

NATIONAL ASSEMBLY

FIFTH SESSION

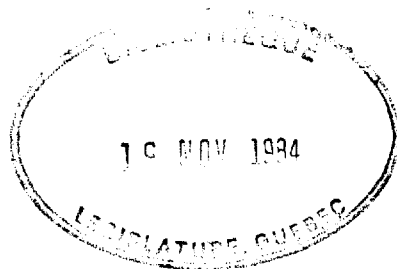
THIRTY-SECOND LEGISLATURE

Bill 6

**An Act to amend various legislation
favouring the development
of water sites**

Introduction

**Introduced by
Mr Alain Marcoux
Minister of Municipal Affairs**



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EXPLANATORY NOTES

The object of this bill is to permit the municipalities and the urban or regional communities to execute works to improve the quality of the water sites in their territory and promote access to them.

This bill also empowers the Société québécoise d'assainissement des eaux (water purification corporation) to finance the works.

ACTS AMENDED BY THIS BILL:

1. The Municipal Code (R.S.Q., chapter C-27.1)
2. The Cities and Towns Act (R.S.Q., chapter C-19)
3. The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)
4. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
5. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)
6. The Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21)

Bill 6

An Act to amend various legislation favouring the development of water sites

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Municipal Code (R.S.Q., chapter C-27.1) is amended by replacing the heading of Section XX of Chapter II of Title XIV by the following title:

“IMPROVEMENT OF WATER SITES
AND PROTECTION AGAINST FLOODING”.

2. The said Code is amended by inserting, after the heading of Section XX of Chapter II of Title XIV, the following article:

“555.1 Every local corporation, for the object of improving the quality of water sites and promoting access thereto, may make, amend or repeal by-laws to order development works on the beds, including the banks or shores and the lands bordering thereon, of municipal or other lakes and watercourses situated in its territory, and works to control their water-level.

The corporation may execute the works on its own immovables, on any privately owned immovable with the concurrence of the owner or, according to law, on immovables forming part of the public domain.

In the case of works on a privately owned immovable, the works constructed become the property of the owner of the immovable, who thereby becomes responsible for their upkeep. If the owner fails to do the upkeep, the local corporation may do it at his expense.”

3. Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding, after paragraph 32, the following paragraph:

“(33) To order, for the object of improving the quality of water sites and promoting access thereto, development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

The council may execute the works on its own immovables, on any privately owned immovable with the concurrence of the owner or, according to law, on immovables forming part of the public domain.

In the case of works on a privately owned immovable, the works constructed become the property of the owner of the immovable, who thereby becomes responsible for their upkeep. If the owner fails to do the upkeep, the council may do it at his expense.”

4. The Act respecting the Communauté régionale de l’Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 84.2, the following section:

“**84.3** The Community has the competence, for the object of improving the quality of water sites and promoting access thereto, to order, by by-law, development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

The Community may execute the works on its own immovables or, according to law, on immovables forming part of the public domain.”

5. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 121.1, the following section:

“**121.2** The Community has the competence, for the object of improving the quality of water sites and promoting access thereto, to order, by by-law, development works on the beds, including the banks or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

The Community may execute the works on its own immovables or, according to law, on immovables forming part of the public domain.”

6. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 96, the following section:

“**96.01** The Community has the competence, for the object of improving the quality of water sites and promoting access thereto, to order, by by-law, development works on the beds, including the banks

or shores and the lands bordering thereon, of the lakes and watercourses situated in its territory, and works to control their water-level.

The Community may execute the works on its own immovables or, according to law, on immovables forming part of the public domain.”

7. Section 18 of the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.21) is amended by replacing paragraph 3 by the following paragraphs:

“(3) to carry out other studies in matters of sewerage and water purification;

“(4) to finance development works on the beds, including the banks or shores and the lands bordering thereon, of lakes or watercourses;

“(5) to finance works to control the water-level of lakes or watercourses.”

8. The said Act is amended by inserting, after section 27, the following section:

“27.1 The corporation has authority to pursue the objects contemplated in paragraphs 4 and 5 of section 18 only if a municipality has made an application to it to that effect and if the Minister of Environment has given his approval to the projected development or control works described in the application and determined the financial obligations of the Government in respect of the works.

Once the conditions have been fulfilled, the corporation shall make an agreement with the municipality concordant with the terms approved and determined by the Minister pursuant to the first paragraph.

The making of the agreement confers on the corporation the right to require the execution in its favour of the financial obligations contemplated in the first paragraph up to the amount provided for in the agreement for works financed by the corporation.”

9. Section 30 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) to prescribe the minimum content of agreements contemplated in the third paragraph of section 21 and in the second paragraph of section 27.1;”.

10. Section 42 of the said Act is replaced by the following section:

“42. Notwithstanding section 27 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), only the convention contemplated in the first paragraph of section 21 or the agreement

contemplated in the second paragraph of section 27.1 requires the approval of the Commission municipale.”

11. Section 44 of the said Act is replaced by the following section:

“**44.** This Act does not prevent a municipality from consulting, in respect of a convention contemplated in the first paragraph of section 21 or an agreement contemplated in the second paragraph of section 27.1, the electors who are owners of taxable immovables, in accordance with article 444 of the Municipal Code, or the owners, in accordance with section 351 of the Cities and Towns Act, as the case may be.”

12. Section 44.1 of the said Act is replaced by the following section:

“**44.1** The Municipal Works Act (R.S.Q., chapter T-14) does not apply in the case of works carried out pursuant to an agreement contemplated in section 21 or 27.1.”

13. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

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