

NATIONAL ASSEMBLY

FIRST SESSION

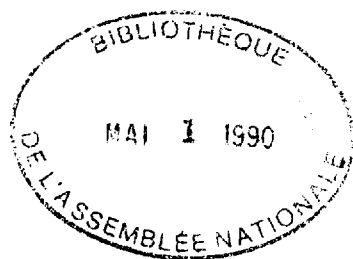
THIRTY-FOURTH LEGISLATURE

Bill 30

**An Act to amend the Act respecting
municipal territorial organization
and other legislation**

Introduction

**Introduced by
Mr Yvon Picotte
Minister of Municipal Affairs**



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EXPLANATORY NOTES

This bill makes a number of adjustments to the Act respecting municipal territorial organization which are designed to facilitate its administration.

It defines the effects of an alteration of the territorial boundaries of a municipality on the division of its territory for election purposes.

The bill extends from six to twelve months the time allowed for the deferral of election proceedings in a municipality having filed an application for amalgamation.

It further provides that a municipality that is divided into wards will henceforth be authorized to abolish such division without being required to divide its territory into electoral districts.

In addition, the bill lengthens to December 1992 the time granted a municipality to extend its territorial boundaries into a body of water.

Lastly, the validity of annexations and amalgamations made under the Act respecting municipal territorial organization is confirmed and certain provisions contained in the charters of eleven municipalities are repealed for concordance purposes.

ACTS AMENDED BY THIS BILL:

(1) Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(3) Act respecting municipal territorial organization (R.S.Q., chapter O-9).

Bill 30

An Act to amend the Act respecting municipal territorial organization and other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

1. Section 38 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by adding the words “prepared by a land surveyor” after the word “municipality” in subparagraph 2 of the second paragraph.

2. The French text of section 59 of the said Act is amended by replacing the word “relatif” in the fourth line by the word “relatifs”.

3. Section 86 of the said Act is amended by adding the words “prepared by a land surveyor” after the word “municipality” in subparagraph 2 of the first paragraph.

4. Section 111 of the said Act is amended by replacing the word “six” in the second lines of the first and second paragraphs by the word “twelve”.

5. The English text of section 119 of the said Act is amended by replacing the words “the following” in the second line of the fifth paragraph by the words “any subsequent”.

6. Section 129 of the said Act is amended by inserting the words “prepared by a land surveyor” after the word “annexed” in the second line.

7. Section 133 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“Only the council of the annexing municipality may order the holding of a poll or the withdrawal of the by-law. If the council decides that a poll must be held, it shall fix the date of the poll not later than at its first sitting following receipt of the copy of the certificate stating the results of the registration procedure. Only the mayor of the annexing municipality may give a voice vote to break a tie in the votes cast.”

8. Section 139 of the said Act is amended

(1) by striking out paragraph 3;

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

“(5.1) a copy of the notice announcing the registration procedure and, where it is not included in the notice, a copy of the certificate of publication of the notice, where applicable;”.

9. Section 153 of the said Act is amended by replacing the words “submitted by” in the second line of the fifth paragraph by the word “of”.

10. Section 154 of the said Act is amended by adding, after the word “annexed” at the end of the second paragraph, the following: “, unless the apportionment of the assets and liabilities is set out in the by-law and has been approved by the council of the municipality affected by the annexation.”

11. Section 160 of the said Act is amended by adding the following sentence: “It has precedence over any inconsistent provision in the annexation by-law.”

12. Section 167 of the said Act is amended by replacing the words “Ministère des Affaires municipales” in the fifth and sixth lines by the words “Minister of Municipal Affairs”.

13. The English text of section 171 of the said Act is amended by replacing the words “the following” in the second and third lines of the fifth paragraph by the words “any subsequent”.

14. Section 176 of the said Act is amended by replacing the word “agreement” in the second line by the words “annexation by-law and subject to the provisions of the agreement, if any.”

15. Section 202 of the said Act is amended by adding, after the word “boundaries”, the words “prepared by a land surveyor”.

16. Section 275 of the said Act is amended by adding, at the end of the first paragraph, the following sentences: "The name under which a municipality shall continue to exist shall not contain the word "corporation". The word is removed where it is used in conjunction with the term "city", "town", "village", "parish", "township", "united townships", "part ... of the parish" or "part ... of the township"; it is replaced by the word "municipality" in other cases."

17. Section 280 of the said Act is amended by replacing the year "1991" in the third line of the first paragraph by the year "1993".

18. Section 284 of the said Act is amended by replacing the year "1990" in the seventh line by the year "1992".

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

19. Section 186.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by inserting the words "any reduction or any extension of territory," after the word "boundaries," in the first line of the first paragraph;

(2) by inserting the words "reduction, extension," after the word "rectification," in the fourth line of the second paragraph.

20. Section 186.2 of the said Act is amended by adding the following sentence: "The publication and the coming into force of the amended letters patent are governed by sections 175 and 176."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

21. Section 41 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding the following paragraphs:

"The council of such a municipality may, by by-law, order that the territory of the municipality cease to be divided for election purposes, on the terms and conditions it determines.

The clerk or the secretary-treasurer shall transmit a certified copy of the by-law to the Minister of Municipal Affairs as soon as possible after its coming into force."

22. The said Act is amended by inserting, after section 41, the following division:

“DIVISION V

“EFFECTS OF ALTERATION OF TERRITORIAL BOUNDARIES OF MUNICIPALITY ON DIVISION THEREOF FOR ELECTION PURPOSES

“41.1 The Minister of Municipal Affairs may, by order, allow a municipality whose territorial boundaries have been altered to maintain division into wards. The order shall contain the new description of the boundaries of the ward affected by the alteration of the territorial boundaries of the municipality and shall specify the period during which division into wards is to be maintained, where that is the case.

Where the territorial boundaries are altered in a municipality which is divided into electoral districts or in a municipality whose council has passed a draft by-law pursuant to section 14, the Minister may, by order, temporarily delimit the electoral district affected by the alteration of the boundaries of the municipality. The order shall contain the new description of the boundaries of the district and specify the period for which it is valid and, where that is the case, prescribe a reduction in the number of electoral districts fixed by by-law; as a result of such a reduction, the number of electoral districts may fall below the minimum number set out in section 9.

The addition of territory by annexation does not constitute an alteration of territorial boundaries for the purposes of the first and second paragraphs.

“41.2 The order comes into force on its date of publication in the *Gazette officielle du Québec* or on any later date indicated in the order.

“41.3 As soon as possible after the publication of the order, the clerk or the secretary-treasurer shall give public notice of the publication in the municipality.”

23. Section 314.1 of the said Act, enacted by section 4 of chapter 56 of the statutes of 1989, is amended

(1) by striking out the word “numbered” in subparagraph 1 of the third paragraph;

(2) by inserting, after the word “districts” in subparagraph 4 of the third paragraph, the words “or wards”.

MISCELLANEOUS AMENDMENTS

24. The legislative provisions listed in the Schedule are repealed to the extent specified therein.

TRANSITIONAL PROVISIONS

25. Notwithstanding the repeal of the second paragraph of article 31 of the Act to revise and consolidate the charter of the city of Montréal (1959-60, chapter 102), the city of Montréal shall retain its jurisdiction, as provided in the said paragraph, over the territory referred to therein until 31 December 1992 or until the date of the coming into force of a decision of the Minister of Municipal Affairs under section 279 of the Act respecting municipal territorial organization.

26. Notwithstanding the repeal of the fifth paragraph of section 2 of the Act to incorporate the town of Port Cartier and concerning The school commissioners of Shelter Bay (1958-59, chapter 111), all existing wharfs, breakwaters, sheds or buildings whatsoever, together with the islands and isles, in the Gulf St. Lawrence, in front of the territory of the town of Port-Cartier and situated less than two thousand feet from the shore, shall continue to be part of the territory of the town until 31 December 1992 or until the date of the coming into force of a decision of the Minister of Municipal Affairs under section 279 of the Act respecting municipal territorial organization.

27. Notwithstanding the repeal of sections 407 and 408 of the Act to incorporate the city of Sorel (1889, chapter 80), the city of Sorel shall retain its jurisdiction, as provided in the said sections, over the territory referred to therein until 31 December 1992 or until the date of the coming into force of a decision of the Minister of Municipal Affairs under section 279 of the Act respecting municipal territorial organization.

28. No annexation by-law or amalgamation order having come into force pursuant to the Act respecting municipal territorial organization before (*insert here the date of introduction of this bill*) may be declared null on the grounds

(1) that the by-law or order establishes a rule of municipal law for a period exceeding five years or makes exception, for a period exceeding five years, to any provision of any Act under the administration of the Minister of Municipal Affairs, by granting a tax

privilege, by altering the boundaries of a ward or by preventing the council of the municipality from exercising its discretion as provided by law;

(2) that the by-law or order prescribes that a tax privilege granted in respect of an immovable ceases to have effect upon the transfer of the immovable by the person who owned it at the time of the coming into force of the by-law or order;

(3) that the by-law sets out the apportionment of the assets and liabilities relating to the area affected by the annexation and, as a consequence, sections 154 to 160 of the Act respecting municipal territorial organization pertaining to the negotiation of an agreement on such apportionment have not been complied with;

(4) that the by-law prescribes an adjustment of the values entered on the real estate assessment roll or on the roll of rental values which is inconsistent with section 171 of the Act respecting municipal territorial organization; or

(5) that the order provides for the holding of a regular election other than a general election.

This section does not affect cases pending on (*insert here the date of introduction of this bill*).

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

SCHEDULE

LEGISLATIVE PROVISIONS REPEALED UNDER SECTION 24

Municipality	Title of Act	Repealed provisions
1. Barkmere	An Act to incorporate the Town of Barkmere (1926, chapter 80)	Section 19
2. Lac-Sergent	An Act to incorporate the town of Lac Sergent (1921, chapter 128)	Section 21
3. Lebel-sur-Quévillon	An Act to incorporate the town and the school municipality of Lebel-sur-Quévillon (1965, 2nd session, chapter 108)	Section 8
4. Montréal	An Act to revise and consolidate the charter of the city of Montréal (1959-60, chapter 102)	The second paragraph of article 31
5. Port-Cartier	An Act to incorporate the town of Port Cartier and concerning The school commissioners of Shelter Bay (1958-59, chapter 111)	The fifth paragraph of section 2
6. Québec	An Act to amend the charter of the city of Québec (1948, chapter 51)	Section 26
7. Richmond	An Act to amend and consolidate the charter of the town of Richmond (1901, chapter 50)	Section 3

Municipality	Title of Act	Repealed provisions
8. Saint-Lambert	An Act to amend the charter of the town of Prévile (1958-59, chapter 105)	Section 3
9. Salaberry-de-Valleyfield	An Act to consolidate the charter of the city of Salaberry-de-Valleyfield (1931-32, chapter 111)	Section 78
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1945, chapter 81)	Section 7
10. Sorel	An Act to incorporate the city of Sorel (1889, chapter 80)	Sections 33, 407, 408 and 409
11. Westmount	An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city (1908, chapter 89)	Sections 7 and 8