

NATIONAL ASSEMBLY

FIRST SESSION

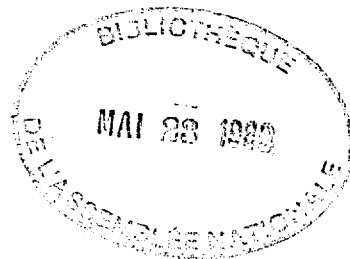
THIRTY-THIRD LEGISLATURE

Bill 36

An Act to amend the Cities and Towns Act

Introduction

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



**Québec Official Publisher
1986**

EXPLANATORY NOTES

This bill amends the Cities and Towns Act to increase or revise the powers of municipalities governed by that Act in view of enabling them to improve the efficiency of their administration.

In particular, the new provisions enable municipalities to entrust the operation of a water purification works to a third person, to establish priority lanes for emergency vehicles in the vicinity of public buildings and to establish more adequate pension plans in favour of municipal officers and employees. They also give the municipal council greater discretion in respect of the content of a program of revitalization of the municipal territory and broaden its power to regulate the storage or accumulation of hazardous substances in its territory.

In the matter of municipal financing, the bill brings an amendment whereby a municipality may choose, by a mere resolution requiring no approval, a borrowing method other than the method prescribed in the loan by-law where the burden on the ratepayers is increased by reason only of administrative expenses relating to the new borrowing method. Finally, an amendment proposes that the right to vote for or against a loan by-law be reserved to only those owners who are affected by the municipal works envisaged if such owners are required to assume 75% or more of the cost of the loan contracted in respect of the works.

Bill 36

An Act to amend the Cities and Towns Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 29.2 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the figure “100 000” in the third line of the first paragraph by the figure “75 000”.

2. The said Act is amended by inserting, after section 29.9 enacted by section 14 of chapter 27 of the statutes of 1985, the following section:

“29.10 A corporation, in accordance with the rules applicable to it, may enter into an agreement with the council of a band, within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6) or of the Cree — Naskapi (of Québec) Act (Statutes of Canada, 1984, chapter 18), provided it is an agreement which, by law, may be entered into between two municipal corporations.

This section applies to all city or town municipalities, even those not contemplated in section 1.”

3. Section 72 of the said Act, amended by section 16 of chapter 27 of the statutes of 1985, is again amended by replacing the fourth paragraph by the following paragraph:

“Where the conduct of the officer or employee has been examined by the Commission in the course of an investigation contemplated in subsection 1 of section 22 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), the appeal shall be brought before a judge of the Provincial Court who shall decide finally. The appeal shall be brought by a motion served on the municipality and on the

Commission and filed in the office of the Provincial Court in the judicial district in which the appellant is domiciled, within fifteen days after the day on which the resolution is served. Upon service of the motion, the Commission shall transmit to the Provincial Court that part of its investigation report which deals with the conduct of the officer or employee.”

4. Section 110 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The powers of the rural inspector regard only farms within the meaning of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and the land adjacent to such farms.”

5. Section 412 of the said Act, amended by section 17 of chapter 27 of the statutes of 1985, is again amended

(1) by inserting, after paragraph 21, the following:

“XII.1 – Emergency vehicles

“(21.1) (a) To require the owner of a building subject to Chapter III of the Building Act (1985, chapter 34) to see to it that priority lanes for emergency vehicles are laid out in the vicinity of such a building, to prohibit all other vehicles from parking in the priority lanes, and to define “emergency vehicle”;

(b) To exempt any categories of buildings it determines from the application of the rules established under subparagraph *a*;

(c) To prescribe that any contravention of the parking prohibition prescribed under subparagraph *a* is assimilated to a contravention of the street parking by-law of the municipality and that the rules on the towing and impounding of vehicles that hinder roadwork apply to any illegally parked vehicle;”;

(2) by inserting, after the word “dwelling” in the first line of subparagraph *a* of paragraph 23.1, the words “or of a building not subject to Chapter III of the Building Act (1985, chapter 34)”;

(3) by inserting, after the word “dwelling” in the first line of subparagraph *c* of paragraph 23.1, the words “or in a building contemplated in subparagraph *a*”;

(4) by inserting, after the word “dwelling” in the first line of subparagraph *d* of paragraph 23.1, the words “or of a building, even a building subject to Chapter III of the Building Act,”;

(5) by inserting, after the word “dwelling” in the first line of subparagraph *e* of paragraph 23.1, the words “or of a building contemplated in subparagraph *a*”;

(6) by inserting, after the word “dwellings” in the first line of subparagraph *g* of paragraph 23.1, the word “,buildings”;

(7) by replacing the words “or explosive materials” in the third line of paragraph 32 by the words “explosive, corrosive, toxic or radioactive or other materials that are harmful to public health or safety”;

(8) by adding, after the first paragraph of paragraph 32, the following:

“By-laws passed under the first paragraph require the approval of the Minister of the Environment;”.

6. Section 464 of the said Act is amended

(1) by inserting, after the first paragraph of paragraph 8, the following paragraph:

“A by-law passed under this paragraph may establish classes of officers or employees and prescribe that the pension plan is restricted to a certain class or that separate plans are established for each class.”;

(2) by adding, at the end of the third paragraph of paragraph 8, the following sentence: “The by-law may have effect retroactively to the date the contributions began to be paid.”

7. Section 465 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“The funds accumulated in a retirement pension fund established and maintained by a municipality to the credit of an officer or employee who is subsequently employed by a person whose employees are members of a pension plan that is subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17) are transferable to that plan at the request of the officer or employee on the conditions fixed by the Régie des rentes du Québec.”

8. Section 468.01 of the said Act, enacted by section 21 of chapter 27 of the statutes of 1985, is repealed.

9. Section 468.51 of the said Act, amended by section 23 of chapter 27 of the statutes of 1985, is again amended by inserting after the word "Act" in the fourth line, the words "sections 22 and 23 of the Act respecting the Commission municipale (R.S.Q., chapter C-35),".

10. Section 486 of the said Act is amended by striking out the words "and woodlots" in paragraph *a* of subsection 2.

11. Section 542.1 of the said Act, replaced by section 32 of chapter 27 of the statutes of 1985, is again replaced by the following section:

"542.1 The council may pass a by-law for the adoption of a program of revitalization of all or part of the territory of the municipality."

12. Section 542.4 of the said Act, replaced by section 32 of chapter 27 of the statutes of 1985, is again replaced by the following section:

"542.4 The council may, by by-law, on the conditions that it determines and for that part of the territory of the municipality that is designated as the "centre" pursuant to a special planning program, order that the municipality grant a subsidy for any work consistent with a revitalization program. In no case may the amount of the subsidy exceed the actual cost of the work."

13. Section 561 of the said Act, amended by section 34 of chapter 27 of the statutes of 1985, is again amended by replacing the second paragraph by the following paragraph:

"The rules provided in the first paragraph concerning the approval or disapproval of the by-law apply where 75% or more of the loan to be repaid is charged to the owners of immovables of only part of the municipality or to the persons benefiting from the works as determined pursuant to section 487, as if the repayment of the loan were entirely charged to them."

14. Section 564 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"For the purposes of the first paragraph, the burden on the ratepayers is deemed not to be increased where the additional cost arising from a change in the borrowing method is connected with the administrative expenses of the new borrowing method and nothing else."

15. The said Act is amended by inserting, after section 573.10, the following section:

“573.11 A municipality may enter into a contract with a person other than the Société québécoise d’assainissement des eaux under which it entrusts the operation of a waste water purification works to that person.”

16. Every provision of a by-law in force on 31 August 1986 and adopted pursuant to a provision replaced or repealed by this Act remains in force until it is replaced or repealed under the provision enacted by this Act.

17. Every act performed before 31 August 1986 pursuant to a provision repealed or replaced by this Act retains its effects if they are still relevant.

18. Sections 2 and 8 have effect from 20 June 1985.

19. Paragraph 1 of section 2 and Chapter III of the Building Act come into force on 1 September 1986 for the purposes of paragraph 21.1 of section 412 of the Cities and Towns Act, enacted by section 5, and of paragraph 23.1 of the said section 412, amended by section 5.

20. Section 6 has effect from 1 January 1983.

21. Section 9 has effect from 1 January 1985.

22. This Act comes into force on 1 September 1986.