

NATIONAL ASSEMBLY

FIRST SESSION

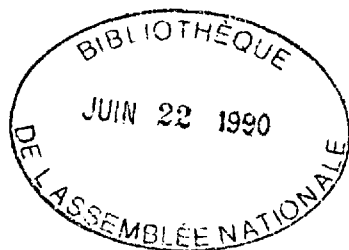
THIRTY-FOURTH LEGISLATURE

Bill 257
(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 257

(Private)

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

WHEREAS 26 municipalities on the island of Montréal are parties to an intermunicipal agreement entered into on 3 December 1984, providing for the establishment of an intermunicipal management board by the name of "Régie intermunicipale de gestion des déchets sur l'Île de Montréal", the whole in accordance with sections 468 and following of the Cities and Towns Act (R.S.Q., chapter C-19);

Whereas the Minister of Municipal Affairs ordered the establishment of the Régie intermunicipale de gestion des déchets sur l'Île de Montréal and whereas a notice of such order was published in the *Gazette officielle du Québec* on 25 May 1985;

Whereas the municipalities which are parties to the intermunicipal agreement of 3 December 1984 are those of Côte Saint-Luc, Anjou, Kirkland, LaSalle, Montréal-Est, Mont-Royal, Outremont, Roxboro, Saint-Léonard, Saint-Laurent, Westmount, Pointe-Claire, Baie-d'Urfé, Sainte-Anne-de-Bellevue, Dollard-des-Ormeaux, Pierrefonds, Verdun, Montréal-Ouest, Senneville, Saint-Pierre, Lachine, Beaconsfield, Sainte-Geneviève, Dorval, Hampstead and Saint-Raphaël-de-l'Île-Bizard;

Whereas chapter 93 of the statutes of 1988 and chapter 101 of the statutes of 1989 granted certain powers to the said intermunicipal management board, enacted special rules pertaining thereto and amended certain provisions of the intermunicipal agreement of 3 December 1984;

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) “**waste**” means solid waste within the meaning of the Regulation respecting solid waste (R.R.Q., 1981, chapter Q-2, r. 14), as it reads on the date of coming into force of this Act;

(3) “**municipal waste**” means waste the removal of which is carried out by a member municipality or on behalf thereof;

(4) “**para-municipal waste**” means waste generated on the territory of a member municipality, the removal of which is not carried out by the municipality or on behalf thereof;

(5) “**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 de gestion des déchets sur l’Île de Montréal, including amendments thereto;

(6) “**Régie**” means the Régie intermunicipale de gestion des déchets sur l’Île de Montréal.

CHAPTER I

MUNICIPAL AND PARA-MUNICIPAL WASTE

2. The municipal waste of a member municipality and the para-municipal waste originating from its territory shall become the exclusive property of the Régie upon its acceptance of the delivery thereof.

DIVISION I

MUNICIPAL WASTE

3. The Régie may, in respect of a member municipality, determine what municipal waste it intends to take delivery of, prescribe terms and conditions for its removal, transportation and delivery, define the terms and conditions of its acceptance and designate any facility for its delivery.

4. A member municipality shall, at the request of the Régie, deliver to the facilities designated by the Régie the municipal waste determined thereby and comply with the applicable terms and conditions.

5. A member municipality shall not grant or renew a contract for the removal of waste unless the collection and disposal methods are approved by the Régie.

DIVISION II

PARA-MUNICIPAL WASTE

6. The Régie may, in respect of a member municipality, provide for the transportation, storage, sorting, treatment, recycling, disposal or depositing of para-municipal waste and for facilities for such purposes.

7. Access to the facilities of the Régie may be restricted to waste carriers accredited by the Régie. Every accredited carrier shall, on pain of revocation of his accreditation, comply with the conditions which the Régie may prescribe by by-law for the removal, transportation and delivery of the waste or for the keeping of appropriate records to permit the monitoring of the origin and nature of the waste.

8. In order to finance the facilities and services it provides pursuant to this division, the Régie may fix a share or contribution payable by the member municipalities. The share or contribution may be established according to the facilities placed at the disposal of waste generators, on the basis of the real, estimated or forecast volume or weight of para-municipal waste generated, whether or not it is delivered to the Régie.

9. A member municipality may finance a share or contribution provided for in this division by means of a tax based on real estate value or a mode of tariffing provided for in sections 244.1 to 244.10 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), including a compensation established on the basis of the real, estimated or forecast volume or weight of para-municipal waste generated by each generator on the territory of the municipality.

CHAPTER II

POWERS AND ADMINISTRATION OF THE RÉGIE

10. In addition to the powers which are conferred thereon by the Cities and Towns Act, the Régie may

(1) fix, according to the method which it deems appropriate, the schedule of contributions, prices or fees payable by the member municipalities or other persons or categories of persons in respect of the transportation, storage, sorting, treatment, recycling, disposal or depositing of the waste it receives;

(2) with the prior authorization of the Minister of Municipal Affairs,

(a) enter into partnership with any person, partnership or corporation representing public or private interests, within the scope of activities pertaining to its objects;

(b) acquire shares or other securities of a company whose principal activity falls within the objects of the Régie, or is complementary or accessory thereto;

(3) with the prior authorization of the Minister of Municipal Affairs and the Minister of the Environment, conclude with any person, partnership, corporation or company referred to in paragraph 2 any contract related to the achievement of its objects without being required to call for tenders, notwithstanding sections 573 and 573.1 of the Cities and Towns Act;

(4) notwithstanding sections 468.37 to 468.39 of the Cities and Towns Act, by by-law which requires only the approval of the Minister of Municipal Affairs, contract loans to provide for the payment of the fees and other preliminary expenses connected with the achievement of its objects.

11. Section 1 of the intermunicipal agreement, as it reads on the date of coming into force of this Act, is replaced by the following section:

“Section 1

Object of the Agreement

1.1 The object of this agreement is to provide for the design, construction, financing, operation and development of all or part of

a waste management system serving the municipalities which are parties hereto.

The waste management system which is the subject hereof may contemplate all waste or bear solely on certain waste. The system may serve, in addition to the municipalities which are parties to this agreement, municipalities which are not bound hereby and any other person, as the Régie sees fit and on the conditions it determines.

1.2 In this agreement, unless the context indicates otherwise, the word "waste" has the meaning assigned by paragraph 2 of section 1 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1990, chapter *insert here the chapter number of this Act in the volume of statutes for 1990*) and the words "waste management system" have the meaning assigned by paragraph 12 of section 1 of the Environment Quality Act (R.S.Q., chapter Q-2), adapted as required."

12. Section 7 of the said agreement is replaced by the following section:

"Section 7

Financial Contribution

7.1 The municipalities which are parties to this agreement shall assume all the expenses of the Régie and shall contribute financially towards any deficit of the latter as provided for in subsections 7.2 and 7.3, to the extent that such deficit is not already provided for by revenues which the Régie may draw from its activities, including the contributions, prices or fees which it may charge such municipalities in respect of its services.

7.2 The financial contribution payable by the municipalities which are parties to this agreement shall be set by the Régie. Fifty per cent of such contribution shall be apportioned proportionately to the respective total amounts of the taxable real estate assessments of the municipalities and the other fifty per cent shall be apportioned proportionately to their respective total populations.

7.3 For the purposes of subsection 7.2, the total taxable assessment of a municipality is that appearing in the valuation roll of such municipality as in force at the time the contribution is established. Similarly, the total population of a municipality is that indicated in the latest census taken for such municipality and recognized as valid by order of the Government published in the

Gazette officielle du Québec, in accordance with the Act respecting municipal territorial organization (R.S.Q., chapter O-9).”

13. Section 8 of the said agreement is replaced by the following section:

“Section 8

Term of the Agreement

8.1 This agreement shall take effect on 3 December 1984 and shall remain in force for an initial period of 31 years terminating on 2 December 2015.”

CHAPTER III

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

14. The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a contract awarded by the Régie. The Régie is not subject to section 115 of the Regulation respecting solid waste, made under the Environment Quality Act.

15. The intermunicipal agreement, as amended by this Act, is an agreement contemplated by subdivision 23 of the Cities and Towns Act and may be amended in accordance with section 468.2 of the said Act.

16. Section 2 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1988, chapter 93), replaced by section 2 of chapter 101 of the statutes of 1989, is repealed.

17. Section 6 of the said Act, amended by section 3 of chapter 101 of the statutes of 1989, is repealed.

18. All acts accomplished prior to (*insert here the date of assent to this Act*) pursuant to a legislative or contractual provision replaced or repealed by this Act conserve their effects if they are still useful. If such be the case, they shall be deemed to have been accomplished pursuant to the corresponding provision of this Act or the intermunicipal agreement as amended hereby.

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