to in section 9 may be levied against the property of the company.

11. Section 3 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1988, chapter 93), and paragraph 3 of section 6 and the second paragraph of section 11 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1990, chapter 95) are amended by striking out the words "and the Minister of the Environment".

12. Section 1 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1990, chapter 95) is amended by striking out paragraph 2.

13. Section 1.2 of the intermunicipal agreement, replaced by section 7 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1990, chapter 95), is again replaced by the following section:

“1.2 In this agreement, the words “waste management system” mean the combination of administrative and technical operations ensuring a rational method of removal, transport, storage, treatment, recycling and final deposit of waste and/or permitting the generation, recovery, sale or use of energy or recyclable materials, and the movable and immovable property set aside for such purposes.”

14. Section 10 of the said Act is repealed.

15. Resolutions, by-laws and other acts of the board of directors of the Régie prior to (*insert here the date of assent to this Act*) are valid, insofar as they were adopted or performed during a meeting which was not held publicly contrary to the fourth paragraph of section 468.17 of the Cities and Towns Act.

16. The first paragraph of section 8 of the intermunicipal agreement, amended by section 6 of chapter 93 of the statutes of 1988 and section 3 of chapter 101 of the statutes of 1989 and replaced by section 9 of chapter 95 of the statutes of 1990, is again replaced by the following paragraph:

“8. This agreement shall terminate on 2 December 2030.”

17. Section 13 is declaratory.

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