



NATIONAL ASSEMBLY

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THIRTY-THIRD LEGISLATURE

Bill 37

An Act to amend the Municipal Code of Québec

Introduction

Introduced by
Mr André Bourbeau
Minister of Municipal Affairs

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EXPLANATORY NOTES

This bill amends the Municipal Code of Québec to increase or revise the powers of municipal corporations governed by that Code in view of enabling them to improve the efficiency of their administration.

In particular, the new provisions enable a municipal corporation 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 a program of revitalization of the municipal territory and empower it to regulate the storage or accumulation of hazardous substances in its territory.

In the matter of municipal financing, the bill amends the Code to permit a municipal corporation to choose, by a mere resolution requiring no approval, a borrowing method other than the method indicated in the loan by-law if 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 37

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 14.7 enacted by section 40 of chapter 27 of the statutes of 1985, the following article:

“14.8 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 Quebec) Act (Statutes of Canada, 1984, chapter 18), provided it is an agreement which, by law, may be entered into between two municipal corporations.”

2. Article 181 of the said Code, amended by section 44 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 secretary-treasurer 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 municipal corporation 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 secretary-treasurer.”

3. Article 555 of the said Code, amended by section 47 of chapter 27 of the statutes of 1985, is again amended

(1) by inserting, after the word “dwelling” in the first line of subparagraph *a* of paragraph 5, the words “or of a building not subject to Chapter III of the Building Act (1985, chapter 34)”;

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

(3) by inserting, after the word “dwelling” in the first line of subparagraph *d* of paragraph 5, the words “or of a building, even a building contemplated in Chapter III of the Building Act,”;

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

(5) by inserting, after the word “dwelling” in the first line of subparagraph *g* of paragraph 5, the word “buildings,”;

(6) by inserting, after paragraph 7, the following paragraph:

“(7.1) to regulate or prohibit the storage or use of gun-powder, dry-pitch, resin, petroleum, benzine, naphtha, gasoline, turpentine, guncotton, nitro-glycerine and other combustible, explosive, corrosive, toxic, radioactive or other materials harmful to public health or safety, within the limits of the municipality or within one mile therefrom; by-laws passed under this paragraph require the approval of the Minister of the Environment;”.

4. The said Code is amended by inserting, after article 566.1 enacted by section 49 of chapter 27 of the statutes of 1985, the following article:

“566.2 A local corporation may adopt, amend or repeal by-laws

(1) 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”;

(2) to exempt any category of buildings it determines from the rules established under paragraph 1;

(3) to prescribe that any contravention of the parking prohibition prescribed under paragraph 1 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.”

5. Article 569.1 of the said Code, enacted by section 51 of chapter 27 of the statutes of 1985, is repealed.

6. Article 620 of the said Code, amended by section 53 of chapter 27 of the statutes of 1985, is again amended by inserting, after the words “(chapter C-19)” in the fourth and fifth lines, the words “, sections 22 and 23 of the Act respecting the Commission municipale (R.S.Q., chapter C-35),”.

7. Article 678.1 of the said Code, enacted by section 57 of chapter 27 of the statutes of 1985, is again amended by replacing the words “taxable immovables in” in the second and third lines of the fourth paragraph by the words “taxable immovable, within the meaning of the second paragraph of subarticle 6 of article 681, of”.

8. Article 681 of the said Code is amended by striking out the words “and woodlots” in the first and second lines of subparagraph 4 of the second paragraph of subarticle 6.

9. Article 687 of the said Code is amended by striking out the words “subject to sections 2 to 5 of the Act respecting Winter Vehicles Used in Certain Counties (Revised Statutes, 1941, chapter 244),” in the first and second lines of paragraph 2.

10. Article 704 of the said Code is amended by adding, at the end, the following paragraph:

“A by-law passed under the first 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.”

11. Article 706 of the said Code is amended by adding, at the end of the first paragraph, the following sentence: “The by-law may have retroactive effect to the date the contributions began to be paid.”

12. Article 707 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“The funds accumulated in a retirement pension fund established and maintained by a corporation and standing 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.”

13. Article 793 of the said Code is repealed.

14. The said Code is amended by inserting, after article 944, the following article:

“**944.1** A corporation 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.”

15. Article 990 of the said Code is amended by striking out the words “and woodlots” in the first line of paragraph *a* of subarticle 2.

16. Article 1008 of the said Code, replaced by section 67 of chapter 27 of the statutes of 1985, is again replaced by the following article:

“**1008.** A local corporation may pass a by-law for the adoption of a program of revitalization of all or part of the territory of the municipality.”

17. Article 1011 of the said Code, replaced by section 67 of chapter 27 of the statutes of 1985, is again replaced by the following article:

“**1011.** A local corporation may, by by-law, on the conditions that it determines and for that part of its territory that is designated as the “central sector” pursuant to a special planning program, order that the corporation 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.”

18. Article 1076 of the said Code 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.”

19. Article 1084 of the said Code, amended by section 69 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 immovable property of part only of the municipality or to the persons benefiting from the work as determined pursuant to article 979, as if the repayment of the loan were entirely charged to them.”

20. 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.

21. 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.

22. Sections 1 and 5 have effect from 20 June 1985.

23. Paragraph 1 of section 2 and Chapter III of the Building Act come into force on 1 September 1986 for the purposes of article 555 of the Municipal Code of Québec, amended by section 3, and of article 566.2 of the said Code, enacted by section 4.

24. Section 6 has effect from 1 January 1985.

25. Sections 10 and 11 have effect from 1 January 1983.

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