

NATIONAL ASSEMBLY

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THIRTY-FOURTH LEGISLATURE

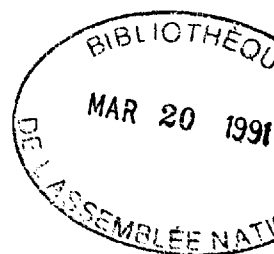
Bill 119

An Act to amend the Cities and Towns Act and the Municipal Code of Québec



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 to empower the Minister of Municipal Affairs to determine which documents must be transmitted to him for the approval of a loan by-law.

The bill removes the obligation to obtain the approval of qualified voters for a loan by-law passed for the sole purpose of establishing plans and specifications. It also allows municipalities and intermunicipal boards to contract loans for any purpose within their jurisdictions by means of a new issue of securities.

In addition, the bill enables the treasurer of a municipality authorized for that purpose by the council to invest municipal funds in securities issued by a Québec municipality or urban community.

Finally, the bill changes the maximum amount of a fine that may be imposed by a municipality for an offence under its by-laws and the time limit within which penal proceedings arising from the offence must be instituted.

Bill 119

An Act to amend the Cities and Towns Act and the Municipal Code of Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 99 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding the words “or securities issued by a Québec municipality or urban community” at the end of the second paragraph.

2. Section 369 of the said Act, amended by section 174 of chapter 4 of the statutes of 1990, is again amended by replacing the figure “300” in the fifth line of the first paragraph by the figure “1 000”.

3. Section 412 of the said Act, amended by section 175 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the figure “10” in the fourth line of the fourth paragraph of paragraph 20 by the figure “30”;

(2) by replacing the figure “25” in the fifth line of the fourth paragraph of paragraph 20 by the figure “75”.

4. Section 468.37 of the said Act is amended by replacing the words “or by bonds” in the third line by the words “, bonds or other securities”.

5. Section 468.39 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“468.39 If all the municipalities have approved the by-law, the secretary of the management board shall send a certified copy of it to the Minister of Municipal Affairs together with every other document he may require.”;

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

"The secretary must provide the Minister with any information requested by him with respect to the by-law."

6. Section 468.40 of the said Act is amended by replacing the words "or of notes issued by the board for the repayment of such securities" in the third and fourth lines by the words ", notes or other debt securities issued by the board for the repayment thereof".

7. Section 468.41 of the said Act is amended by replacing the words "or notes" in the first line by the words ", notes or other debt securities".

8. Section 468.42 of the said Act is amended by replacing the words "or a note" in the first line by the words ", a note or other debt security".

9. Section 468.44 of the said Act is amended by inserting the words "debt security" after the word "note" in the second line.

10. Section 547 of the said Act is amended by replacing the words "or notes" in the second and third lines of the fifth paragraph by the words ", notes or other securities".

11. Section 549 of the said Act is amended by replacing the words "or by notes" in the second line of the first paragraph by the words ", notes or other securities".

12. Section 556 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"However, a loan by-law the sole purpose of which is the establishment of plans and specifications requires only the approval of the Minister."

13. Section 561 of the said Act is amended by replacing the words "or notes" at the end of the second paragraph by the words ", notes or other securities".

14. Section 562 of the said Act is replaced by the following section:

"562. The clerk shall transmit a certified copy of the loan by-law to the Minister of Municipal Affairs together with every other document he may require.

The clerk must provide the Minister with any information requested by him with respect to the by-law."

15. Section 563 of the said Act is repealed.

16. Section 563.1 of the said Act is amended by replacing the words "by means of notes" in the second and third lines by the words "otherwise than by an issue of bonds".

17. Section 563.2 of the said Act is repealed.

18. Section 565 of the said Act is amended by replacing the words "or bonds" in the third line of the first paragraph by the words ", bonds or other securities".

19. Section 567 of the said Act is amended by replacing the words "and notes" in the third line of the second paragraph of subsection 2 by the words ", notes or other securities".

20. Section 576 of the said Act, replaced by section 181 of chapter 4 of the statutes of 1990, is amended by replacing the word "six" in the first line by the word "twelve".

21. Form 36 of the said Act is repealed.

22. Article 203 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by adding the words "or securities issued by a Québec municipality or urban community" at the end of the first paragraph;

(2) by inserting the words "or other securities" after the word "cheques" in the first line of the third paragraph.

23. Article 455 of the said Code, replaced by section 247 of chapter 4 of the statutes of 1990, is amended by replacing the figure "300" in the fourth line by the figure "1 000".

24. Article 486 of the said Code is amended

(1) by replacing the words "all documents tending to inform the person or body concerned of the fulfilment of the provisions of the law and of the advisability of passing the by-law" in the fifth, sixth and seventh lines of the first paragraph by the words "the by-law, together with every other document required by the person to whom it is to be forwarded,";

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

“The secretary-treasurer must provide the person to whom the certified copy is to be forwarded with any information requested by him with respect to the by-law.”

25. Article 487 of the said Code is repealed.

26. Article 565 of the said Code, amended by section 250 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the figure “10” in the fourth line of the fourth paragraph by the figure “30”;

(2) by replacing the figure “25” in the fifth line of the fourth paragraph by the figure “75”.

27. Article 606 of the said Code is amended by replacing the words “or bonds” in the fourth line by the words “, bonds or other securities”.

28. Article 608 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph:

“608. If all the municipalities have approved the by-law, the secretary of the management board shall send a certified copy of it to the Minister of Municipal Affairs, together with every other document he may require.”;

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

“The secretary must provide the Minister with any information requested by him with respect to the by-law.”

29. Article 609 of the said Code is amended by replacing the words “or of notes issued by the board for the repayment of such securities” in the third and fourth lines by the words “, notes or other debt securities issued by the board for the repayment thereof”.

30. Article 610 of the said Code is amended by replacing the words “or notes” in the first line by the words “, notes or other debt securities”.

31. Article 611 of the said Code is amended by replacing the words “or a note” in the first line by the words “, note or other debt security”.

32. Article 613 of the said Code is amended by replacing the word “note” in the second line by the words “note or other debt security”.

33. The said Code is amended by inserting, after the heading of Chapter I of Title XXVI, the following article:

“1060.1 Any municipality may, for any purposes within its jurisdiction, borrow sums of money by issuing bonds, notes or any other securities.”

34. Article 1061 of the said Code is amended by inserting, after the second paragraph, the following paragraph:

“However, a loan by-law the sole purpose of which is the establishment of plans and specifications requires only the approval of the Minister.”

35. Article 1071.1 of the said Code is amended by replacing the words “by means of notes” in the third line by the words “otherwise than by issuing bonds”.

36. Article 1072 of the said Code is amended by replacing the word “bond-holders” in the last line of the first paragraph by the words “holders of securities”.

37. Article 1075 of the said Code is replaced by the following article:

“1075. The secretary-treasurer shall transmit a certified copy of the loan by-law to the Minister of Municipal Affairs, together with every other document he may require.

The secretary-treasurer must provide the Minister with any information requested by him with respect to the by-law.”

38. Article 1075.1 of the said Code is repealed.

39. Article 1077 of the said Code is amended by replacing the words “or bonds” in the third line of the first paragraph by the words “, bonds or other securities”.

40. Article 1081 of the said Code is repealed.

41. Article 1084 of the said Code is amended by replacing the words “or notes” at the end of the second paragraph by the words “, notes or other securities”.

42. Article 1093 of the said Code is amended by replacing the words “and notes” in the third and fourth lines of the second paragraph by the words “, notes or other securities”.

43. Article 1108 of the said Code, replaced by section 259 of chapter 4 of the statutes of 1990, is amended by replacing the word “three” in the first line by the figure “12”.

44. Sections 20 and 43 do not extend the six-month and three-month time limits prescribed in section 576 of the Cities and Towns Act and in article 1108 of the Municipal Code of Québec, respectively, as they read before (*insert here the date of assent to this Act*), in respect of any penal proceedings relating to an offence committed before that date.

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