



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 7

An Act respecting municipal territorial organization

Introduction

**Introduced by
Mr André Bourbeau
Minister of Municipal Affairs**

**Québec Official Publisher
1988**

EXPLANATORY NOTES

This bill proposes the consolidation or revision of existing provisions of the municipal laws which concern the territorial organization of local municipalities.

To that end, all the rules pertaining to the attributes of a local municipality, namely its juridical personality, its name, its population and its territorial jurisdiction are presented in orderly fashion.

With regard to the erection of new municipalities, the bill provides that the Government will have the power to constitute an unorganized territory into a local municipality upon an application by a majority of the interested persons of the territory and upon a recommendation of the Minister of Municipal Affairs. But the bill also provides that the Government will not be authorized to exercise that power, except in exceptional circumstances, where the population of the unorganized territory is under 300 inhabitants.

The bill further provides that the representative of the applicants or, where applicable, the regional county municipality or the Kativik Regional Government will be authorized to negotiate an agreement concerning the apportionment of the assets and liabilities of the territory concerned.

The bill also provides rules designed to facilitate the conversion of an unorganized territory into a local municipality and the termination of the administration of such a territory by the regional county municipality or the Kativik Regional Government.

With regard to the amalgamation of local municipalities, the bill repeats, with certain technical amendments, the provisions respecting voluntary amalgamation contained in the existing law.

With respect to annexations, the bill provides that, in the future, one procedure will apply to the annexation of an unorganized territory or of all or part of the territory of another local municipality.

To that effect, the bill provides, in particular, that the annexing municipality will transmit to the Minister of Municipal Affairs a duplicate of an annexation by-law which has been approved by a certain number of qualified voters of the area to be annexed. Moreover, the bill provides, where the Minister signifies his intention to amend the annexation by-law, that the municipalities affected by the annexation will be authorized to negotiate an agreement concerning the apportionment of the assets and liabilities of the area to be annexed.

In addition, the bill gives additional powers to the Minister of Municipal Affairs. Henceforth, he will be authorized to rectify the territorial boundaries of local municipalities where a description is erroneous or imprecise or where a municipality has acted without right in a territory not subject to its jurisdiction. It also provides that the Minister will have authority to validate, subject to certain restrictions, the acts done or performed by a local municipality in respect of a territory not subject to its jurisdiction and to provide conditions governing the termination of the administration of the affairs of such a territory by the municipality. It also provides that the Minister will be authorized, upon an application therefor, to detach from the territory of a municipality all or any part thereof that is situated in a body of water.

The bill also authorizes the council of a local municipality to revise the description of the territorial boundaries of the municipality.

Finally, the bill contains such concordance amendments to the various laws governing the municipal sector as are necessary for its application.

ACTS AMENDED BY THIS BILL

- (1) The Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- (2) the Cultural Property Act (R.S.Q., chapter B-4);
- (3) the Cities and Towns Act (R.S.Q., chapter C-19);
- (4) the Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (5) the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);
- (6) the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(7) the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(8) the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(9) the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39);

(10) the Police Act (R.S.Q., chapter P-13);

(11) the Temperance Act (R.S.Q., 1964, chapter 45);

(12) the Act respecting the town of Shefferville (1986, chapter 51);

(13) the Act respecting elections and referendums in municipalities (1987, chapter 57);

(14) the Charter of the city of Québec (1929, chapter 95);

(15) the Charter of the city of Montréal (1959-60, chapter 102).

ACTS REPEALED BY THIS BILL

(1) The Act respecting municipal organization of certain territories (R.S.Q., chapter O-8);

(2) the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19);

(3) the Mining Villages Act (R.S.Q., chapter V-6);

(4) the Mining Towns Act (R.S.Q., chapter V-7);

(5) the Act respecting the formation of municipalities in the territory of the county of Abitibi and Témiscamingue, situate to the north of the 48th parallel of latitude (R.S.Q., 1925, chapter 104).

Bill 7

An Act respecting municipal territorial organization

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

DIVISION OF THE TERRITORY OF QUÉBEC FOR MUNICIPAL PURPOSES

CHAPTER I

MUNICIPAL TERRITORIES

1. The territory of Québec, as divided for municipal purposes, comprises the regional territories under the jurisdiction of a county municipality, an urban and regional community or the Kativik Regional Government.

It also comprises territories not subject to the jurisdiction of the regional bodies mentioned in the first paragraph, namely the territory of the municipality of the North Shore of the Gulf of St. Lawrence, those of Cree village municipalities and that of the municipality of Baie James including the territories of the towns enclosed within the latter.

2. The municipalities of Québec include regional county municipalities and local municipalities.

3. A municipality that is not a regional county municipality is a local municipality.

4. The territory of a regional county municipality, of an urban or regional community or of the Kativik Regional Government consists of the combined territories of several local municipalities.

The territory of a regional county municipality or of the Kativik Regional Government may include a territory that is not that of a local municipality.

Notwithstanding the foregoing, the territory of a regional county municipality may consist of the territory of only one local municipality.

5. The territory of a regional county municipality shall be described in accordance with the Act respecting land use planning and development (R.S.Q., chapter A-19.1) and the territory of a local municipality shall be described in accordance with this Act.

Notwithstanding the first paragraph, the territory of a regional county municipality which consists of the territory of one local municipality shall be described by special Act.

6. The territory of an urban or regional community, of the Kativik Regional Government, of the municipality of Baie James, of the municipality of the North Shore of the Gulf of St. Lawrence or of a Cree village municipality shall be described by special Act.

CHAPTER II

UNORGANIZED TERRITORIES

7. Any part of the territory of Québec not forming part of the territory of a local municipality is an unorganized territory.

8. A regional county municipality whose territory includes an unorganized territory is deemed, with regard to such territory, to be a local municipality governed by the Municipal Code of Québec (R.S.Q., chapter C-27.1), unless the context indicates otherwise.

Where the council of a regional county municipality acts as the council of a local municipality with regard to such a territory, only the council members representing a local municipality governed by the Municipal Code of Québec are qualified to take part in the council's deliberations and vote. However, all the council members are qualified to take part in the deliberations and vote where the council includes no representative of a local municipality governed by the said Code.

9. The regional county municipality may adopt by-laws, resolutions or other acts which may vary in respect of such parts of the unorganized territory as it may determine.

The regional county municipality may also adopt by-laws, resolutions or other acts in respect of only one part of the unorganized territory.

10. The council of the regional county municipality may establish a local committee of elected members for the unorganized territory or any part thereof. Where that is the case, the council shall determine the number of members, their terms of office, the rules governing their election and the rules governing the functioning of the committee.

Every natural person who would be qualified to vote at a referendum if the date of reference, within the meaning of the Act respecting elections and referendums in municipalities (1987, chapter 57), were that of the poll is eligible to the office of member of the local committee, and he is entitled to vote at the election of its members.

11. The council of the regional county municipality may confer on the local committee the power to conduct studies and make recommendations.

TITLE II

LOCAL MUNICIPALITIES

CHAPTER I

SCOPE

12. This Title applies to the whole territory of Québec with the exception of the territory of a Northern, Cree or Naskapi village municipality.

CHAPTER II

JURIDICAL PERSONALITY, NAME, POPULATION AND TERRITORIAL JURISDICTION

DIVISION I

JURIDICAL PERSONALITY

13. A local municipality is a legal person of public right consisting of the inhabitants and ratepayers of the territory under its jurisdiction.

DIVISION II

NAME

14. The name of a local municipality shall consist of the word “municipality” followed by a place-name.

However, the word “city”, “town” or “village” may be used instead of the word “municipality”.

15. The name of a new local municipality shall be assigned by the Government by way of an order.

The Government may assign to a new local municipality a name that has not been approved by the Commission de toponymie. The place-name included in the name of the municipality must be officialized as the name of the locality which comprises the territory under the jurisdiction of the municipality in accordance with the Charter of the French language (R.S.Q., chapter C-11) as if it had been approved by the Commission.

16. The Minister of Municipal Affairs may, on an application therefor, change the name of a local municipality.

17. As soon as possible after the passage of the resolution authorizing the presentation of an application for a change of name, the clerk or secretary-treasurer of the municipality shall transmit a certified copy of the resolution to the Commission de toponymie to enable it to decide in favour or against the proposed name.

Not later than 60 days after receiving copy of the resolution, the Commission must transmit its opinion in writing to the clerk or secretary-treasurer of the municipality, failing which the approval of the Commission is presumed.

Where applicable, the clerk or secretary-treasurer shall draw up a certificate attesting the failure of the Commission to transmit its opinion.

18. The clerk or secretary-treasurer of the municipality shall transmit a certified copy of the resolution authorizing the presentation of the application for a change of name to the Minister of Municipal Affairs together with the opinion of the Commission de toponymie or the certificate of the clerk or secretary-treasurer attesting the failure of the Commission to transmit its opinion.

19. The clerk or secretary-treasurer of the municipality shall publish, in a newspaper circulated in the municipality, a notice containing

- (1) the proposed change of name submitted to the Minister;
- (2) a statement to the effect that any person may submit his objection to the application for a change of name to the Minister in writing, within 30 days of publication of the notice;
- (3) the address of the place where objections must be sent.

He shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.

20. Not later than 30 days after publication of the notice, any person may submit his objection to the application for a change of name to the Minister in writing.

21. The Minister shall notify the municipality in writing of every objection received within the prescribed time.

22. The Commission municipale du Québec shall, at the Minister's request, hold a public hearing on the application for a change of name.

23. As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to the council of the municipality and to the Commission de toponymie.

24. The Minister may order the consultation of the qualified voters of the municipality. The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities. Expenses incurred for or by reason of the consultation shall be borne by the municipality.

The referendum poll shall be held on the date fixed by the Minister.

The statement of the final results of the poll must be transmitted to the Minister as soon as possible.

25. The Minister may approve the application for a change of name even if the name has not been approved by the Commission de toponymie.

The place-name included in the name of the municipality must be officialized as the name of the locality comprising the territory under the jurisdiction of the municipality in accordance with the Charter of the French language as if it had been approved by the Commission.

26. The Minister may, on the recommendation of the Commission de toponymie, correct, by order, the spelling of the name of a local municipality.

Not later than 30 days before the date of publication of his decision, the Minister shall notify in writing the municipality of his intention to correct the spelling of its name.

27. The Minister shall publish a notice of the change of name or correction of its spelling in the *Gazette officielle du Québec*.

The change of name or correction of its spelling shall come into force on the date of publication of the notice or on any later date indicated therein.

28. As soon as possible after the coming into force of the decision, the clerk or secretary-treasurer shall give public notice of the change of name or of the correction of its spelling.

DIVISION III

POPULATION

29. The population of a local municipality is the number of inhabitants of the territory under its jurisdiction according to the most recent census taken for the whole territory of Québec or for the territory of the municipality and recognized as valid by order of the Government.

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

30. The population of a newly constituted local municipality and, where applicable, of the remainder of the unorganized territory affected by the constitution shall be ascertained by the Minister of Municipal Affairs. The Minister shall inform the local municipality and, where applicable, the regional county municipality or the Kativik Regional Government of the population he has ascertained.

In the case of amalgamation or total annexation, the population of the municipality resulting from the amalgamation or of the annexing municipality is the combined population of the local municipalities affected by the amalgamation or annexation.

In the case of the annexation of part of the territory of a municipality or the annexation of an unorganized territory, the population of each local municipality or of the remainder of the unorganized territory

affected by the annexation shall be ascertained by the Minister of Municipal Affairs. The Minister shall inform each local municipality and, where applicable, the regional county municipality or the Kativik Regional Government of the population he has ascertained.

In the case of a rectification of boundaries or where a municipality ceases to administer a territory not subject to its jurisdiction, the population of each local municipality or of the remainder of the unorganized territory affected by the rectification or by the termination of administration shall be ascertained by the Minister of Municipal Affairs. The Minister shall inform each local municipality and, where applicable, the regional county municipality or the Kativik Regional Government of the population he has ascertained.

The Minister shall publish in the *Gazette officielle du Québec* a notice indicating the population ascertained in accordance with this section.

The population ascertained under this section remains valid until it is replaced by the population ascertained under section 29 on the basis of a census which allows for the constitution, amalgamation, annexation, rectification of boundaries or termination of administration.

DIVISION IV

TERRITORIAL JURISDICTION

31. Subject to any contrary legislative provision, a local municipality has jurisdiction over its territory.

CHAPTER III

CONSTITUTION

DIVISION I

SCOPE

32. For the purposes of this chapter, except in the cases described in sections 37 and 79, the Kativik Regional Government shall be regarded as a regional county municipality, and its secretary shall be regarded as a secretary-treasurer.

33. For the purposes of this chapter, an interested person is a person who would be a qualified voter entitled to be entered on the referendum list of the territory contemplated by an application for the constitution of a local municipality under section 38 if the date of

reference, within the meaning of the Act respecting elections and referendums in municipalities, were the date of receipt of a copy of the application by the secretary-treasurer of the regional county municipality.

34. The provisions of the Act respecting elections and referendums in municipalities which pertain to the manner in which legal persons are to exercise their rights and to the method of counting the qualified voters who are entitled to be entered on the referendum list and the applications for a referendum poll apply, adapted as required, to an application for the constitution of a local municipality.

35. The power of attorney designating which of the co-owners by undivided ownership of an immovable or of the co-occupants of a place of business is entitled to be entered on the referendum list of the territory as the owner of the immovable or the occupant of the place of business or the resolution designating the representative of the legal person entitled to be entered on the referendum list of the territory must be transmitted at the same time as the copy of the application for the constitution of a local municipality is sent to the secretary-treasurer of the regional county municipality.

The power of attorney is also valid for the purposes of any election or referendum held in the municipality, until it is replaced.

DIVISION II

CONDITIONS OF CONSTITUTION

36. The Government may, by order, constitute the inhabitants and ratepayers of an unorganized territory into a local municipality.

Except in special circumstances, the Government shall not exercise such power in respect of an unorganized territory having a population of less than 300 inhabitants on the day of receipt by the Minister of Municipal Affairs of the application for the constitution of a local municipality.

37. The Government shall not constitute an unorganized territory into a local municipality if part of the territory is situated within the territory of the Kativik Regional Government.

The Government shall not constitute an unorganized territory into a local municipality if two or more parts of the territory are situated within the territory of more than one regional county municipality, unless such parts are contiguous.

DIVISION III

APPLICATION

38. A majority of the interested persons of an unorganized territory may apply to the Government in writing to be constituted into a local municipality.

The application must contain

- (1) the name of the municipality;
- (2) the description of the territory of the municipality;
- (3) an estimate of the population of the municipality;
- (4) a statement to the effect that the municipality will be governed by the Municipal Code of Québec or by the Cities and Towns Act (R.S.Q., chapter C-19);
- (5) the name of the person designated as their representative by the applicants;
- (6) the name of the person who will act as clerk or secretary-treasurer of the municipality until the council appoints a person to hold that office;
- (7) the name of the regional county municipality within the territory of which the unorganized territory affected by the application for constitution is situated or the name of the regional county municipality chosen by the applicants, where the unorganized territory is situated within the territories of more than one regional county municipality.

39. Every interested person shall enter his name, address and capacity on the application and affix his signature opposite those entries.

The address of the interested person shall be, according to the capacity entitling him to be entered on the referendum list of the territory, the address of the immovable where he is domiciled, of the immovable of which he is the owner or of the place of business of which he is the occupant. The address of the immovable shall include the apartment or room number, if any. If the immovable has no number, the cadastral number shall be used.

DIVISION IV

CONSULTATION ON THE APPLICATION

40. The representative of the applicants shall transmit a certified copy of the application to the secretary-treasurer of the regional county municipality in which the territory of the future municipality is situated.

Duplicates of the description of the territory of the municipality and of the plan prepared by a land surveyor must be attached to the copy of the application.

41. The representative shall also transmit a certified copy of the application to the Commission de toponymie to enable it to decide in favour or against the proposed name.

Not later than 60 days after receiving copy of the application, the Commission must transmit its opinion in writing to the representative, failing which the approval of the Commission is presumed.

Where applicable, the representative shall draw up a certificate attesting the failure of the Commission to transmit its opinion.

42. As soon as possible after receiving copy of the application, the secretary-treasurer of the regional county municipality shall draw up a certificate attesting that the signatories of the application represent a majority of the interested persons.

He shall transmit a certified copy of the certificate to the representative.

Where the territory is situated within that of more than one regional county municipality, a common certificate shall be drawn up.

43. The secretary-treasurer of the regional county municipality shall prepare a written estimate of the population of the municipality.

He shall transmit a certified copy of the estimate to the representative.

Where the territory of the municipality is situated within that of more than one regional county municipality, a common estimate shall be prepared.

44. Not later than three months after receiving copy of the application, the regional county municipality must transmit its opinion on the application for the constitution of a local municipality.

The secretary-treasurer of the regional county municipality shall transmit a certified copy of the resolution of the council to the representative.

Where applicable, the representative shall draw up a certificate attesting the failure of the regional county municipality to transmit its opinion.

45. The representative shall transmit the original of the application to the Minister of Municipal Affairs, together with

(1) the original of the description of the territory of the municipality and of the plan prepared by a land surveyor;

(2) a duplicate of the certificate of the secretary-treasurer of the regional county municipality attesting that the application bears the signature of a majority of the interested persons;

(3) a duplicate of the written estimate of the population prepared by the secretary-treasurer of the regional county municipality;

(4) a duplicate of the opinion of the regional county municipality or the certificate of the representative attesting its failure to transmit it;

(5) a duplicate of the opinion of the Commission de toponymie or the certificate of the representative attesting its failure to transmit it.

DIVISION V

AMENDMENT PROPOSAL OF THE MINISTER

§ 1.—*Notice of the amendment proposal*

46. Where the Minister is of opinion that the application must be amended, he shall transmit to the representative a written notice setting out the amendment he intends to make to the application.

The Minister shall transmit a written notice to the Commission de toponymie where the amendment he intends to make concerns the name of the municipality proposed in the application.

47. Not later than 30 days after receiving the notice, the representative shall inform the Minister in writing of his decision on the amendment proposal.

§ 2.—*Consultation*

48. Sections 49 to 58 do not apply if the representative does not approve the proposal or if the Minister has not received copy of the representative's decision within the time prescribed in section 47.

49. Where so required by the Minister in a notice transmitted to the representative, the interested persons of the territory must approve or reject the amendment proposal.

50. Every interested person who wishes to approve the proposal shall enter his name, address and capacity on a document containing the amendment proposal and affix his signature opposite those entries.

The address of the interested person shall be the same as in the second paragraph of section 39.

51. The amendment proposal is deemed approved by the interested persons if a majority of them affix their signatures to the document provided for in section 50 and if a copy of the document is transmitted to the Minister not later than 45 days after receipt of the notice provided for in section 49.

52. The representative shall transmit a copy of the document bearing the signatures of the interested persons to the secretary-treasurer of the regional county municipality.

As soon as possible after receiving copy of the document, the secretary-treasurer of the regional county municipality shall draw up a certificate attesting, where that is the case, that a majority of the interested persons have approved the proposal.

Where the territory is situated within that of more than one regional county municipality, a common certificate shall be drawn up.

The representative shall transmit a copy of the document bearing the signatures of the interested persons and, where applicable, a copy of the certificate, to the Minister.

53. Sections 54 to 58 do not apply if the number of interested persons who have approved the proposal is not a majority or if the Minister has not received the document within the time prescribed in section 51.

54. The representative shall, at the Minister's request, transmit a copy of the notice provided for in section 46 to the regional county municipality.

55. Not later than 60 days after receiving copy of the notice, the regional county municipality may inform the Minister in writing of its opinion on the amendment proposal.

The Minister may, upon a request therefor, grant an extension to the regional county municipality.

56. The Commission municipale du Québec shall, at the Minister's request, hold a public hearing on the amendment proposal.

57. As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to the representative and, where the name of the municipality was the subject of the public hearing, to the Commission de toponymie.

58. The Minister may order the consultation of the qualified voters of the territory of the municipality.

The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities.

The referendum poll shall be held on the date fixed by the Minister and shall be presided by the person designated by the latter.

The question appearing on the ballot paper shall be as follows: "Do you approve the amendment proposal made by the Minister of Municipal Affairs?"

The statement of the final results of the poll must be transmitted to the Minister as soon as possible.

The Minister shall determine who will pay the expenses incurred for or by reason of the consultation.

DIVISION VI

NEGOTIATION OF AN AGREEMENT

59. The Minister shall transmit to the representative and to the regional county municipality a written notice indicating the time granted to them for the presentation of a proposal for the negotiation of an agreement on the apportionment of the assets and liabilities relating to the territory of the municipality.

60. Where the Minister receives, within the time granted, a copy of the decision of the representative or of the resolution of the regional

county municipality proposing the negotiation of an agreement, he shall appoint a conciliator.

The Minister shall transmit to the representative and to the regional county municipality a written notice indicating the name of the conciliator and the time granted for reaching an agreement.

61. The Minister may, at the request of the representative or of the regional county municipality, grant an extension for reaching an agreement.

62. At the expiry of the time granted, the conciliator shall transmit a copy of the agreement to the Minister or, if there is no agreement, a report on the situation.

The Minister may, following the report of the conciliator, impose an apportionment of the assets and liabilities. The apportionment shall be deemed to be an agreement.

63. Where the Minister submits an amendment proposal in respect of the agreement, sections 46 to 58, adapted as required, apply to the agreement.

For the purposes of sections 46, 47 and 48, the regional county municipality shall be regarded as the representative.

64. The Minister may approve the negotiated agreement, with or without amendments.

Any amendment under the first paragraph must be previously approved by the representative and, where applicable, by a majority of the persons interested or qualified to vote in accordance with sections 50, 51 and 58.

65. The agreement binds the municipality and the regional county municipality.

DIVISION VII

ORDER OF THE GOVERNMENT

66. The Minister may recommend that the application be granted by the Government with or without amendments.

Any amendment under the first paragraph must be previously approved by the representative and, where applicable, by the persons interested or qualified to vote in accordance with sections 50, 51 and 58.

67. The constituting order must contain

- (1) the name of the municipality;
- (2) the description of the territory of the municipality;
- (3) a statement to the effect that the municipality is governed by the Municipal Code of Québec or by the Cities and Towns Act;
- (4) the date of the first regular election and the calendar year in which the second regular election will be held;
- (5) the name of the person acting as clerk or secretary-treasurer of the municipality until the council appoints a person to hold that office;
- (6) the date, time and place of the first sitting of the council;
- (7) the regional county municipality in which the territory of the municipality is situated.

68. The plan referred to in section 45 must be approved by the Minister of Energy and Resources before the order is made by the Government.

The description of the territory contained in the order shall be the description prepared by the Minister of Energy and Resources.

69. The order comes into force on 1 January following its publication in the *Gazette officielle du Québec*.

70. As soon as possible after the order has been published, the secretary-treasurer of the regional county municipality shall give public notice of the publication in the territory of the municipality in accordance with the law governing the municipality.

He shall transmit free of charge all the documents concerning the formerly unorganized territory to the clerk or secretary-treasurer of the municipality.

DIVISION VIII

AGREEMENT

71. The Minister shall publish in the *Gazette officielle du Québec* a notice stating that he has, by order, approved an agreement with or without amendments, or imposed an apportionment of assets and liabilities.

72. The agreement shall come into force on the date fixed pursuant to section 69.

73. The conditions of apportionment of the assets and liabilities set out in the agreement may, for a period of not more than five years, establish a rule of law or make exception to any provision of any Act under the administration of the Minister of Municipal Affairs or to any special Act governing a local municipality or any instrument under such an Act.

DIVISION IX

TRANSITIONAL PROVISIONS

74. The municipality succeeds to the rights and obligations held or assumed by the regional county municipality in respect of the formerly unorganized territory.

The municipality becomes, without continuance of suit, a party to all proceedings in respect of its territory in the place and stead of the regional county municipality.

75. All by-laws, resolutions or other acts adopted by the regional county municipality in respect of the territory of the municipality remain in force in the territory of the municipality until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.

They are deemed to be by-laws, resolutions or acts of the municipality.

The first two paragraphs do not apply to loan by-laws.

76. Every act performed by the regional county municipality in respect of the territory of the municipality shall retain its effects to the extent that it remains expedient.

Every such act is deemed to be an act of the municipality.

77. Any proceeding for the sale of an immovable for non-payment of taxes, or for repurchase or redemption thereof, commenced before the date of the coming into force of the order, shall be continued by the person who initiated it, in accordance with the legislative provisions applicable to the territory of the municipality on the day preceding that date.

78. The first election shall be held as a regular election.

For the purposes of determining whether a person is qualified as an elector or as a candidate at an election in the territory of the municipality, any period, prior to the constitution, during which the person was domiciled or resident, continuously or not, in the formerly unorganized territory or during which he was the owner of an immovable or the occupant of a place of business situated therein shall be counted as if he had been domiciled or a resident, owner or occupant in the territory of the municipality from the beginning of such period.

79. The regional county municipality shall administer, in accordance with section 8, the affairs of the municipality until a majority of the council members elected during the first election take office.

The first paragraph applies subject to the jurisdiction of the clerk or secretary-treasurer of the municipality.

80. If, on the day of the coming into force of the order, the tax accounts for the first fiscal year of the municipality have not been sent to the ratepayers of the municipality by the regional county municipality, the municipality must adopt its budget and impose and collect taxes for that year in accordance with the legislative provisions that are applicable to it, adapted as follows:

(1) the initial period of time prescribed for the adoption of the budget expires 60 days after a majority of the council members elected at the first election take office;

(2) the initial period of time prescribed for the sending of tax accounts expires 60 days after the adoption of the budget.

81. The provisions of this division applies subject to the agreement.

CHAPTER IV

AMALGAMATION

DIVISION I

SCOPE

82. For the purposes of this chapter, a regional or urban community and the Kativik Regional Government shall be regarded as regional county municipalities and their secretaries shall be regarded as secretary-treasurers.

83. For the purposes of this chapter, an interested person is a person who would be a qualified voter entitled to be entered on the referendum list of the applicant municipality if the date of reference, within the meaning of the Act respecting elections and referendums in municipalities, were the date of adoption, by the applicant municipality having the largest population, of a by-law under section 85 to authorize the filing of an application for amalgamation.

The provisions of the said Act which pertain to the manner in which legal persons are to exercise their rights and to the method of counting the qualified voters entitled to be entered on the referendum list and the applications for a referendum poll apply, adapted as required, to an objection filed under section 90 or 101.

DIVISION II

TERRITORIES THAT MAY BE AMALGAMATED

84. Adjacent local municipalities wishing to amalgamate their territories may apply to the Government to be constituted into a local municipality having jurisdiction over their combined territories by filing a joint application to that effect.

The Government shall not exercise that power where the territory of only one municipality is situated within that of the Kativik Regional Government.

DIVISION III

APPLICATION FOR AMALGAMATION

85. The council of each of the municipalities wishing to amalgamate may, by the affirmative vote of the absolute majority of its members, adopt a by-law authorizing the filing of a joint application with the Government.

The by-law cannot be repealed after the publication of the text of an application under section 90.

86. The application must contain

- (1) the name of the municipality;
- (2) the description of the territory of the municipality;

(3) a statement to the effect that the municipality will be governed, as the case may be, by the Municipal Code of Québec or the Cities

and Towns Act, or by the Charter of the city of Montréal or the Charter of the city of Québec where either of the two cities is a party to the application;

(4) any special legislative provision applicable in either municipality before the amalgamation which will apply to the municipality;

(5) the composition of the provisional council which will be empowered to administer the affairs of the municipality until a majority of the council members elected at the first regular election take office;

(6) the date, time and place of the first sitting of the provisional council;

(7) the name of the person who will act as the clerk or secretary-treasurer of the municipality until the council composed of persons elected at the first regular election appoints a person to hold that office;

(8) the division of the territory of the municipality into electoral districts or, if not available, the manner in which the division will be made for the purposes of the first general election;

(9) the date of the first regular election and the calendar year in which the second regular election will be held;

(10) the name of the regional county municipality in which the territories of the applicant municipalities are situated or the name of the regional county municipality chosen by the applicant municipalities, where the territories of those municipalities are situated within the territory of more than one regional county municipality.

The application may set out any condition applicable to the amalgamation.

DIVISION IV

CONSULTATION ON THE APPLICATION

87. As soon as possible after the coming into force of each by-law authorizing the filing of the application, the clerk or secretary-treasurer of the applicant municipality having the largest population shall transmit a certified copy of the application to the secretary-treasurer of the regional county municipality in which the territories of the applicant municipalities are situated.

Duplicates of the description of the territory of the municipality and of the plan prepared by a land surveyor must be attached to the copy of the application.

88. The clerk or secretary-treasurer of the applicant municipality having the largest population shall also transmit a certified copy of the application to the Commission de toponymie to enable it to decide in favour or against the proposed name.

Not later than 60 days after receiving copy of the application, the Commission shall transmit its opinion in writing to the clerk or secretary-treasurer, failing which the approval of the Commission is presumed.

Where applicable, the clerk or secretary-treasurer shall draw up a certificate attesting the failure of the Commission to transmit its opinion.

89. Not later than three months after receiving copy of the application, the regional county municipality must transmit its opinion on the application for amalgamation.

The secretary-treasurer of the regional county municipality shall transmit a certified copy of the resolution of the council to the clerk or secretary-treasurer of the applicant municipality having the largest population.

Where applicable, the clerk or secretary-treasurer shall draw up a certificate attesting the failure of the regional county municipality to transmit its opinion.

90. Any interested person may submit his objection to the application for amalgamation to the Minister of Municipal Affairs, in writing, within 30 days of publication of the text of the application and of a notice concerning such right and such time limit in a newspaper circulated in the applicant municipalities.

The publication referred to in the first paragraph shall be made by the clerk or secretary-treasurer of the applicant municipality having the largest population.

91. As soon as possible after publication of the application, the clerk or secretary-treasurer of the applicant municipality having the largest population shall transmit the original of the application to the Minister of Municipal Affairs, together with

(1) the original of the description of the territory of the municipality and of the plan prepared by a land surveyor;

(2) a duplicate of every notice of motion, where applicable;

(3) a certified copy of each by-law authorizing the filing of the application;

(4) a certified copy of the public notice in which the by-law is published and, where it is not included in the notice, a duplicate of the certificate of publication of the notice;

(5) a duplicate of the opinion of the regional county municipality or the certificate of the clerk or secretary-treasurer attesting its failure to transmit it;

(6) a duplicate of the opinion of the Commission de toponymie or the certificate of the clerk or secretary-treasurer attesting its failure to transmit it;

(7) proof of the publication of the application and of the notice accompanying it.

92. The Commission municipale du Québec shall, at the Minister's request, hold a public hearing on the application for amalgamation.

93. As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to each applicant municipality.

94. The Minister may order the consultation of the qualified voters of each applicant municipality.

The Minister may order that the qualified voters of only one of the applicant municipalities be consulted.

The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities.

The referendum poll shall be held on the date fixed by the Minister.

The question appearing on the ballot paper shall be as follows: "Do you approve the amalgamation of the territories of the following municipalities: (*insert here the names of the applicant municipalities*)?".

The statement of the final results of the poll for each of the applicant municipalities must be transmitted to the Minister as soon as possible.

All expenses incurred for or by reason of the consultation shall be paid by each applicant municipality.

DIVISION V

AMENDMENT PROPOSAL OF THE MINISTER

§ 1.—*Notice of the amendment proposal*

95. Where the Minister is of opinion that the application must be amended, he shall transmit to each applicant municipality a written notice setting out the amendment he intends to make to the application.

The Minister shall transmit a written notice to the Commission de toponymie where the amendment he intends to make concerns the name of the municipality proposed in the application.

96. Not later than 30 days after receiving the notice, the council of each applicant municipality shall inform the Minister in writing of its decision on the amendment proposal.

The clerk or secretary-treasurer of each applicant municipality shall transmit a certified copy of the resolution of the council to the Minister.

§ 2.—*Consultation*

97. Sections 98 to 105 do not apply where one of the applicant municipalities does not approve the proposal or where the Minister has not received the resolution of each applicant municipality within the time prescribed under section 96.

98. At the request of the Minister, the clerk or secretary-treasurer of the applicant municipality having the largest population shall transmit a copy of the Minister's notice and of the resolution of each applicant municipality to the regional county municipality.

99. Not later than 60 days after receiving copy of the notice and of each resolution, the regional county municipality may inform the Minister in writing of its opinion on the amendment proposal.

The Minister may, upon a request therefor, grant an extension to the regional county municipality.

100. As soon as possible after being so required by the Minister, the clerk or secretary-treasurer of the applicant municipality having the largest population shall publish, in a newspaper circulated in the applicant municipalities, a public notice containing

- (1) the amendment proposal submitted by the Minister;
- (2) a statement to the effect that the council of each municipality has approved the proposal;
- (3) a statement to the effect that any interested person may submit his objection to the amendment proposal to the Minister in writing, within 30 days of publication of the notice;
- (4) the address of the place where objections must be sent.

The clerk or secretary-treasurer shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.

101. Any interested person may, within 30 days of publication of the notice, submit his objection to the amendment proposal to the Minister in writing.

102. The Minister shall notify each applicant municipality in writing of every objection received within the prescribed time.

103. The Commission municipale du Québec shall, at the Minister's request, hold a public hearing on the amendment proposal.

104. As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to each applicant municipality and, where the name of the municipality was the subject of the public hearing, to the Commission de toponymie.

105. The Minister may order the consultation of the qualified voters of each applicant municipality.

The Minister may order that the qualified voters of only one of the applicant municipalities be consulted.

The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities.

The referendum poll shall be held on the date fixed by the Minister.

The question appearing on the ballot paper shall be as follows: "Do you approve the amendment proposal of the Minister of Municipal Affairs?".

The statement of the final results of the poll of each applicant municipality must be transmitted to the Minister as soon as possible.

The Minister shall determine who will pay the expenses incurred for or by reason of the consultation.

DIVISION VI

ORDER OF THE GOVERNMENT

106. The Minister may recommend that the application be granted by the Government with or without amendments.

Any amendment under the first paragraph must be previously approved by the council of each applicant municipality and, where applicable, by the qualified voters, in accordance with section 105.

107. The Government may, by an order reproducing the text of the application, with or without amendments, constitute the municipality resulting from the amalgamation into a local municipality.

Where the territories of the applicant municipalities are situated within that of more than one regional county municipality, the order shall specify the name of the regional county municipality in which the territory of the municipality is situated.

108. The plan referred to in section 91 must be approved by the Minister of Energy and Resources before the order is made by the Government.

Notwithstanding section 107, the territorial description contained in the order shall be the description prepared by the Minister of Energy and Resources.

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

DIVISION VII

DEFERRED ELECTION PROCEEDINGS

110. No regular election or by-election proceeding may take place in an applicant municipality within six months of the publication of the text of an application under section 90.

The Minister of Municipal Affairs shall fix the polling date of any election for which any of the proceedings must take place within six

months of the publication of the text of the application if, at the expiry of that period, the amalgamation is not in force.

Upon the application of an applicant municipality, the Minister may change the polling date fixed under the second paragraph.

The first three paragraphs do not apply where, owing to vacancies, there is no quorum on the council of an applicant municipality.

DIVISION VIII

TRANSITIONAL PROVISIONS

111. The conditions of amalgamation set out in the application or in the order may, for a period of not more than five years, establish a rule of law or make exception to any provision of any Act under the administration of the Minister of Municipal Affairs or to any special Act governing a local municipality or any instrument under such an Act.

112. The applicant municipalities shall cease to exist on the date of coming into force of the order and shall be replaced by the municipality resulting from the amalgamation.

113. The municipality succeeds to the rights and obligations of the applicant municipalities.

The municipality becomes, without continuance of suit, a party to all proceedings in the place and stead of the applicant municipalities.

114. All by-laws, resolutions or other acts adopted by an applicant municipality remain in force in the territory of the said municipality, until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.

They are deemed to be by-laws, resolutions or acts of the municipality.

115. Every act performed by an applicant municipality in respect of its territory shall retain its effects to the extent that it remains expedient.

Every such act is deemed to be an act of the municipality.

116. Any proceeding for the sale of an immovable for non-payment of taxes, or for repurchase or redemption thereof, commenced before the date of the coming into force of the order, shall be continued by

the person who initiated it, in accordance with the legislative provisions applicable in the territory of the municipality on the day preceding that date.

117. If, on the day of the coming into force of the order, an applicant municipality has failed to adopt a budget or a by-law or resolution for the imposition of taxes, to prepare a collection roll or to send tax accounts, the municipality resulting from the amalgamation must perform such acts in respect of the territory of the applicant municipality for the first fiscal year of the municipality.

The time limit prescribed for the performance of any of the acts described in the first paragraph is 30 days after the expiry of the time fixed for the performance of the preceding act; the first time limit begins to run from the date of the coming into force of the order.

118. The values entered on the real estate assessment roll or on the roll of rental values in force in the applicant municipalities shall be adjusted from the date of the coming into force of the order.

The adjustment shall be made as follows: the values entered on a roll are divided by the median proportion of such roll and multiplied by that of the roll of the applicant municipality having the largest population.

The first and second paragraphs do not apply to values entered on the real estate assessment roll or on the roll of rental values in force in the applicant municipality having the largest population.

This section applies to the rolls of the fiscal year in which the order comes into force. It also applies to the rolls of the following fiscal year if no assessment roll or roll of rental values taking the amalgamation into account is filed according to law at the office of the clerk or secretary-treasurer of the municipality.

119. Notwithstanding section 118, adjusted values shall not be used in computing the taxes imposed by an applicant municipality where the rate of real estate taxes is already fixed, but not in force, on the day of the coming into force of the order.

120. The roll in force in the applicant municipality having the largest population together with the rolls amended pursuant to section 118 shall constitute the roll of the municipality for the relevant fiscal year.

The median proportion and the factor of that roll are those of the roll of the applicant municipality having the largest population.

121. The officers and employees of the applicant municipalities shall become, without salary reduction, the officers and employees of the municipality and they shall retain their seniority and social benefits.

No officer or employee may be laid off or dismissed by reason of the amalgamation.

122. For the purposes of determining whether a person is qualified as an elector or as a candidate at an election in the territory of the municipality, any period, prior to the amalgamation, during which the person was domiciled or resident, continuously or not, in the territory of an applicant municipality or during which he was the owner of an immovable or the occupant of a place of business situated in the said territory shall be counted as if he had been domiciled or a resident, owner or occupant in the territory of the municipality from the beginning of such period.

123. The Government may, on the recommendation of the Minister of Municipal Affairs, fix an earlier polling date than the date fixed in the order.

124. The provisions of this division apply subject to the conditions of amalgamation set out in the order.

CHAPTER V

ANNEXATION

DIVISION I

SCOPE

125. For the purposes of this chapter, a regional or urban community and the Kativik Regional Government shall be regarded as regional county municipalities and their secretaries shall be regarded as secretary-treasurers.

126. For the purposes of this chapter, an interested person is a person who would be a qualified voter entitled to be entered on the referendum list of the area to be annexed if the date of reference, within the meaning of the Act respecting elections and referendums in municipalities, were the date of disapproval of the annexation by-law provided for in section 127 or, as the case may be, the date of expiry of the time prescribed for deciding in favour or against the by-law or, in case of objection to the amendment proposal submitted by the Minister, the date of the publication provided for in section 147.

The provisions of the said Act which pertain to the manner in which legal persons are to exercise their rights and the method of counting the qualified voters entitled to be entered on the referendum list and the applications for a referendum poll apply, adapted as required, to an application under section 133.

DIVISION II

BY-LAW

127. The council of a local municipality, by the affirmative vote of the absolute majority of its members, may adopt a by-law to extend the limits of its territory by annexing the whole or part of the territory of a contiguous local municipality or a contiguous unorganized territory.

Notwithstanding the foregoing, the council of a municipality shall not adopt such a by-law where the annexation would cause part of its territory to be situated within the territory of the Kativik Regional Government.

128. The by-law must contain a description of the area to be annexed and may set out any condition applicable to the annexation.

DIVISION III

CONSULTATION ON THE BY-LAW

129. The clerk or secretary-treasurer of the annexing municipality shall transmit a certified copy of the by-law to the municipality affected by the proposed annexation.

The clerk or secretary-treasurer shall also transmit a certified copy of the by-law to the regional county municipality which includes the area affected by the proposed annexation.

A duplicate of a land surveyor's plan of the area to be annexed must be attached to the copy of the by-law.

130. Not later than 30 days after receiving copy of the by-law, the council of the municipality affected by the proposed annexation must transmit its opinion on the application for annexation.

The clerk or secretary-treasurer of the municipality shall transmit a certified copy of the resolution of the council to the annexing municipality.

Where applicable, the clerk or secretary-treasurer of the annexing municipality shall draw up a certificate attesting the failure of the municipality affected by the proposed annexation to transmit its opinion.

131. The clerk or secretary-treasurer of the municipality affected by the annexation shall prepare a written estimate of the population of the area to be annexed.

He shall transmit, as soon as possible, a certified copy of the estimate to the clerk or secretary-treasurer of the annexing municipality.

132. If the council of the municipality affected by the annexation approves the by-law, the by-law must be submitted for approval to the qualified voters.

The Act respecting elections and referendums in municipalities applies for the purposes of the approval as if the by-law had been passed by the council of the municipality affected by the annexation.

The clerk or secretary-treasurer of the municipality affected by the annexation shall transmit, as soon as possible, to the annexing municipality a copy of the certificate stating the results of the registration procedure held to determine whether a referendum poll is necessary or a notice attesting that all the qualified voters entitled to be entered on the referendum list of the territory have waived the holding of the poll. If a poll is held, he shall transmit to the annexing municipality, as soon as possible, a copy of the statement of the final results of the poll.

Only the council of the annexing municipality may fix the date of the poll or withdraw the by-law and only the mayor of that municipality may give a voice vote to break a tie in the votes cast.

133. Where the council of the municipality affected by the annexation disapproves or fails to vote on the by-law, the council of the annexing municipality may consider the by-law approved as if it had been approved under section 132 if an application signed by at least two-thirds of the interested persons of the area to be annexed is transmitted to it within 45 days after the date of disapproval of the by-law or, as the case may be, the date of expiry of the time prescribed for voting on the by-law.

The clerk or secretary-treasurer of the annexing municipality shall transmit a copy of the application to the other municipality as soon as possible.

134. Every interested person wishing to do so shall enter his name, address and capacity on the application provided for in section 133 and affix his signature opposite such entries.

The address of the interested person shall be, according to the capacity entitling him to be entered on the referendum list of the territory, the address of the immovable where he is domiciled, of the immovable of which he is the owner or of the place of business of which he is the occupant. The address of the immovable shall include the apartment or room number, if any. If the immovable has no number, the cadastral number shall be used.

135. As soon as possible after receiving copy of the application, the clerk or secretary-treasurer of the municipality affected by the annexation shall draw up a certificate attesting that the signatories of the application represent at least two-thirds of the interested persons of the area to be annexed.

The clerk or secretary-treasurer shall transmit the certificate to the annexing municipality.

136. Where the area to be annexed is situated within the territory of more than one local municipality, the procedure provided for in sections 132 and 133 shall apply to each municipality.

The qualified voters and interested persons of the area to be annexed are, for the purposes of the first paragraph, the qualified voters and interested persons of that part of the area to be annexed which is situated within the territory of each of such municipalities.

137. Not later than three months after receiving copy of the by-law, the regional county municipality must transmit its opinion on the application for annexation.

The secretary-treasurer of the regional county municipality shall transmit a certified copy of the resolution to the clerk or secretary-treasurer of the annexing municipality.

Where applicable, the clerk or the secretary-treasurer of the annexing municipality shall draw up a certificate attesting the failure of the regional county municipality to transmit its opinion.

138. The clerk or secretary-treasurer of the annexing municipality shall transmit a certified copy of the by-law to the Minister of Municipal Affairs together with

- (1) the original plan prepared by a land surveyor;
- (2) a duplicate of every notice of motion, where applicable;
- (3) a certified copy of the public notice in which the by-law is published and, where it is not included in the notice, a copy of the certificate of publication of the notice, where applicable;
- (4) a certified copy of the resolution of the council of the municipality affected by the annexation or the certificate of the clerk or secretary-treasurer attesting its failure to transmit its opinion;
- (5) a duplicate of the estimate of the population of the area to be annexed;
- (6) a duplicate of the notice attesting that all the qualified voters entitled to be entered on the referendum list have waived the holding of the referendum poll, where applicable;
- (7) a duplicate of the certificate of the results of the registration procedure, where applicable;
- (8) a duplicate of the statement of the final results of the poll, where applicable;
- (9) the original of the application signed by the interested persons of the area to be annexed and a copy of the certificate attesting that the signatories of the application represent at least two-thirds of the interested persons of that area, where applicable;
- (10) a duplicate of the opinion of the regional county municipality or the certificate of the clerk or secretary-treasurer attesting the failure of the regional county municipality to transmit it.

139. The Commission municipale du Québec shall, at the Minister's request, hold a public hearing on the application for annexation.

140. As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to the annexing municipality and to the municipality affected by the annexation.

141. The Minister may order the consultation of the qualified voters of the area to be annexed.

Where the area to be annexed is situated within the territory of more than one local municipality, the Minister may order a consultation

in only one of such municipalities. The qualified voters, for the purposes of the consultation, are the qualified voters of that part of the area to be annexed which is situated within the territory of the said municipality.

The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities.

The referendum poll shall be held on the date fixed by the Minister.

The statement of the final results of the poll shall be transmitted to the Minister as soon as possible.

All expenses incurred for or by reason of the consultation shall be paid by the annexing municipality.

DIVISION IV

AMENDMENT PROPOSAL OF THE MINISTER

§ 1.—*Notice of the amendment proposal*

142. Where the Minister is of opinion that the by-law must be amended, he shall transmit to the annexing municipality a written notice setting out the amendment he intends to make to the by-law.

143. Not later than 30 days after receiving the notice, the council of that municipality shall inform the Minister in writing of its decision on the amendment proposal.

The clerk or secretary-treasurer of the annexing municipality shall transmit a certified copy of the resolution of the council to the Minister.

§ 2.—*Consultation*

144. Sections 145 to 152 do not apply where the annexing municipality does not approve the proposal or where the Minister has not received the resolution of the council of the annexing municipality within the time prescribed under section 143.

145. As soon as possible after being so required by the Minister, the clerk or secretary-treasurer of the annexing municipality shall transmit a copy of the Minister's notice and of the resolution of the annexing municipality to the municipality affected by the annexation.

Not later than 30 days after receiving copy of the notice and resolution, the municipality affected by the annexation may inform the Minister in writing of its opinion on the amendment proposal.

146. As soon as possible after being so required by the Minister, the clerk or secretary-treasurer of the annexing municipality shall also transmit a copy of the Minister's notice and resolution of the annexing municipality to the regional county municipality.

Not later than 60 days after receiving copy of the notice and resolution, the regional county municipality may inform the Minister in writing of its opinion on the amendment proposal.

The Minister may, upon a request therefor, grant an extension to the regional county municipality.

147. As soon as possible after being so required by the Minister, the clerk or secretary-treasurer of the annexing municipality shall give to the interested persons of the area to be annexed a public notice containing

- (1) the number, title, object and date of adoption of the by-law;
- (2) the amendment proposal submitted by the Minister;
- (3) a statement to the effect that the council of the annexing municipality has approved the proposal;
- (4) a statement to the effect that any interested person may submit his objection to the amendment proposal to the Minister in writing, within 30 days of publication of the notice;
- (5) the address of the place where objections must be sent.

The notice shall be given in accordance with the Act governing the municipality affected by the annexation.

The clerk or secretary-treasurer of the annexing municipality shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.

148. Any interested person may, within 30 days of publication of the notice, submit his objection to the amendment proposal to the Minister in writing.

149. The Minister shall notify the annexing municipality in writing of every objection received within the prescribed time.

150. The Commission municipale du Québec shall, at the Minister's request, hold a public hearing on the amendment proposal.

151. As soon as possible after the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to the annexing municipality and to the municipality affected by the annexation.

152. The Minister may order the consultation of the qualified voters of the area to be annexed.

Where the area to be annexed is situated within the territory of more than one local municipality, the Minister may order a consultation in only one of such municipalities. The qualified voters, for the purposes of the consultation, are the qualified voters of that part of the area to be annexed which is situated within each of such municipalities.

The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities.

The referendum poll shall be held on the date fixed by the Minister.

The question appearing on the ballot paper shall be as follows: "Do you approve the amendment proposal submitted by the Minister of Municipal Affairs?"

The statement of the final results of the poll shall be transmitted to the Minister as soon as possible.

The Minister shall determine who will pay the expenses incurred for or by reason of the consultation.

DIVISION V

NEGOTIATION OF AN AGREEMENT

153. The Minister shall notify, in writing, the annexing municipality and the municipality affected by the annexation of his intention to approve the by-law with or without amendments.

The notice must indicate the time granted for the presentation of a proposal for the negotiation of an agreement on the apportionment of the assets and liabilities relating to the area to be annexed.

Any amendments under the first paragraph must be previously approved by the council of the annexing municipality and, where applicable, by the council of the municipality affected by the annexation or by a majority of the qualified voters in accordance with sections 145 and 152.

154. Where the Minister receives, within the prescribed time, copy of a resolution proposing the negotiation of an agreement, he shall appoint a conciliator.

The Minister shall give to the annexing municipality and to the municipality affected by the annexation a written notice indicating the name of the conciliator and the time granted for reaching an agreement.

155. The Minister may, at the request of the annexing municipality or the municipality affected by the annexation, grant an extension for reaching an agreement.

156. At the expiry of the time granted, the conciliator shall transmit to the Minister a copy of the agreement or, if there is no agreement, a report on the situation.

The Minister may, following the report of the conciliator, impose an apportionment of the assets and liabilities. The apportionment shall be deemed to be an agreement.

157. Where the Minister submits an amendment proposal in respect of the agreement, sections 142 to 152, adapted as required, apply to the agreement.

For the purposes of sections 142, 143 and 144, the municipality affected by the annexation shall be deemed to be the annexing municipality.

158. The Minister may approve the negotiated agreement, with or without amendments.

Any amendments under the first paragraph must be previously approved by the council of the annexing municipality and by the council of the municipality affected by the annexation and, where applicable, by the qualified voters in accordance with section 152.

159. The agreement binds the municipalities.

DIVISION VI

DECISION OF THE MINISTER

160. The Minister may approve the by-law with or without amendments.

Any amendments made under the first paragraph must be previously approved by the council of the annexing municipality and, where applicable, by the council of the municipality affected by the annexation or by the qualified voters in accordance with sections 145 and 152.

161. The Minister of Municipal Affairs shall publish in the *Gazette officielle du Québec* a notice stating that he has approved the by-law with or without amendments and, where applicable, that he has approved an agreement with or without amendments or imposed an apportionment of the assets and liabilities.

The notice shall include a description of the annexed area.

162. The plan referred to in section 138 must be approved by the Minister of Energy and Resources before the notice provided for in section 161 is published.

The technical description of the annexed area contained in the notice shall be the description prepared by the Minister of Energy and Resources.

163. The by-law and, where applicable, the agreement shall come into force on the date of publication of the notice provided for in section 161 or on any later date indicated therein.

164. As soon as possible after publication of the notice provided for in section 161, the clerk or secretary-treasurer of each municipality shall give public notice of the annexation.

DIVISION VII

TRANSITIONAL PROVISIONS

165. In the case of total annexation, the annexing municipality succeeds to the rights and obligations of the municipality affected by the annexation.

The annexing municipality becomes, without continuance of suit, a party to all proceedings in the place and stead of the municipality affected by the annexation.

166. The conditions of annexation set out in the by-law and, where applicable, the conditions relating to the apportionment of the assets and liabilities set out in the agreement may, for a period of not more than five years, establish a rule of law or make exception to any provision

of any Act under the administration of the Minister of Municipal Affairs or to any special Act governing a local municipality or any instrument under such an Act.

167. All by-laws, resolutions or other acts adopted by the municipality affected by the annexation remain in force in the annexed area until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.

They are deemed to be by-laws, resolutions or acts of the annexing municipality.

The first two paragraphs do not apply to loan by-laws in the case of a partial annexation.

168. Every act performed in respect of the annexed area by the municipality affected by the annexation shall retain its effects to the extent that it remains expedient.

Every such act is deemed to be an act of the annexing municipality.

169. Any proceeding for the sale of an immovable for non-payment of taxes, or for repurchase or redemption thereof, commenced before the date of coming into force of the by-law shall be continued by the person who initiated it, in accordance with the legislative provisions applicable in the municipality on the day preceding that date.

170. In case of the annexation of the whole territory of a municipality, the values entered on the real estate assessment roll or on the roll of rental values in force in the annexed area shall be adjusted from the date of coming into force of the annexation.

The adjustment shall be made as follows: the values entered on any roll are divided by the median proportion of the roll and multiplied by that of the roll of the annexing municipality.

In case of the annexation of only part of the territory of a municipality or the annexation of an unorganized territory, the first and second paragraphs apply to the values of the immovables or places of business situated in the annexed area.

This section applies to the rolls of the fiscal year in which the annexation comes into force. It also applies to the rolls of the following fiscal year if no real estate assessment roll or roll of rental values taking the annexation into account is filed according to law at the office of the clerk or secretary-treasurer of the annexing municipality.

171. Notwithstanding section 170, adjusted values shall not be used in computing the taxes imposed by the municipality affected by the annexation where the rate of real estate taxes is already fixed, but not in force, on the day of the coming into force of the annexation.

172. The roll in force in the annexing municipality together with the rolls or parts of roll amended pursuant to section 170 shall constitute the roll of the annexing municipality for the relevant fiscal year.

173. Any part of the territory of a municipality which, prior to the date of the coming into force of the annexation, is situated within the territory of more than one regional county municipality shall form part of the territory of the regional county municipality in which the annexing municipality was situated before the annexation.

174. For the purposes of determining whether a person is qualified as an elector or as a candidate at an election in the territory of the annexing municipality, any period, prior to the annexation, during which the person was domiciled or resident, continuously or not, in the annexed territory or during which he was the owner of an immovable or the occupant of a place of business situated in the territory shall be counted as if he had been domiciled or a resident, owner or occupant in the territory of the annexing municipality from the beginning of such period.

175. The provisions of this division apply subject to the provisions of the agreement.

CHAPTER VI

RECTIFICATION OF TERRITORIAL BOUNDARIES

DIVISION I

SCOPE

176. For the purposes of this chapter, an urban or regional community and the Kativik Regional Government shall be regarded as regional county municipalities and their secretaries shall be regarded as secretary-treasurers.

DIVISION II

RECTIFICATION OF BOUNDARIES

177. The Minister of Municipal Affairs may, upon an application or of his own initiative, rectify the territorial boundaries of a local

municipality where the description is erroneous or imprecise or where a municipality has acted without right in a territory not subject to its jurisdiction.

178. Before rectifying the boundaries, the Minister shall transmit to each of the municipalities affected a written notice containing the proposed rectification and a statement to the effect that they may inform him in writing of their opinion on the proposed rectification.

The Minister shall also transmit the notice to the secretary-treasurer of the regional county municipality in which the territory affected by the proposed rectification is situated.

179. Not later than three months after receiving the notice, the local municipality and the regional county municipality may submit their opinion on the proposed rectification to the Minister in writing.

180. As soon as possible after being so required by the Minister, the clerk or secretary-treasurer of the local municipality shall publish in a newspaper circulated in the municipality a notice containing

(1) the description of the rectified territorial boundaries prepared by a land surveyor or a map or sketch showing the proposed rectification;

(2) a statement to the effect that any person may submit his objection to the proposed rectification to the Minister in writing, within 60 days of publication of the notice;

(3) the address of the place where objections must be sent.

The clerk or secretary-treasurer shall transmit a certified copy of the notice to the Minister as soon as possible after its publication, with proof of the date of publication.

181. Any person may, within 60 days of publication of the notice, submit his objection to the proposed rectification to the Minister in writing.

182. The Minister shall notify each local municipality in writing of every objection received within the prescribed time.

183. The Commission municipale du Québec shall, at the Minister's request, hold a public hearing on the proposed rectification.

184. After the hearing, the Commission shall transmit a report to the Minister who shall transmit a certified copy thereof to the regional

county municipality and to every local municipality affected by the proposed rectification.

185. The Minister may order the consultation of the qualified voters of each local municipality affected by the proposed rectification.

The consultation shall be made by way of a referendum poll conducted in accordance with the Act respecting elections and referendums in municipalities.

The referendum poll shall be held on the date fixed by the Minister.

The question appearing on the ballot paper shall be as follows: “Do you approve the proposed rectification of the territorial boundaries of your municipality?”.

The statement of the final results of the poll shall be transmitted to the Minister as soon as possible.

The Minister shall determine who will pay the expenses incurred for or by reason of the consultation.

186. The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to rectify the territorial boundaries of municipalities.

The notice must contain a description of the rectified boundaries. The description shall be the description prepared by the Minister of Energy and Resources.

187. The rectification may have effect retroactively.

The notice must, in that case, contain any description of territorial boundaries which applies on the date from which the decision of the Minister is given retroactive effect, and indicate the period during which the description is deemed to have applied.

188. The rectification shall not affect cases pending on the day on which the local municipality receives the notice provided for in section 178.

Where the notice provided for in the first paragraph is received on different dates by two or more municipalities, the date to be considered for the purposes of the said paragraph is the earliest of such dates.

189. The decision comes into force on the date of publication of the notice provided for in section 186 or on any later date indicated therein.

190. As soon as possible after publication of the notice provided for in section 186, the clerk or secretary-treasurer of the municipality whose territorial boundaries are rectified shall give public notice of the publication in the municipality.

CHAPTER VII

VALIDATION OF ACTS

191. The Minister may validate any act performed without right by a municipality in respect of a territory not subject to its jurisdiction.

Where applicable, the Minister may also determine conditions applicable to the termination of the administration of the affairs of the said territory by the municipality. The conditions may, for a period of not more than five years, establish a rule of law or make exception to any provision of any Act under the administration of the Minister of Municipal Affairs or to any special Act governing a local municipality or to any instrument under such an Act.

192. The Minister shall transmit to the municipality a written notice containing a proposal to validate the acts performed by it and, where applicable, to terminate the administration of the affairs of a territory not subject to its jurisdiction. The notice shall also contain a statement to the effect that the municipality may inform the Minister in writing of its opinion on the proposal.

He shall also transmit the notice to the secretary-treasurer of the regional county municipality whose territory is affected by the proposed validation.

Where the Minister intends to validate acts at the time of a rectification of territorial boundaries, the statements provided for in the first paragraph must be contained in the notice provided for in section 178.

193. Not later than three months after receiving the notice, the local municipality and the regional county municipality may submit their opinion on the validation proposal to the Minister in writing.

194. Following a validation under section 191, no allegation of illegality may be raised against acts performed by the municipality on

the ground that the municipality had no jurisdiction over the territory concerned.

The validation shall not affect cases pending on the day on which the local municipality receives the notice provided for in section 192.

Where the notice referred to in the second paragraph is received on different dates by two or more municipalities, the date to be considered for the purposes of the second paragraph is the earliest of such dates.

195. The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to validate the acts performed by the municipality and, where applicable, of his decision to terminate the administration of the affairs of the territory concerned by the municipality.

196. All by-laws, resolutions or other acts adopted by the municipality in respect of a territory not subject to its jurisdiction remain in force in the said territory, except where they are inconsistent with the conditions applicable to the termination of the administration of the affairs of the territory, until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed.

They are deemed to be by-laws, resolutions or acts of the municipality having jurisdiction over the territory concerned.

CHAPTER VIII

REDUCTION OF TERRITORY SITUATED IN WATER

DIVISION I

SCOPE

197. For the purposes of this chapter, an urban or regional community and the Kativik Regional Government shall be regarded as regional county municipalities and their secretaries shall be regarded as secretary-treasurers.

DIVISION II

BY-LAW

198. The council of a local municipality whose territory is bounded by a line running into a body of water may, by by-law, apply to the

Minister for a reduction of territory in respect of any part thereof which is situated in the water.

199. The by-law must contain a description of the proposed territorial boundaries.

200. The clerk or secretary-treasurer of the municipality shall transmit a certified copy of the by-law to the secretary-treasurer of the regional county municipality in which the municipality is situated.

A duplicate of a land surveyor's plan must be attached to the copy of the by-law.

201. Not later than three months after receiving copy of the by-law, the regional county municipality must transmit its opinion on the application for a reduction of territory.

The secretary-treasurer of the regional county municipality shall transmit a certified copy of the resolution of the council to the clerk or secretary-treasurer of the municipality.

Where applicable, the clerk or secretary-treasurer of the municipality shall draw up a certificate attesting the failure of the regional county municipality to transmit its opinion.

202. The clerk or secretary-treasurer of the municipality shall transmit a certified copy of the by-law to the Minister, together with

- (1) a duplicate of the plan prepared by a land surveyor;
- (2) a duplicate of every notice of motion , where applicable;
- (3) a certified copy of the public notice in which the by-law is published and, where it is not included in the notice, a duplicate of the certificate of publication of the notice;
- (4) a duplicate of the opinion of the regional county municipality or the certificate of the clerk or secretary-treasurer attesting its failure to transmit it.

DIVISION III

DECISION OF THE MINISTER

203. The Minister may, by order, reduce the territory of the local municipality having applied therefor.

204. The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to amend the description of the territorial boundaries of the municipality.

The notice must include a description of the territorial boundaries. The description shall be the description prepared by the Minister of Energy and Resources.

205. The decision shall come into force on the date of publication of the notice or on any later date indicated therein.

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

CHAPTER IX

REVISED DESCRIPTION OF TERRITORIAL BOUNDARIES

207. The council of a local municipality may, by by-law, revise the description of its territorial boundaries.

The description shall be the description prepared by the Minister of Energy and Resources.

TITLE III

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

MISCELLANEOUS PROVISIONS

208. The inobservance of a rule prescribed by this Act does not invalidate any act, unless it causes serious prejudice.

209. Every person who is required to sign his name on a document under this Act and who is unable to do so shall affix his mark to the document in the presence of a person who shall countersign.

210. Personal information required on a document under this Act is public information for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

211. For the purposes of this Act, the territory of the municipality of the parish of Notre-Dame-des-Anges shall form part of the territory of the Communauté urbaine de Québec.

CHAPTER II

LEGISLATIVE AMENDMENTS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

212. Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing paragraph 5 by the following paragraph:

“(5) “municipality” means a local municipality;”.

213. Section 1.1 of the said Act is amended

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

“**1.1** The provisions of this Act, adapted as required, other than those which are specifically applicable to an unorganized territory, apply to such a territory in accordance with the Act respecting municipal territorial organization (1988, chapter *insert here the chapter number of this Act*).”;

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

“Where the council of the regional county municipality exercises the powers mentioned in any provision of this Act which is specifically applicable to an unorganized territory, all the members of the council are qualified to take part in the deliberations and to vote.”

214. The heading of Chapter II of Title I of the said Act is replaced by the following: “PLANNING BY LAWS IN UNORGANIZED TERRITORIES”.

215. Section 76 of the said Act is amended by replacing the words “territories contemplated in article 36 of the Municipal Code (chapter C-27.1)” in the third and fourth lines of the first paragraph by the words “unorganized territories”.

216. Section 77 of said Act is amended by replacing the words “territories contemplated in article 36 of the Municipal Code (chapter C-27.1)” in the third and fourth lines of the first paragraph by the words “unorganized territories”.

217. Section 79 of the said Act, amended by section 666 of chapter 57 of the statutes of 1987, is again amended by replacing the words “a territory contemplated in article 36 of the Municipal Code (chapter C-27.1)” in the first and second lines by the words “an unorganized territory”.

218. Section 170 of the said Act is amended by replacing the second sentence by the following sentence: “For the purposes of any Act, the regional county municipality is a municipal county corporation and its territory is a county municipality.”

219. Section 171 of the said Act is amended by replacing the words “, municipalities governed by the Cities and Towns Act or special charter, territories contemplated in article 36 of the Municipal Code (chapter C-27.1), and municipalities constituted under the Act respecting municipal organization of certain territories (chapter O-8),” in the fifth, sixth, seventh, eighth, ninth and tenth lines by the words “and unorganized territories”.

220. Section 186 of the said Act is amended by striking out the second paragraph.

221. Section 186.1 of the said Act is amended

(1) by replacing the words “Any grouping” in the first line of the first paragraph by the words “Any constitution, any rectification of boundaries, any amalgamation”;

(2) by replacing the words “regrouping or annexation” in the fourth line of the second paragraph by the words “constitution, rectification, amalgamation or annexation”.

222. The said Act is amended by inserting, after section 186.1, the following section:

“186.2 In cases provided for in sections 186 and 186.1, the Government may, following the transmission to the Minister of Municipal Affairs of an application by one of the regional county municipalities concerned, amend the letters patent of those regional county municipalities to provide for the apportionment of assets and liabilities between them.”

223. Section 204.1 of the said Act is amended by replacing subparagraphs 3 and 4 of the first paragraph by the following subparagraph:

“(3) that of the functions referred to in section 1.1 of this Act and in the Act respecting municipal territorial organization in respect of an unorganized territory or, as the case may be, of a newly constituted municipality where a majority of the council members elected at the first election have not made oath.”

224. Section 242 of the said Act is amended

- (1) by striking out the first paragraph;
- (2) by replacing the words and figure “territories contemplated in article 36 of the Municipal Code” in the fourth line of the second paragraph by the words “unorganized territories”.

225. Section 245 of the said Act is amended

- (1) by striking out the third paragraph;
- (2) by striking out the fifth paragraph.

CULTURAL PROPERTY ACT

226. Section 60 of the Cultural Property Act (R.S.Q., chapter B-4) is replaced by the following section:

“**60.** This chapter applies to every local municipality.”

CITIES AND TOWNS ACT

227. Section 1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing subparagraphs *d* and *e* of the first paragraph by the following subparagraphs:

“(d) To every city or town municipality incorporated by letters patent under this Act, from the date of the coming into force of the Revised Statutes of Québec, 1977 until the date of the coming into force of section 232 of the Act respecting municipal territorial organization (1988, chapter *insert here the chapter number of this Act*);”;

“(e) To every local municipality constituted under the Act respecting municipal territorial organization and whose constituting order provides that it shall be governed by the provisions of this Act.”

228. Section 2 of the said Act, amended by section 684 of chapter 57 of the statutes of 1987, is again amended by striking out the first paragraph.

229. Section 3 of the said Act is amended

(1) by replacing the words “to strike from its charter any provision for which this act contains no corresponding provision, or to change its name” in the fourth, fifth and sixth lines of the first paragraph by the words “or to strike from its charter any provision for which this Act contains no corresponding provision”;

(2) by striking out the third paragraph.

230. Section 4 of the said Act is repealed.

231. Section 7 of the said Act is repealed.

232. Divisions II and III of the said Act are repealed.

233. The heading of subdivision 1 of Division IV of the said Act is replaced by the following heading:

“§ 1.—*General powers of the municipality*”.

234. Section 27 of the said Act is repealed.

235. Subdivision 2 of Division IV of the said Act is repealed.

236. Subdivision 4 of Division IV of the said Act is repealed.

MUNICIPAL CODE OF QUÉBEC

237. Article 1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the words “or to municipalities constituted under the Act respecting municipal territorial organization (1988, chapter *insert here the chapter number of this Act*), and governed by the Cities and Towns Act (R.S.Q., chapter C-19)” after the word “towns” in the fourth line.

238. Article 3 of the said Code is amended by replacing the words “organization of certain territories (chapter 0-8)” in the seventh and eighth lines of the second paragraph by the words “territorial organization and governed by the Cities and Towns Act”.

239. Article 4 of the said Code is amended by replacing the words “or town” in the fourth line of the first paragraph by the words “, a town or a municipality constituted under the Act respecting municipal territorial organization, and governed by the Cities and Towns Act”.

240. Article 5 of the said Code is replaced by the following article:

“5. The inhabitants and ratepayers of each county municipality form a county corporation.”

241. Article 25 of the said Code is amended by striking out paragraphs 1 and 2.

242. Article 26 of the said Code is amended by striking out the first paragraph.

243. Chapters II, III and IV of Title I of the said Code are repealed.

244. Article 119 of the said Code is repealed.

245. Article 143 of the said Code, amended by section 740 of chapter 57 of the statutes of 1987, is repealed.

246. Article 145 of the said Code is amended by replacing the words and figure “, under article 143,” in the first and second lines of the first paragraph by the words “in accordance with the Act respecting municipal territorial organization”.

247. Article 179 of the said Code is amended by striking out the second paragraph.

248. Article 490 of the said Code is amended by replacing the first paragraph by the following paragraph:

“490. Every local corporation may make, amend or repeal by-laws to secure the peace, order, good government and general welfare in the municipality, provided such by-laws are not inconsistent with the laws of Canada or of Québec.”

249. Article 987 of the said Code is repealed.

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

250. Section 262 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the words “according to the last census recognized as valid by the Government under the Cities and Towns Act (chapter C-19) and under the Municipal Code (chapter C-27.1)” in the third, fourth and fifth lines by the words “of its territory”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

251. Section 332 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by striking out the words “the population of a municipality is that indicated in the last census recognized as valid by the Government under the Cities and Towns Act (chapter C-19) or the Municipal Code (chapter C-27.1), as the case may be, and” in the first, second, third and fourth lines.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

252. Section 247 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), replaced by section 21 of chapter 108 of the statutes of 1987, is again amended by striking out the words “the population of a municipality is the same as for the purposes of the Act respecting elections and referendums in municipalities and” in the first, second and third lines.

ACT RESPECTING MUNICIPAL TAXATION

253. Section 8 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing the first paragraph by the following paragraph:

“8. Jurisdiction in real estate assessment in any unorganized territory belongs to the county corporation having jurisdiction under the Act respecting municipal territorial organization (1988, chapter *insert here the chapter number of this Act*).”

ACT TO AUTHORIZE MUNICIPALITIES TO COLLECT DUTIES ON TRANSFERS OF IMMOVEABLES

254. Section 1 of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39) is amended by replacing the definition of the word “municipality” by the following definition:

““municipality” means a local municipality;”.

ACT RESPECTING MUNICIPAL ORGANIZATION OF CERTAIN TERRITORIES

255. The Act respecting municipal organization of certain territories (R.S.Q., chapter O-8) is repealed.

POLICE ACT

256. Section 64 of the Police Act (R.S.Q., chapter P-13) is amended by striking out the second sentence of the first paragraph.

ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

257. The Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is repealed.

MINING VILLAGES ACT

258. The Mining Villages Act (R.S.Q., chapter V-6) is repealed.

MINING TOWNS ACT

259. The Mining Towns Act (R.S.Q., chapter V-7) is repealed.

ACT RESPECTING THE FORMATION OF MUNICIPALITIES
IN THE TERRITORY OF THE COUNTIES OF ABITIBI
AND TEMISCAMINGUE, SITUATE TO THE NORTH OF THE 48th PARALLEL OF LATITUDE

260. The Act respecting the formation of municipalities in the territory of the counties of Abitibi and Témiscamingue, situate to the north of the 48th parallel of latitude (R.S.Q., 1925, chapter 104) is repealed.

TEMPERANCE ACT

261. Section 43.0.1 of the Temperance Act (R.S.Q., 1964, chapter 45), enacted by section 825 of chapter 57 of the statutes of 1987, is amended by replacing the words “territory contemplated in article 36 of the Municipal Code of Québec (R.S.Q., chapter C-27.1)” in the sixth and seventh lines by the words “unorganized territory”.

ACT RESPECTING THE TOWN OF SCHEFFERVILLE

262. Section 2 of the Act respecting the town of Schefferville (1986, chapter 51) is amended by replacing the first paragraph by the following paragraph:

“**2.** The territory of the town of Schefferville shall become, from the date determined under section 1, an unorganized territory forming part of the territory of the regional county municipality of Caniapiscau.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

263. Section 514 of the Act respecting elections and referendums in municipalities (1987, chapter 57) is amended by replacing the words “a grouping of municipalities” in the first line of subparagraph *c* of paragraph 1 by the words “a constitution or amalgamation”.

264. Section 515 of the said Act is amended

(1) by inserting the word “local” in the first line of the first paragraph before the word “municipalities”;

(2) by striking out the second paragraph.

265. Section 654 of the said Act is repealed.

CHARTER OF THE CITY OF QUÉBEC

266. Section 5 of the Charter of the city of Québec (1929, chapter 95), replaced by section 9 of chapter 51 of the statutes of 1948, amended by section 2 of chapter 85 of the statutes of 1966-67 and replaced by section 1 of chapter 75 of the statutes of 1972, is again amended by striking out the second paragraph.

CHARTER OF THE CITY OF MONTRÉAL

267. Article 11 of the Charter of the city of Montréal (1959-60, chapter 102) is amended by striking out the second paragraph.

IMPLIED AMENDMENTS

268. For the purposes of any other Act, the expression “local corporation” or “local municipal corporation”, or the words “corporation” or “municipal corporation” where they are given the meaning of either of those expressions, mean a local municipality within the meaning of this Act.

For the purposes of any other Act, the expression “local municipality”, or the word “municipality” where it is given the meaning of that expression, means a local municipality within the meaning of this Act or, according to the context, the territory of such a municipality.

For the purposes of any other Act, where the words “corporation”, “municipal corporation” or “municipality” are preceded by the words “local”, “rural”, “country” or “village” for the purpose of excluding cities and towns, the expression so formed means a local municipality within the meaning of this Act that is governed by the Municipal Code of Québec or, according to the context, the territory of such a local municipality.

For the purposes of any other Act, where the words “corporation”, “municipal corporation” or “municipality” are preceded by the word “rural” or “country” for the purpose of excluding village corporations or municipalities, the expression so formed means a parish municipality, a municipality of part of a parish, a township municipality, a municipality of part of a township, a united township municipality or a local

municipality within the meaning of this Act that is governed by the Municipal Code of Québec other than a village municipality or, according to the context, the territory of such a municipality.

269. Any provision of any general law, special Act, letters patent, proclamation, order in council, order, ordinance, regulation, by-law or resolution in force on 31 December 1988 is inoperative to the extent that it is inconsistent with this Act.

270. Every provision of the charter of a municipality which becomes inoperative on 31 December 1988 by the effect of the first paragraph of section 2 of the Cities and Towns Act remains inoperative notwithstanding the striking out of that paragraph by section 228 of this Act, even if the provision is not inconsistent with this Act.

271. Every reference in any general law or special Act to a provision replaced or repealed by this Act is a reference to the corresponding provision of this Act, where applicable.

CHAPTER III

TRANSITIONAL PROVISIONS

272. Every local municipality incorporated before 1 January 1989 shall continue to exist under its name and with the same territory as if it had been constituted under this Act.

Notwithstanding the first paragraph, any municipality incorporated under the Act respecting municipal organization of certain territories shall cease to exist and its territory shall become an unorganized territory within the meaning of this Act.

273. Every local municipality governed, on 31 December 1988, by the Municipal Code of Québec shall continue to be governed by the said Code.

The first paragraph applies subject to sections 15 to 26 of the Cities and Towns Act.

274. Every local municipality governed, on 31 December 1988, by the Cities and Towns Act shall continue to be governed by the said Act.

275. Every local municipality governed, on 31 December 1988, by the Charter of the city of Montréal or of the city of Québec shall continue to be governed by the said Charter.

276. On the application of a local municipality whose territory is bounded by a body of water, the Minister of Municipal Affairs may amend the description of the territorial boundaries of the municipality in order to extend them into the body of water.

277. The clerk or secretary-treasurer of the municipality shall transmit a certified copy of the resolution to the Minister before 1 January 1991.

The copy of the resolution must be accompanied with the original of a description of the proposed water boundaries and of a plan prepared by a land surveyor.

278. The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to extend the water boundaries of the municipality.

The notice must contain a description of the new water boundaries of the municipality. The description shall be the description prepared by the Minister of Energy and Resources.

279. The decision shall come into force on the date of publication of the notice or on any later date indicated therein.

280. As soon as possible after the coming into force of the Minister's decision, the clerk or secretary-treasurer of the municipality shall give public notice of the decision.

281. Notwithstanding the striking out of paragraph 1 of article 25 of the Municipal Code of Québec and the repeal of section 32 of the Cities and Towns Act, every local municipality whose territory is bounded by a body of water on 31 December 1988 and which, on that date, has, under those provisions, jurisdiction over any part of the body of water concerned shall retain such jurisdiction until 31 December 1990 or, where applicable, until the date of the coming into force of the Minister's decision made under section 276 of this Act.

282. The school corporation established under section 15 of the Mining Towns Act and the school municipality incorporated under the said section are deemed to be incorporated by or under the Education Act (R.S.Q., chapter I-14).

283. Proceedings brought on or before 31 December 1988 in accordance with any provision amended, replaced or repealed by this Act may be continued in accordance with that provision as it stood

on that date where it is impossible to continue them in accordance with this Act by reason, for instance, of the time limits fixed under this Act or another Act.

284. All letters patent, orders in council, orders, proclamations, regulations, by-laws, resolutions or ordinances in force on 31 December 1988 and issued or made under any provision replaced or repealed by this Act remain in force until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed by this Act. Where such is the case, they are deemed to have been issued or adopted under the corresponding provision of this Act.

285. Every act performed before 1 January 1989 under any provision replaced or repealed by this Act retains its effects to the extent that it remains expedient. Every such act is deemed to have been performed under the corresponding provision of this Act.

The first paragraph does not apply to the regrouping units established under the Act to promote the regrouping of municipalities.

CHAPTER IV

FINAL PROVISIONS

286. The Minister of Municipal Affairs is responsible for the administration of this Act.

287. Paragraph 1 of section 225 and section 232 come into force on the date fixed by the Government.

288. This Act comes into force on 1 January 1989.

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