

NATIONAL ASSEMBLY

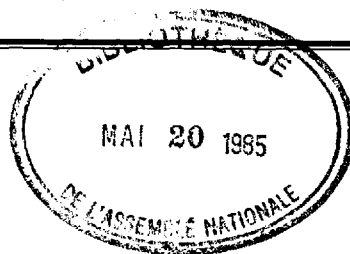
FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 45

An Act to amend various legislation respecting municipalities

Introduction



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

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EXPLANATORY NOTES

This bill amends various Acts concerning municipal bodies to introduce measures of economy and simplification, to eliminate certain juridical obstacles encountered in the course of the administration of municipalities and to extend to all municipalities of Québec certain necessary powers presently enjoyed by certain municipal corporations.

More particularly, the bill enables municipalities to purchase goods or services jointly with other municipalities or with other public bodies or non-profit bodies. It also enables them to organize the selective collection of refuse in view of salvaging whatever may be re-used or recycled.

The bill also proposes to allow the municipalities to sell, lease or give immovables to day care centres. They will also be authorized to resort to private enterprise for the maintenance of a service of fire protection. Municipalities will also be authorized to own immovables for the purpose of setting up a land or housing reserve.

ACTS AMENDED BY THIS BILL

- (1) the Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- (2) the Cities and Towns Act (R.S.Q., chapter C-19);
- (3) the Municipal Code (R.S.Q., chapter C-27.1);
- (4) the Act respecting the Commission municipale (R.S.Q., chapter C-35);
- (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 intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);

(9) the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);

(10) the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1);

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

(12) the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);

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

(14) the Act respecting Northern Villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(15) the Act respecting public elementary and secondary education (1984, chapter 39);

(16) the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);

(17) the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98);

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

(19) the Charter of the city of Montréal (1959-60, chapter 102);

(20) the Act to revise the Charter of the city of Hull (1975, chapter 94).

Bill 45

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 23 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is replaced by the following section:

“23. A public meeting must be held in the territory of not less than one-half of the municipalities. The combined populations of the municipalities in which such a meeting is held must represent not less than two-thirds of the population of the regional county municipality.”

2. Section 48 of the said Act is amended by adding, at the end, the following paragraph:

“A copy of the resolution, together with a notice of the date of its adoption, shall also be sent to the Minister where the amendment envisaged affects lands of the public domain. In such a case, sections 27 to 30, adapted as required, apply.”

3. Section 85.1 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “Where a municipality adopts a planning program providing for more than one centre or central sector in its territory, it may provide different rules in respect of each of them.”

4. Section 113 of the said Act is amended by inserting, after subparagraph 10 of the second paragraph, the following subparagraph:

“(10.1) to provide that instead of reserving and developing space for the purposes mentioned in subparagraph 10, the council may exempt the owner of an immovable from the obligation to provide and to maintain parking units, on the payment of a sum determined in accordance with rules of computation that may vary according to classes of units or uses, and provide that the proceeds of the payment be used only to purchase or develop immovables to be used for parking purposes;”.

5. Section 123 of the said Act is amended by inserting, after the word “by-law” in the second line of the first paragraph, the words “or a by-law having as its object to allow the council to grant minor exemptions”.

6. The said Act is amended by inserting, after section 145, the following division:

“DIVISION VI

“MINOR EXEMPTIONS FROM PLANNING BY-LAWS

“**145.1** The council of a municipality where an advisory planning committee has been established may pass a by-law concerning minor exemptions from the provisions of the zoning or subdivision by-laws other than those relating to land use and land occupation density.

“**145.2** Every minor exemption from the zoning and subdivision by-laws shall respect the aims of the planning program.

“**145.3** The by-law concerning minor exemptions shall provide

(1) the procedure to be followed to obtain a minor exemption from the council and the costs exigible for the examination of the application;

(2) the identification from among the zones provided for in the zoning by-law, of those where a minor exemption may be granted;

(3) the enumeration of the provisions of the zoning or subdivision by-laws that may be the subject of a minor exemption.

“**145.4** The council of a municipality where a by-law concerning minor exemptions is in force may grant such an exemption.

The exemption may be granted only if it is impossible for the person who applied for it to comply with the by-law. Moreover, it shall not be granted where it would hinder the owners of the neighbouring immovables in the enjoyment of their right of ownership.

“145.5 The resolution may have effect in respect of work in progress or already carried out where the person who applied for the exemption has obtained a building permit for the work and the work was carried out in good faith.

“145.6 The clerk or the secretary-treasurer of the municipality shall, not later than five clear days before the holding of the sitting at which the council is to give a decision on the application for a minor exemption, cause a notice to be published in accordance with the Act governing the municipality, at the expense of the person who applies for the exemption.

The notice shall indicate the date, time and place of the sitting of the council and the nature and the consequences of the exemption applied for. The notice shall provide a description of the zone affected and an illustration by means of a sketch made by using, whenever possible, the names of streets, and shall indicate that any interested person may be heard by the council in relation to the application.

“145.7 The council shall render its decision on the recommendation of the advisory planning committee.

A copy of the resolution under which the council renders its decision shall be transmitted to the person who applied for the exemption.

“145.8 Notwithstanding sections 120, 121 and 122, the municipal officer responsible for issuing permits and certificates shall issue the permit or certificate upon presentation of a copy of the resolution granting a minor exemption.”

7. The said Act is amended by inserting, after section 186, the following section:

“186.1 Any grouping or any annexation of territory which changes the boundaries of a regional county municipality shall entail, from its coming into force, an amendment to the letters patent of the regional county municipality.

The Minister shall publish the designation of the new territory of the regional county municipality in Part II of the *Gazette officielle du Québec* together with a notice of the date of the coming into force of the regrouping or annexation that caused the change of boundaries of the territory. Section 176 applies to the publication.”

8. Section 264.1 of the said Act is amended by adding, at the end, the following paragraph:

“For the purposes of the application of Chapter III of Title I, the Community is deemed to be a regional county municipality.”

9. Section 264.2 of the said Act is amended by adding, at the end, the following paragraph:

“For the purposes of the application of Chapter III of Title I, the Community is deemed to be a regional county municipality.”

CITIES AND TOWNS ACT

10. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 5 of chapter 38 of the statutes of 1984, is again amended

(1) by inserting, after the word “amusements”, in paragraph *b* of the first paragraph of subsection 2 the words “in the municipality or elsewhere”;

(2) by inserting, after paragraph *b* of the first paragraph of subsection 2, the following paragraph:

“(b.1) establish and maintain in the municipality agencies devoted to the protection of the environment and the conservation of the resources, assist in the creation and maintenance of such agencies and entrust them with the organization and management of activities relating to the purposes pursued by them;”.

11. Section 28.3 of the said Act, amended by section 6 of chapter 38 of the statutes of 1984, is again amended by replacing the second and third paragraphs by the following paragraphs:

“Notwithstanding the foregoing, the alienation or leasing of an immovable for a price lower than the minimum price determined in accordance with the third paragraph requires the prior approval of the Minister of Municipal Affairs.

The Minister of Municipal Affairs may make regulations to prescribe the mode of computing the price of alienation or leasing below which his approval is required; he may prescribe different modes of computation according to such cases as he may determine. The regulations may also specify the cases in which the Minister’s approval is not required and those where it is required regardless of the price. The regulations come into force on the day of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

12. Section 29 of the said Act, amended by section 7 of chapter 38 of the statutes of 1984, is again amended by replacing the first paragraph by the following paragraphs:

“**29.** Every corporation may acquire, construct and equip immovables in the municipality which may be leased or disposed of by onerous title, in all or in part, for the benefit

(1) of a public establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5);

(2) of the Corporation d’hébergement du Québec;

(3) of a person offering or proposing to offer day care in a day care centre, a stop over centre or a nursery school within the meaning of the Act respecting child day care (R.S.Q., chapter S-4.1), for the purposes of the installation of such services.

A corporation may also convey an immovable gratuitously to a person contemplated in subparagraph 3 of the first paragraph.”

13. The said Act is amended by inserting, after section 29.3, the following sections:

“**29.4** A corporation may own immovables for the purposes of a land reserve.

A corporation may also own immovables for housing purposes and it may

(1) lease the immovables;

(2) equip the immovables and install public services therein;

(3) demolish, move or restore any construction erected on the immovables;

(4) erect a construction on the immovables.

The corporation may also alienate an immovable contemplated in this section and, in such a case, the price of alienation must be sufficient to cover any cost incurred in respect of it. Notwithstanding any inconsistent provision, the corporation may, however, alienate the immovable for a lesser amount or gratuitously in favour of the Government, any of its ministers or bodies, a regional county municipality, a school board, its municipal housing bureau or any other non-profit agency.

“29.5 Notwithstanding sections 468 to 469.1, a corporation may, for purposes within its competence, enter into an agreement with another municipal corporation, a public establishment within the meaning of the Act respecting health services and social services, a school board, an educational institution or a non-profit agency for the purposes of a joint purchase of equipment and materials.

“29.6 Every corporation that is a party to an agreement under section 29.5 may delegate the powers necessary for carrying it out, including the power to award a contract, to another person. The corporation may also exercise the competence delegated to it for the same purposes.

“29.7 The rules governing the awarding of contracts by a municipal corporation apply to a joint purchase to which it is a party. The total amount of a contract concerning such a purchase must be taken into consideration for the purposes of the application of the rules.

Notwithstanding the foregoing, the Minister of Municipal Affairs may exempt the municipalities that are parties to an agreement concerning a purchase made jointly with a public establishment within the meaning of the Act respecting health services and social services, a school board or an educational institution, from the application of all or some of the rules.

“29.8 The agreement may provide for its application to only part of the purchase procedure.

“29.9 Notwithstanding sections 468 to 469.1, two or more municipal corporations may make a joint call for public tenders in view of awarding an insurance contract or a contract for the supply of services other than professional services.

The corporations taking part in a joint call for public tenders may delegate to one of them the powers necessary for making the call. In that case, the acceptance of a tender by the corporation to which the powers have been delegated shall also bind each participating corporation towards the selected tenderer.

The total amount of a contract made following a joint call for tenders shall be taken into consideration for the application of the rules governing the awarding of contracts.”

14. The said Act is amended by inserting, after section 46.3, the following section:

“46.4 Every municipality which, as a result of an annexation, is situated in part in two regional county municipalities, shall form part

as a whole, from the annexation, of the regional county municipality in which it was situated before the annexation. However, the adjudication for unpaid taxes of immovables situated in a territory governed by the Municipal Code before the annexation and any proceeding for the redemption of such immovables shall be carried out by the secretary-treasurer of the regional county municipality which effected the sale.”

15. Section 412 of the said Act is amended

(1) by replacing paragraph 41 by the following paragraph:

“(41) To establish, organize, maintain and regulate a fire prevention department and to entrust any person with the organization and maintenance of the department; to provide for the punishment of any person who may interfere with any member of the fire-brigade in the performance of his duty, or refuse to obey the lawful orders of the chief or deputy-chief of the fire-brigade, or who may tamper with or obstruct any of the signal boxes, wires, or apparatus of the fire protection department, or give a false alarm;”;

(2) by inserting, after paragraph 44, the following paragraph:

“ XIII.1—*Alarm systems*

“(44.1) (a) To regulate the installation and operation of alarm systems, to require a licence for that purpose and to fix the conditions for obtaining the licence;

(b) To allow the corporation to claim the reimbursement of the cost it may incur where such a system is defective;

(c) To allow the corporation to connect the alarm system of any person, upon an agreement with the person, to a control centre situated in a municipal building and to authorize the levy of a charge for the service;”.

16. Section 413 of the said Act is amended

(1) by adding, at the end of subparagraph *a* of paragraph 10 the following: “to determine from the refuse the matters which may be salvaged for re-use or recycling and establish in all or in part of the municipality a selective refuse collection system in view of providing for their removal; to require, for that purpose, every owner, tenant or occupant of an immovable to separate from his household refuse those matters that may be re-used or recycled, according to the classification it determines; to dispose of the collected matters, in particular by processing the matters that may be recycled in an establishment contemplated in subparagraph *b.1* or *b.2*;”;

(2) by inserting, after subparagraph *b* of paragraph 10, the following subparagraphs:

“(b.1) To establish and operate an establishment for the salvage and treatment of refuse matters that may be recycled; to entrust any person with those functions;

“(b.2) To regulate the installation and operation of establishments for the salvage and treatment of refuse matters that may be recycled; to require a licence for the operation of such an establishment and fix the conditions for obtaining the licence;”.

17. Section 415 of the said Act is amended

(1) by replacing the figure “2” in the fourth line of the second paragraph of paragraph 1 by the figure “2.1”;

(2) by replacing subparagraph *a* of paragraph 9 by the following subparagraph:

“(9) (a) To provide for and regulate the construction and use of cycle lanes and pedestrian paths;”;

(3) by replacing the words “towing charges which shall not exceed fifteen dollars and storage costs, which shall not exceed a rent based on the current rates of the garage concerned for the storage of automobiles” in the eleventh, twelfth and thirteenth lines of paragraph 10 by the words “actual towing and storage costs”;

(4) by inserting, after paragraph 30, the following paragraph:

“(30.1) To regulate or prohibit the parking of vehicles on any land or in any building intended for parking; to determine the lands and buildings so regulated, after an agreement with the owners;”.

18. Section 461 of the said Act is amended by replacing the second paragraph by the following paragraph:

“It may likewise sell motor vehicles left in its custody, abandoned or found and unclaimed after sixty days; the time limit is ten days in the case of a vehicle without a motor or fit only for scrap.”

19. The said Act is amended by inserting, after section 468, the following section:

“468.01 The council of any city or town corporation, even if it is not contemplated in section 1, may enter into an agreement pursuant to this subdivision with the council of a band within the meaning of

the Act respecting Indians (Revised Statutes of Canada, 1970, chapter I-6) or the Cree-Naskapi (of Québec) Act (Statutes of Canada, 1984, chapter 18). For those purposes, the council of the band is deemed to be a municipal corporation.”

20. The said Act is amended by inserting, after section 468.36, the following section:

“468.36.1 The budget and the supplementary budget must be transmitted to the Minister of Municipal Affairs within thirty days of their adoption by the municipal corporations in the territories of which the management board has jurisdiction.

The Minister may order that the budgets be transmitted by means of a form furnished by him for that purpose.

Upon sufficient proof that the management board is unable to draw up or transmit its budget within the prescribed time, the Minister may grant any extension of time that he fixes. The budget and the supplementary budget of a management board contemplated in section 467.10 or 467.13 must also be transmitted to the Minister of Transport within the time limit fixed under this section.”

21. Section 468.51 of the said Act, replaced by section 23 of chapter 38 of the statutes of 1984, is amended by inserting, in the first line after the figure “73.1”, the words and figures “, 105, the first paragraph of section 105.1, sections 105.2”.

22. The said Act is amended by inserting, after section 468.51, the following section:

“468.51.1 Notwithstanding section 468.51, in the case of a management board contemplated in section 467.10 or 467.13, section 473 applies, adapted as required, but

(1) once the program of capital expenditures is adopted it must be approved by a by-law of the council of each municipality in the territory of which the management board has jurisdiction;

(2) the program and the by-laws mentioned in paragraph 1 must be transmitted to the Minister of Municipal Affairs and to the Minister of Transport not later than 30 September preceding the beginning of the first fiscal year contemplated in the program.”

23. Section 474 of the said Act, amended by section 24 of chapter 38 of the statutes of 1984, is again amended by replacing the first paragraph of subsection 3 by the following paragraph:

“(3) The budget of the municipality must be transmitted to the Minister of Municipal Affairs within thirty days of its adoption by the council.”

24. Section 474.5 of the said Act, enacted by section 25 of chapter 38 of the statutes of 1984, is amended by striking out the words “except that the budget must be sent to the Minister of Municipal Affairs within thirty days of its adoption”.

25. The said Act is amended by inserting, after section 478, the following section:

“**478.1** Where a cheque or other order of payment is received by the municipality and payment thereof is refused by the drawee, an administrative charge not exceeding \$10 may be charged to the debtor according to a tariff fixed by the council.”

26. Section 481 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“The council, as often as it considers it expedient, may, by resolution, prescribe a rate of interest different from the rate provided in the first paragraph. The rate also applies to all debts unpaid before the passing of the resolution. The resolution of the council shall remain in force until it is repealed.

The tax account shall indicate clearly the rate of interest in force at the time of its sending.”

27. Section 481.1 of the said Act is repealed.

28. Section 487 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

“The council may also charge the cost of such works

(1) to the corporation;

(2) to the ratepayers of part of the municipality;

(3) to the ratepayers benefiting from the works when they are carried out in any part of the municipality designated as its “centre” under a special planning program.

The council may combine the alternatives provided for in the second paragraph in the proportions it determines.

In the case contemplated in subparagraph 3 of the second paragraph, the council must identify the immovables of those who benefit from the works or provide one or more criteria allowing to identify them.

This section applies for the purposes of the payment of professional fees related to the works contemplated, whether or not they were carried out.”

29. Section 503 of the said Act is amended by inserting, after the word “completed” in the first line of the first paragraph, the words “before 1 January nor”.

30. The said Act is amended by replacing sections 542.1 to 542.6 by the following sections:

“542.1 The council may pass a by by-law for the adoption of a revitalization program to promote the construction, reconstruction, renovation, conversion, restoration, enlargement, relocation, removal, development, re-development or demolition of any immovable property, or alterations in the connection of electric power lines and accessories.

“542.2 The program adopted under section 542.1 may provide that the corporation is authorized to pass a by-law for the granting of subsidies on the conditions and in the sectors of the municipality it determines, to compensate for any increase in real estate taxes that may result from the reassessment of the immovables after completion of the work.

In no case may the amount of the subsidies contemplated in the first paragraph exceed the following amounts:

(1) for the fiscal year in which the work was completed and the following fiscal years, that amount must not exceed the difference between the amount of the real estates taxes that would be due had the assessment of the building not been changed and the amount of the taxes actually due; and

(2) for the second fiscal year following the fiscal year in which the work was completed, that amount must not exceed fifty per cent of the difference between the amount of the real estate taxes that would be due had the assessment of the building not been changed and the amount of the taxes actually due.

Where any entry on the roll relating to a building eligible for a subsidy under this section is contested, the subsidy is paid only when a final decision has been rendered on the contestation.

In the case of a residential building, no subsidy is payable unless the owner proves, in the manner prescribed in the by-law, that the price charged to his lessees for rent has not been increased as a result of the increase in the real estate taxes.

“542.3 The council may, pursuant to a revitalization program, pass a by-law authorizing the municipality to grant a real estate tax credit, on the conditions and in the sectors of the municipality it determines, to compensate for any increase in real estate taxes that may result from the reassessment of the immovable after completion of the work.

“542.4 The council may, by by-law, on the conditions it determines and in that part of its territory that is designated as its “centre” under a special planning program, grant subsidies for the construction, reconstruction, renovation, conversion, restoration, enlargement, relocation, removal, development, re-development or demolition of any immovable property, or for alterations in the connection of electric power lines and accessories. The amount of the subsidies may in no case exceed the actual cost of the work.

“542.5 The council may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant subsidies for the purposes of the demolition of buildings beyond repair, unsuited to their destination or incompatible with their environment or for the purposes of the landscaping of lots or for the repair of immovables isolated by demolition.

The maximum amount of a subsidy may in no case exceed the actual cost of the work.

“542.6 The council may, for the purposes mentioned in sections 542.1 to 542.5, establish classes of immovables and work. It may also establish classes of immovables and real estate taxes for the purposes mentioned in section 542.3.

The council may combine the classes provided for in the first paragraph. It may establish different conditions according to classes and combinations of classes and order that the subsidies or tax credit be granted only in respect of one or several of them.

The council may avail itself of the first two paragraphs differently according to the sectors of the municipality that it determines.

The council of a municipality that includes more than one centre in its territory under a special planning program may avail itself of the first two paragraphs differently in respect of each of them, for the purposes of section 542.4.

“542.7 Sections 542.1 to 542.5 apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

31. The said Act is amended by inserting, after section 547, the following sections:

“547.1 Any by-law which, pursuant to section 547, imposes a special tax for the establishment of a sinking fund may provide that the ratepayer on whose immovable the tax is imposed may exempt his immovable from the tax by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the tax imposed on his immovable. That portion is computed on the basis of the assessment roll in force on the date the ratepayer makes his payment and, as the case may be, taking into account any tax levied under the by-law before the payment is made.

The payment must be made before the publication of the notice contemplated in section 554 or before the Minister of Municipal Affairs grants the authorization contemplated in the fourth paragraph of this section.

The amount of the loan is reduced by a sum equal to any sum paid under this section.

“547.2 Any loan made by way of successive issues of negotiable instruments in accordance with section 2 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) for shorter terms than the term fixed in the by-law is, for each issue, subject to section 547.1, adapted as required.

“547.3 Any payment made under section 547.1 or 547.2 exempts the immovable from the special tax for the remainder of the term of the loan fixed in the by-law.”

32. Section 561 of the said Act, amended by section 37 of chapter 38 of the statutes of 1984, is again amended by inserting, after the word “municipality” in the second line of the first paragraph, the words and figure “or by persons benefiting from the work determined in accordance with section 487”.

33. Section 573.3 of the said Act is amended by adding, at the end, the following paragraph:

“Sections 573 and 573.1 do not apply to a contract to devise energy saving measures in the municipality if the contract involves professional services and the execution of work, or the supply of equipment, materials or services other than professional services.”

MUNICIPAL CODE OF QUÉBEC

34. Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 46 of chapter 38 of the statutes of 1984 and by section 27 of chapter 47 of the statutes of 1984, is again amended by replacing the first paragraph by the following paragraphs:

“**7.** Every corporation may acquire, construct and equip immovables in the municipality which may be leased or disposed of by onerous title, in all or in part, for the benefit

(1) of a public establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5);

(2) of the Corporation d’hébergement du Québec;

(3) of a person offering or proposing to offer day care in a day care centre, a stop over centre or a nursery school within the meaning of the Act respecting child day care (R.S.Q., chapter S-4.1), for the purposes of the installation of such services.

A corporation may also convey an immovable gratuitously to a person contemplated in subparagraph 3 of the first paragraph.”

35. Article 8 of the said Code, amended by section 47 of chapter 38 of the statutes of 1984, is again amended

(1) by inserting, after the word “amusements”, in subparagraph 2 of the first paragraph, the words “in the municipality or elsewhere”;

(2) by inserting, after subparagraph 2, the following subparagraph:

“(2.1) establish and maintain in the municipality agencies devoted to the protection of the environment and the conservation of the resources, assist in the creation and maintenance of such agencies and entrust them with the organization and management of activities relating to the purposes pursued by them;”.

36. Section 13 of the said Code, amended by section 49 of chapter 38 of the statutes of 1984, is amended by replacing the second and third paragraphs by the following paragraphs:

“Notwithstanding the foregoing, the alienation or leasing of an immovable for a price lower than the minimum price determined in accordance with the third paragraph requires the prior approval of the Minister of Municipal Affairs.

The Minister of Municipal Affairs may make regulations to prescribe the mode of computing the price of alienation or leasing below which his approval is required; he may prescribe different modes of computation according to such cases as he may determine. The regulations may also specify the cases in which the Minister's approval is not required and those where it is required regardless of the price. The regulations come into force on the day of their publication in the *Gazette officielle du Québec* or on any later date fixed therein."

37. The said Code is amended by inserting, after article 14.1, the following articles:

"14.2 A local corporation may own immovables for the purposes of a land reserve.

A corporation may also own immovables for housing purposes and it may

(1) lease the immovables;

(2) equip the immovables and install public services therein;

(3) demolish, move or restore any building erected on the immovables;

(4) erect a construction on the immovables.

The corporation may also alienate an immovable contemplated in this article and in such a case the price of alienation must be sufficient to cover any cost incurred in respect of it. Notwithstanding any inconsistent provision, the corporation may, however, alienate the immovable for a lesser amount or gratuitously in favour of the Government, any of its ministers or bodies, a regional county municipality, a school board, its municipal housing bureau or any other non-profit agency.

"14.3 Notwithstanding articles 569 to 624, a corporation may, for the purposes within its competence, enter into an agreement with another municipal corporation, a public establishment within the meaning of the Act respecting health services and social services, a school board, an educational institution or a non-profit agency for the purposes of a joint purchase of equipment and materials.

"14.4 Every corporation that is a party to an agreement contemplated in article 14.3, may delegate the powers necessary for carrying it out, including the power to award a contract, to another person. The corporation may also exercise the competence delegated to it for the same purposes.

“14.5 The rules governing the awarding of contracts by a municipal corporation apply to a joint purchase to which it is a party. The total amount of a contract concerning such a purchase must be taken into consideration for the purposes of the application of the rules.

Notwithstanding the foregoing, the Minister of Municipal Affairs may exempt the municipalities that are parties to an agreement concerning a purchase, made jointly with a public establishment within the meaning of the Act respecting health services and social services, a school board or an educational institution, from the application of all or some of the rules.

“14.6 The agreement may provide for its application to only part of the purchase procedure.

“14.7 Notwithstanding articles 569 to 624, two or more municipal corporations may make a joint call for public tenders in view of awarding an insurance contract or a contract for the supply of services other than professional services.

The corporations taking part in a joint call for public tenders may delegate to one of them the powers necessary for making the call. In that case, the acceptance of a tender by the corporation to which the powers have been delegated shall also bind each participating corporation towards the selected tenderer.

The total amount of a contract made following a joint call for tenders shall be taken into consideration for the application of the rules governing the awarding of contracts.”

38. Article 33 of the said Code is repealed.

39. Article 38 of the said Code is amended by striking out the sixth paragraph.

40. The said Code is amended by inserting, after article 38, the following article:

“38.1 Every local municipality which, as a result of an annexation, is situated in part in two regional county municipalities, shall form part as a whole, from the annexation, of the regional county municipality in which it was situated before the annexation. However, any adjudication, for unpaid taxes, of immovables situated in the annexed territory as well as any proceeding for the redemption of such immovables shall be carried out by the secretary-treasurer of the regional county municipality which effected the sale.”

41. Article 547 of the said Code is amended by inserting in the third line of paragraph *b* after the semicolon the following: “to determine from the refuse the matters that may be salvaged for re-use or recycling and establish, in all or in part of the municipality, a selective refuse collection system in view of providing for their removal; to require, for that purpose, every owner, tenant or occupant of an immovable to separate from his household refuse those matters that may be re-used or recycled, according to the classification it determines; to dispose of the collected matters, in particular by processing the matters that may be recycled in an establishment contemplated in article 548.1 or 548.2;”.

42. The said Code is amended by inserting, after article 548, the following articles:

“548.1 Every local corporation may establish and operate an establishment for the salvage and treatment of refuse matters that may be recycled. It may also entrust any person with those functions.

“548.2 Every local corporation may, by by-law, regulate the installation and operation of establishments for the salvage and treatment of refuse matters that may be recycled, require a licence for the operation of such an establishment and fix the conditions for obtaining the licence.”

43. Article 555 of the said Code is amended by replacing paragraph 3 by the following paragraph:

“(3) to organize, maintain and regulate a fire prevention department and entrust any person with the organization or maintenance of the department;”.

44. The said Code is amended by inserting, after article 555, the following division:

“SECTION XIX.1

“ALARM SYSTEMS

“555.1 Every local corporation may make, amend or repeal by-laws

(a) to regulate the installation and operation of alarm systems, to require a licence for that purpose and to fix the conditions for obtaining the licence;

(b) to allow the corporation to claim the reimbursement of the cost it may incur where such a system is defective or operates improperly;

(c) to allow the corporation to connect the alarm system of any person, upon an agreement with the person, to a control centre situated in a municipal building and to authorize the levy of a charge for the service.”

45. The said Code is amended by inserting, after article 566, the following article:

“566.1 Every local corporation may adopt, amend or repeal by-laws to regulate or prohibit the parking of vehicles on any land or in any building intended for parking and to determine the lands and buildings so regulated, after an agreement with the owners.”

46. The said Code is amended by inserting, after article 567, the following article:

“567.1 Every local corporation may make, amend or repeal by-laws to provide for and regulate the construction and use of cycle lanes or pedestrian paths.”

47. The said Code is amended by inserting, after article 569, the following article:

“569.1 The council of any local corporation may enter into an agreement pursuant to this subdivision with the council of a band within the meaning of the Act respecting Indians (Revised Statutes of Canada, 1970, chapter I-6) or the Cree-Naskapi (of Québec) Act (Statutes of Canada, 1984, chapter 18). For those purposes, the council of the band is deemed to be a municipal corporation.”

48. The said Code is amended by inserting, after article 605, the following article:

“605.1 The budget and the supplementary budget must be transmitted to the Minister of Municipal Affairs within thirty days of their adoption by the municipal corporations in the territories of which the management board has jurisdiction.

The Minister may order that the budgets be transmitted by means of a form furnished by him for that purpose.

Upon sufficient proof that the management board is unable to draw up or transmit its budget within the prescribed time, the Minister may grant any extension of time he fixes. The budget and the supplementary budget of a management board contemplated in article 535 or 538 must also be transmitted to the Minister of Transport within the time limit fixed under this article.”

49. Article 620 of the said Code, replaced by section 65 of chapter 38 of the statutes of 1984, is amended by inserting, in the first line after the figure "73.1", the words and figures ",105, the first paragraph of article 105.1, articles 105.2".

50. The said Code is amended by inserting, after article 620, the following article:

"620.1 Notwithstanding article 620, in the case of a management board contemplated in article 535 or 538, section 473 of the Cities and Towns Act applies, adapted as required, but

(1) once the program of capital expenditures is adopted, it must be approved by a by-law of the council of each corporation in the territory of which the management board has jurisdiction;

(2) the program and the by-laws mentioned in paragraph 1 must be transmitted to the Minister of Municipal Affairs and to the Minister of Transport not later than 30 September preceding the beginning of the first fiscal year contemplated in the program."

51. The said Code is amended by inserting, after article 631, the following article:

"631.1 Every local corporation may adopt, amend or repeal by-laws to allow traffic to be diverted in streets of the municipality for the purposes of roadworks, including the removal and clearing of snow, and for any other reason of necessity or emergency, and to grant the competent officers and employees of the corporation the authority and powers necessary for the carrying out of the by-laws made for those purposes, including the removal and conveyance of any vehicle parked where it hinders the work of the corporation, and the towing of such vehicle elsewhere, namely to a garage, at the expense of the owner, with provision that the owner may resume possession of it only upon payment of the actual towing and storage costs."

52. Article 678 of the said Code is amended by replacing the words and figures "and in paragraph 2 of article 544" in the third and fourth lines by the words and figures ", in paragraph 2 of article 544 and in article 626".

53. Article 693 of the said Code is amended by replacing the second paragraph by the following paragraph:

"It may likewise sell the motor vehicles left in its custody, abandoned or found and unclaimed after sixty days; the time limit is ten days in the case of a vehicle without a motor or fit only for scrap."

54. Article 938 of the said Code is amended by adding, at the end, the following paragraph:

“Articles 935 and 936 do not apply to a contract to devise energy saving measures for the corporation if the contract involves professional services and the execution of work or the supply of equipment, materials or services other than professional services.”

55. Article 954 of the said Code, amended by section 68 of chapter 38 of the statutes of 1984, is again amended by replacing the first paragraph of sub-article 3 by the following paragraph:

“(3) The budget of the corporation must be transmitted to the Minister of Municipal Affairs within thirty days of its adoption by the council.”

56. Article 957.2 of the said Code, enacted by section 69 of chapter 38 of the statutes of 1984, is amended by striking out the words “, except that budget must be sent to the Minister of Municipal Affairs within thirty days of its adoption”.

57. The said Code is amended by inserting, after section 962, the following section:

“**962.1** Where a cheque or other order of payment is received by the corporation and payment thereof is refused by the drawee, an administrative charge not exceeding \$10 may be charged to the debtor according to a tariff fixed by the council.”

58. Article 975 of the said Code, replaced by section 72 of chapter 38 of the statutes of 1984, is amended by inserting, after the second paragraph, the following paragraph:

“The Minister may order that the budget be transmitted by means of a form furnished by him for that purpose.”

59. Article 979 of the said Code is amended by replacing the second and third paragraphs by the following paragraphs:

“The council may also charge the cost of the works

(1) to the corporation;

(2) to the ratepayers of part of the municipality;

(3) to ratepayers benefiting from the works when they are carried out in any part of the municipality designated as its “central sector” under a special planning program.

The council may combine the alternatives provided for in the second paragraph in the proportions it determines.

In the case contemplated in subparagraph 3 of the second paragraph, the council may identify the immovables of those who benefit from the works or provide one or more criteria allowing to identify them.

This article applies for the purposes of the payment of professional fees related to the works contemplated, whether or not they were carried out.”

60. Article 981 of the said Code is amended by replacing the second and third paragraphs by the following paragraphs:

“The council, as often as it considers it expedient, may, by resolution, prescribe a rate of interest different from the rate provided in the first paragraph. The rate also applies to all unpaid debts before the passing of the resolution. The resolution of the council shall remain in force until it is repealed.

The tax account shall indicate clearly the rate of interest in force at the time of its sending.”

61. Article 1007 of the said Code is amended by inserting, after the word “completed” in the first line of the first paragraph, the words “before 1 January nor”.

62. Articles 1008 to 1011.2 of the said Code are replaced by the following articles:

“1008. A local corporation may pass a by-law for the adoption of a revitalization program to promote the construction, reconstruction, renovation, conversion, restoration, enlargement, relocation, removal, development, re-development or demolition of any immovable property, or alterations in the connection of electric power lines and accessories.

“1009. The program adopted under article 1008 may provide that the corporation is authorized to pass a by-law for the granting of subsidies, on the conditions and in the sectors of the municipality it determines, to compensate for any increase in real estate taxes that may result from the reassessment of the immovables after completion of the work.

In no case may the amount of the subsidies contemplated in the first paragraph exceed the following amounts:

(1) for the fiscal year in which the work was completed and the following fiscal year, that amount must not exceed the difference between the amount of the real estate taxes that would be due had the assessment of the building not been changed and the amount of the taxes actually due; and

(2) for the second fiscal year following the fiscal year in which the work was completed, that amount must not exceed fifty per cent of the difference between the amount of the real estate taxes that would be due had the assessment of the building not been changed and the amount of the taxes actually due.

Where any entry on the roll relating to a building eligible for a subsidy under this article is contested, the subsidy is paid only when a final decision has been rendered on the contestation.

In the case of a residential building, no subsidy is payable unless the owner proves, in the manner prescribed in the by-law, that the price charged to his lessees for rent has not been increased as a result of the increase in the real estate taxes.

"1010. The council may, pursuant to a revitalization program, pass a by-law authorizing the municipality to grant a real estate tax credit, on the conditions and in the sectors of the municipality it determines, to compensate for any increase in real estate taxes that may result from the reassessment of the immovable after completion of the work.

"1011. The council may, by by-law, on the conditions it determines and in that part of its territory that is designated as its "central sector" under a special planning program, grant subsidies for the construction, reconstruction, renovation, conversion, restoration, enlargement, relocation, removal, development, re-development or demolition of any immovable property, or for alterations in the connection of electric power lines and accessories. The amount of the subsidies may in no case exceed the actual cost of the work.

"1011.1 The council may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant subsidies for the purposes of the demolition of buildings beyond repair, unsuited to their destination or incompatible with their environment or for the purposes of the landscaping of lots or for the repair of immovables isolated by demolition.

The amount of a subsidy may in no case exceed the actual cost of the work.

“1011.2 The council may, for the purposes mentioned in articles 1008 to 1011.1, establish classes of immovables and work. It may also establish classes of immovables and real estate taxes for the purposes mentioned in article 1010.

The council may combine the classes provided for in the first paragraph. It may establish different conditions according to classes and combinations of classes and order that the subsidies or tax credit be granted only in respect of one or several of them.

The council may avail itself of the first two paragraphs differently according to the sectors of the municipality that it determines.

The council of a municipality that includes more than one central sector in its territory under a special planning program may avail itself of the first two paragraphs differently in respect of each of them for the purposes of article 1011.

“1011.3 Articles 1008 to 1011.1 apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

63. The said Code is amended by inserting, after article 1072, the following articles:

“1072.1 The by-law may provide that the ratepayer on whose immovable the tax is imposed may exempt his immovable from the tax by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the tax imposed on his immovable. That portion is computed on the basis of the assessment roll in force on the date the ratepayer makes his payment and, as the case may be, taking into account any tax levied under the by-law before the payment is made.

The payment must be made before the publication of the notice contemplated in article 1065.

The amount of the loan is reduced by a sum equal to any sum paid under this article.

“1072.2 Any loan made by way of successive issues of negotiable instruments in accordance with section 2 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) for shorter terms than the term fixed in the by-law is, for each issue, subject to article 1072.1, adapted as required.

“1072.3 Any payment made under article 1072.1 or 1072.2 exempts the immovable from the special tax for the remainder of the term of the loan fixed in the by-law.”

64. Article 1084 of the said Code, amended by section 85 of chapter 38 of the statutes of 1984, is again amended by inserting, after the word “municipality” in the second line of the first paragraph, the words and figure “or by persons benefiting from any work determined in article 979”.

ACT RESPECTING THE COMMISSION MUNICIPALE

65. Section 48 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by inserting, after the second subparagraph of paragraph *g*, the following subparagraphs:

“The decision of the Commission shall be served upon the dismissed person by means of a copy handed to him in person.

Subject to section 79 of the Police Act (R.S.Q., chapter P-13), the person thus dismissed may appeal from the decision before a judge of the Provincial Court, who shall decide in the last resort.

The appeal is brought by a motion served on the Commission and deposited at the office of the Provincial Court of the judicial district where the appellant has his domicile, within fifteen days following the day on which the decision is served on the person dismissed.

Upon service of the motion, the Commission shall transmit to the Provincial Court the record relating to the decision appealed from.

The appeal shall not suspend the decision of the Commission unless the court rules otherwise.”

66. Section 57 of the said Act is amended by replacing the words “At the request of the said municipality, the” in the first line of the second paragraph by the word “The”.

67. Section 87 of the said Act is amended by inserting, after the word “may” in the first line of the first paragraph, the words “, by a majority vote of its members,”.

68. Section 100 of the said Act is replaced by the following section:

“**100.** Where a municipal council can no longer validly sit, the Commission may, as long as such situation lasts, pass by resolution any measure which it deems necessary for the administration of the municipality.

The acts so done shall have the same effect, in all respects, as if the council itself had acted.”

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

69. Section 144 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended

(1) by replacing the words "The Community shall, not later than 30 October each year," in the first line of the first paragraph by the words "Each year, the Community shall";

(2) by replacing the second and third paragraphs by the following paragraphs:

"These programs shall be divided into annual phases. They shall describe, in respect of the period coincident therewith, the object, the cost and the mode of financing of the capital expenditures or expenses that each body plans to make or to incur and for which the financing period exceeds twelve months. The programs shall also mention the capital expenditures that the Community and the Transit Commission plan to make respectively beyond the period contemplated therein, if those expenditures result from commitments made during that period.

Every by-law adopted under this section shall be transmitted to the Minister not later than 30 September preceding the beginning of the first fiscal year contemplated in the program. Upon sufficient proof that the Community has been actually unable to adopt either of these programs or to transmit it within the prescribed period, the Minister may grant the Community any additional period he may fix. The by-law adopting the program of capital expenditures of the Transit Commission shall also be transmitted to the Minister of Transport within the same time limit.";

(3) by replacing the fifth paragraph by the following paragraph:

"To come into force, the by-law adopting the program of capital expenditures of the Community requires the approval of the Government, on the recommendation of the Minister. The by-law adopting the program of capital expenditures of the Transit Commission requires the same approval, on the recommendation of the Minister of Municipal Affairs and the Minister of Transport. In either case, the approval may be total or partial.";

(4) by striking out the second sentence of the sixth paragraph.

70. The said Act is amended by inserting, after section 144, the following section:

"144.1 The Community may amend its program of capital expenditures and that of the Transit Commission. Section 144, adapted

as required, applies to such an amendment, except that the by-law shall be transmitted within thirty days of its adoption."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

71. Section 223 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by replacing the words "The Community shall, not later than 30 October each year," in the first line of the first paragraph by the words "Each year, the Community shall";

(2) by replacing the second and third paragraphs by the following paragraphs:

"These programs shall be divided into annual phases. They shall describe, in respect of the period coincident therewith, the object, the cost and the mode of financing of the capital expenditures or expenses that the Community and the Transit Commission plan to make or to incur, respectively and for which the financing period exceeds twelve months. The programs shall also mention the capital expenditures that the Community and the Transit Commission plan to make respectively beyond the period contemplated therein, if those expenditures result from commitments made during that period.

Every by-law adopted under this section shall be transmitted to the Minister not later than 31 October preceding the beginning of the first fiscal year contemplated in the program. Upon sufficient proof that the Community has been actually unable to adopt either of these programs or to transmit it within the prescribed period, the Minister may grant the Community any additional period he may fix. The by-law adopting the program of capital expenditures of the Transit Commission shall also be transmitted to the Minister of Transport within the same time limit.";

(3) by replacing the fifth paragraph by the following paragraph:

"To come into force, the by-law adopting the program of capital expenditures of the Community requires the approval of the Government, on the recommendation of the Minister. The by-law adopting the program of capital expenditures of the Transit Commission requires the same approval, on the recommendation of the Minister of Municipal Affairs and the Minister of Transport. In either case, the approval may be total or partial.";

(4) by striking out the second sentence of the sixth paragraph.

72. The said Act is amended by inserting, after section 223, the following section:

"223.1 The Community may amend its program of capital expenditures and that of the Transit Commission. Section 223, adapted as required, applies to such an amendment, except that the by-law shall be transmitted within thirty days of its adoption."

73. Section 228 of the said Act, amended by section 112 of chapter 38 of the statutes of 1984, is again amended by replacing the figure "VI" in the first line of the first paragraph by the figure "VII".

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

74. Section 158 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended

(1) by replacing the words "The Community shall, not later than 30 October each year," in the first line of the first paragraph by the words "Each year, the Community shall";

(2) by replacing the second and third paragraphs by the following paragraphs:

"These programs shall be divided into annual phases. They shall describe, in respect of the period coincident therewith, the object, the cost and the mode of financing of the capital expenditures or expenses that each body plans to make or to incur and for which the financing period exceeds twelve months. The programs shall also mention the capital expenditures that the Community and the Transit Commission plan to make respectively beyond the period contemplated therein, if those expenditures result from commitments made during that period.

Every by-law adopted under this section shall be transmitted to the Minister not later than 30 September preceding the beginning of the first fiscal year contemplated in the program. Upon sufficient proof that the Community has been actually unable to adopt either of these programs or to transmit it within the prescribed period, the Minister may grant the Community any additional period he may fix. The by-law adopting the program of capital expenditures of the Transit Commission shall also be transmitted to the Minister of Transport within the same time limit.";

(3) by replacing the fifth paragraph by the following paragraph:

"To come into force, the by-law adopting the program of capital expenditures of the Community requires the approval of the

Government, on the recommendation of the Minister. The by-law adopting the program of capital expenditures of the Transit Commission requires the same approval, on the recommendation of the Minister of Municipal Affairs and the Minister of Transport. In either case, the approval may be total or partial.”;

(4) by striking out the second sentence of the sixth paragraph.

75. The said Act is amended by inserting, after section 158, the following section:

“**158.1** The Community may amend its program of capital expenditures and that of the Transit Commission. Section 158, adapted as required, applies to such an amendment, except that the by-law shall be transmitted within thirty days of its adoption.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT
IN THE AREA OF MONTRÉAL

76. Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1), replaced by section 133 of chapter 38 of the statutes of 1984, is again replaced by the following section:

“**10.** Sections 29.3, 71, 72, 73.1, 105, the first paragraph of section 105.1, sections 105.2, 108 to 108.6 and 356 to 368, paragraphs 8 and 10 of section 464 and sections 468.12 to 468.47, 468.51.1, 473, 477.1, 477.2 and 564 of the Cities and Towns Act (R.S.Q., chapter C-19), sections 1, 2, 4 to 8, 12 to 44 and 50 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) and section 21 of the Act respecting the Ministère des Affaires municipales (1984, chapter 40), adapted as required, apply to the board.”

ACT RESPECTING MUNICIPAL AND
INTERMUNICIPAL TRANSIT CORPORATIONS

77. Section 93 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended

(1) by replacing the words “The corporation shall, not later than 30 September each year,” in the first line of the first paragraph by the words “Each year, the corporation shall”;

(2) by replacing the second, third, fourth and fifth paragraphs by the following paragraphs:

“Such program shall be divided into annual phases. It shall describe, in respect of the period coincident therewith, the object, the cost and

the mode of financing of the capital expenditures or expenses that the corporation plans to make or to incur and for which the financing period exceeds twelve months. The program shall also mention the capital expenditures that the corporation plans to make beyond the period contemplated therein, if those expenditures result from commitments made during that period.

Every by-law adopted under this section shall be transmitted to the Minister of Transport and the Minister of Municipal Affairs not later than 30 September preceding the beginning of the first fiscal year contemplated in the program. Upon proof that the corporation has been actually unable to have such program approved by each municipality whose territory is subject to its jurisdiction or to transmit it within the prescribed period, the Minister of Transport may grant it any additional period he may fix.

The Minister of Municipal Affairs may order that such program be transmitted by means of the form furnished by him for that purpose. He or the Minister of Transport may also require that the corporation provide him with any information relating to such program, even in the case where such information is not provided for in this section.

To come into force, the by-law contemplated in the first paragraph requires the approval of the Government, on the recommendation of the Minister of Municipal Affairs and the Minister of Transport. The approval may be total or partial.”;

(3) by striking out the second sentence of the sixth paragraph.

78. The said Act is amended by inserting, after section 93, the following section:

“**93.1** The corporation may amend its program of capital expenditures. Section 93, adapted as required, applies to such an amendment, except that the by-law shall be transmitted within thirty days of its approval by the council of every municipality whose territory is subject to the jurisdiction of the corporation.”

ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

79. Section 94 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is amended by replacing the figure “1 500” in the fourth line of subparagraph *c* of the first paragraph of subsection 2 by the figure “2 250”.

80. Section 98 of the said Act is amended

(1) by replacing the figure "300" in the second line of subsection 5 by the figure "450";

(2) by replacing the figure "500" in the fifth line of subsection 7 by the figure "750".

81. Section 101 of the said Act is amended by replacing the words "twenty-five dollars" in the first line of subsection 1 by the figure "\$35".

82. Section 102 of the said Act is amended

(1) by replacing the figure "3 000" in paragraph *a* of subsection 1 by the figure "4 500";

(2) by replacing the figure "0.25" in the first line of paragraph *b* of subsection 1 by the figure "0.35";

(3) by replacing the figure "0.40" in the first line of paragraph *c* of subsection 1 by the figure "0.60";

(4) by replacing the figure "0.30" in the first line of paragraph *d* of subsection 1 by the figure "0.45";

(5) by replacing the figure "1 500" in the first line of paragraph *a* of subsection 2 by the figure "2 250";

(6) by replacing the figure "0.25" in the first line of paragraph *b* of subsection 2 by the figure "0.35".

ACT RESPECTING MUNICIPAL TAXATION

83. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing the definition of the word "immovable" by the following:

"“immovable” means an immovable by nature within the meaning of the Civil Code of Lower Canada or a movable thing placed by anyone for a permanency in or on an immovable by nature and appropriated to its economic operation;”.

84. The said Act is amended by inserting, after section 1, the following section:

“1.1 No immovable other than an immovable by nature appropriated to the operation of an immovable by nature contemplated in section 204 may be considered to be, for the purposes of this Act, to be appropriated to the economic operation of an immovable by nature unless it is used or destined to be used for the service of the immovable by nature.”

85. Section 20 of the said Act is amended by replacing the word and figures “71 and 72” in the first line by the word and figures “71 to 73.1”.

86. Section 32 of the said Act is amended

(1) by replacing the word “building” in the first line of the first paragraph by the word “construction”;

(2) by replacing the word “building” in the first line of the second paragraph by the word “construction”.

87. Section 35 of the said Act is amended by replacing the word “building” in the second and fourth lines of the second paragraph by the word “construction”.

88. Section 65 of the said Act is amended

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

“(1) machines and apparatus, other than immovables by nature, that are used or destined to be used in an industrial activity, in a commercial activity, in a research activity or in the exploitation of a farm and that are not used nor destined to be used solely for the shipping or receiving of stored goods or goods to be stored;

“(1.1) accessories other than immovables by nature, necessary for the operation of a machine or apparatus contemplated in subparagraph 1;

“(1.2) on the premises of an industrial activity, immovables by nature other than land the sole function of which is to carry out a stage of an industrial activity or to store a non-finished product between stages of the activity and, on such premises, ducts, cables, conduits and other such property that supply power to a machine or apparatus contemplated in subparagraph 1;

“(1.3) immovables other than immovables by nature that are primarily used or primarily destined to be used in the prevention or reduction of noise or in the fight against water, air or land pollution, or that are destined for that use in a research laboratory, on a farm or on the premises of an industrial or commercial enterprise;

“(1.4) furniture with which the premises of an industrial enterprise, a commercial enterprise, a laboratory or a farm are furnished, as well as the utensils, tools and other articles of everyday use on those premises;”;

(2) by adding, at the end, the following paragraphs:

“Notwithstanding the foregoing, an immovable contemplated in subparagraphs 1, 1.1 and 1.2 of the first paragraph is entered on the roll to the extent to which its object is to provide a service to a land or to a construction other than a machine or apparatus.

In the case of handling apparatus, only the moving parts thereof are considered to be apparatus for the application of subparagraph 1 of the first paragraph.

In this section, “industrial activity” means an operation forming part of a process by which a product is converted, manufactured or produced, excluding any other operation on the premises of an industrial enterprise. Thus, the transportation and storage of raw materials or unprocessed products, and the storage, transportation and shipping of processed products, among other things, are not deemed to be industrial activities.”;

(3) by replacing the words “mobile equipment” in the first line of subparagraph 2 of the first paragraph by the words “rolling stock”.

89. The said Act is amended by inserting, after section 142, the following section:

“**142.1** Notwithstanding section 142, the complainant is not required to appear or be represented by his attorney at the hearing where he has filed in the record a written acceptance of the assessor’s recommendation.”

90. Section 174 of the said Act is amended

(1) by replacing the period at the end of paragraph 16 by a semicolon;

(2) by adding, at the end, the following paragraph:

“(17) to act upon the recognition granted by the Commission pursuant to paragraph 10 of section 204.”

91. Section 177 of the said Act is amended

(1) by replacing the period at the end of paragraph 6 by a semicolon;

(2) by adding, at the end, the following paragraph:

“(7) that contemplated in paragraph 17 of that section takes effect from the recognition granted by the Commission pursuant to paragraph 10 of section 204.”

92. The said Act is amended by inserting, after section 193, the following section:

“193.1 Alterations made under section 193 have effect as follows:

(1) every alteration contemplated in subparagraph 1 of the said section has effect in respect of the fiscal period during which it is made and in respect of the previous fiscal period if the roll in force for that year contained the same error;

(2) every alteration contemplated in subparagraph 2 of the said section has effect from the date fixed in the assessor's certificate, which date may not be prior to the more recent of the following dates:

(a) the date on which the event justifying the alteration occurred;

(b) the date of the first day of the fiscal period preceding that during which the alteration is made.”

93. The said Act is amended by inserting, after section 204.1, the following section:

“204.2 Where the Commission consults a municipal corporation under paragraph 10 of section 204, the latter shall give its opinion within sixty days of the Commission's request, failing which it is deemed to have agreed to the recognition provided for in the said paragraph.”

94. The said Act is amended by inserting, after section 208, the following section:

“208.1 Notwithstanding section 208, the Commission may, where an application for recognition is made by the institution or body occupying an immovable that is not taxable under paragraph 10 of section 204, exempt from real estate taxes any immovable fulfilling the conditions of subparagraphs *a* and *b* of paragraph 10 of that section, although the occupant is not a person referred to in section 204.”

95. Section 209.1 of the said Act is replaced by the following section:

“209.1 The Commission may order that the recognition granted by it has a retroactive effect.

Notwithstanding the foregoing, no recognition may have effect for any period prior to the beginning of the third fiscal year preceding the year in which the application is made.”

96. Section 254.1 of the said Act is amended by replacing the word “Minister” in the third line by the words “person who must pay the amount”.

97. Section 507 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The regulation made under paragraph 1 of section 263 does not apply to a roll preceding the first new roll of a municipal corporation, but the assessor must, in preparing that previous roll, establish neighbouring units in conformity with the procedure prescribed in that regulation, for the purposes of the assessment of the immovables contemplated in sections 47 to 54, where such in the case.”

98. Section 584 of the said Act is amended by replacing the year “1986” in the fourth line of the first paragraph by the year “1987”.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

99. Section 6 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), amended by section 44 of chapter 36 of the statutes of 1984, is again amended by replacing the second paragraph by the following paragraph:

“The alienation or leasing of an immovable for a price lower than the minimum price determined in accordance with section 7 also requires the prior approval of the Minister of Municipal Affairs.”

100. Section 7 of the said Act is replaced by the following section:

“7. For the purposes of the second paragraph of section 6, the Minister of Municipal Affairs may make a regulation to prescribe the mode of computing the alienation or leasing price below which his approval is required; he may prescribe different modes according to such cases as he may determine. The regulation may also specify the cases where the prior approval of the Minister is not required and the cases where it is required, regardless of the price. The regulation comes into force from its publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

101. Section 5 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended by replacing paragraph *j* of subsection 2 by the following paragraph:

“(j) indicate the regional county municipality of which the new municipality will form part, if the municipalities that are parties to the joint petition are not situated in the same regional county municipality;”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK
REGIONAL GOVERNMENT

102. Section 26 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the first paragraph by the following paragraph:

“**26.** The council itself shall exercise the powers conferred upon it by this Act; it shall not delegate them, except in the cases provided for in this Act.”

103. Section 27 of the said Act is repealed.

104. Section 66 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**66.** A general election to elect the mayor and councillors shall be held in every odd-numbered year, on the first Wednesday of November.

The term of office of the members of the council of a village newly incorporated in an even-numbered year shall expire on the following year, in accordance with section 34.”

105. Section 168 of the said Act is replaced by the following sections:

“**168.** Notwithstanding the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-21) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), as the case may be, any municipal corporation may, by agreement, delegate to another person the power to perform any act that it is required or authorized to perform by law, except the passing of a by-law.

The agreement requires the prior approval of the Minister.

“**168.1** Every municipal corporation has every power required to implement an agreement contemplated in section 168 where a delegation is made to it under such an agreement by another municipal corporation or the Regional Government.”

106. Section 227 of the said Act, amended by section 176 of chapter 38 of the statutes of 1984, is again amended by replacing the third paragraph by the following paragraphs:

“Notwithstanding the first two paragraphs, the council may, by resolution, order temporary loans for the payment of current administrative expenses and contract them on the conditions and for the term it determines.

The council may also contract such loans for the total or partial payment of expenses incurred under a loan resolution contemplated in the first paragraph. In that case, if the amount is greater than 90% of the amount of the loan contemplated in the said paragraph, the council shall obtain the prior approval of the Minister.”

107. Section 229 of the said Act is replaced by the following section:

“229. Any surplus or deficit for a fiscal year constitutes a revenue or an expense entered in the budget for the ensuing fiscal year.”

108. Section 286 of the said Act is amended by striking out the second paragraph.

109. The said Act is amended by inserting, after section 286, the following sections:

“286.1 The executive committee may, if so authorized by ordinance of the council, perform any function of the council other than the passing of by-laws. The ordinance shall define the object of the authorization.

The ordinance shall fix, for each object it defines, the amount at the committee’s disposal for that purpose. In no case may the committee authorize expenditures exceeding that amount.

Where in accordance with the first paragraph, the committee awards a contract that may not, under section 204, be awarded except after a call for public tenders, it shall not award it to any other person than the one who made the lowest tender within the prescribed time.

“286.2 The executive committee may implement any agreement made by the council.”

110. The said Act is amended by inserting, after section 302, the following section:

“302.1 The council may, by by-law, delegate to any officer or employee of the Regional Government the power to authorize expenditures and to make contracts accordingly, in the name of the Regional Government.

The by-law shall indicate:

- (1) the area of competence to which the delegation applies;
- (2) the amounts of the expenditures the officer or employee may authorize;
- (3) the other conditions on which the delegation is made.

The rules for the awarding of contracts by the Regional Government, adapted as required, apply to any contract awarded under this section. Notwithstanding the foregoing, in any case where the Minister's authorization is required for the awarding of a contract to any other person than the person who made the lowest tender, only the council may apply to the Minister for the authorization.

No expenditure may be authorized under this section if it entails engagements of the funds of the Regional Government for a period extending beyond the current fiscal period.

Every officer or employee who authorizes expenditures shall transmit a report thereof to the council at the first regular meeting held after the expiry of five days from the authorization."

111. Section 353 of the said Act is replaced by the following sections:

"353. Notwithstanding the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-21) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), as the case may be, the Regional Government may, by agreement, delegate to another person the power to perform any act that it is required or authorized to perform by law, except the passing of a by-law or ordinance.

The agreement requires the prior approval of the Minister.

"353.1 The Regional Government has every power required to implement an agreement contemplated in section 168 where a delegation is made to it, under such an agreement by a municipal corporation."

112. Section 365 of the said Act is repealed.

113. Section 398 of the said Act, amended by section 180 of chapter 38 of the statutes of 1984, is again amended by replacing the third paragraph by the following paragraphs:

“Notwithstanding the first two paragraphs, the council may, by resolution and without authorization, order temporary loans for the payment of current administrative expenses and contract them on the conditions and for the term it determines.

The council may also contract such loans for the total or partial payment of expenses incurred under a loan resolution contemplated in the first paragraph. In that case, if the amount is greater than 90% of the amount of the loan contemplated in the said paragraph, the council shall obtain the prior authorization of the Minister.”

ACT RESPECTING PUBLIC ELEMENTARY AND SECONDARY EDUCATION

114. Section 349 of the Act respecting public elementary and secondary education (1984, chapter 39) is amended by striking out the words “made by the municipalities” in the second line.

115. Section 350 of the said Act is amended

(1) by striking out the word “standardized” in the third line of the first paragraph;

(2) by adding, at the end of the second paragraph, the following sentence: “He shall transmit, with the copy, the comparative factor of the assessment roll.”

116. Section 357 of the said Act is amended by adding, at the end, the following paragraph:

“In no case may the application concern any data contained in the municipal assessment roll.”

117. Section 539 of the said Act is amended by replacing the words “municipal corporation” in the first and second lines of the fourth paragraph by the word “municipality”.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

118. Section 103 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by striking out, in the first line, the words and figure “, not later than 1 October”.

119. Section 104 of the said Act is replaced by the following section:

“**104.** The program shall be divided into annual phases. It shall describe the object, the cost and the mode of financing the capital

expenditures or expenses that the corporation plans to make or to incur, and for which the financing period exceeds twelve months. The program shall also mention the capital expenditures that the corporation plans to make beyond the period contemplated therein, if those expenditures result from commitments made during that period.”

120. Section 105 of the said Act is amended

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

“**105.** The program shall be transmitted to the Minister of Municipal Affairs and to the Minister of Transport not later than 30 September preceding the beginning of the first fiscal year contemplated in the program. To come into force, the program requires the approval of the Government on the recommendation of both ministers. The approval may be total or partial.”;

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

“The Minister of Municipal Affairs or the Minister of Transport may also require the board of directors to furnish him with any information on the program that is not provided for in section 104.”

121. Section 106 of the said Act is amended by striking out the second paragraph.

122. The said Act is amended by inserting, after section 106, the following section:

“**106.1** The corporation may amend its program of capital expenditures. Sections 103 to 106, adapted as required, apply to such an amendment, except that the program shall be transmitted within thirty days of its approval by the council of the city.”

ACT TO INCORPORATE THE MONTRÉAL SOUTH SHORE TRANSIT COMMISSION

123. The Act to incorporate the Montréal South Shore Transit Commission (1971, chapter 98) is amended by inserting, after section 72, the following sections:

“**72a.** Each year, the Commission shall adopt a program of capital expenditures for the next three fiscal years and cause them to be approved by the Council.

“**72b.** The program shall be divided into annual phases. It shall describe the object, the cost and the mode of financing the capital expenditures or expenses that the Commission plans to make or to incur,

and for which the financing period exceeds twelve months. The program shall also mention the capital expenditures that the Commission plans to make beyond the period contemplated therein, if those expenditures result from commitments made during that period.

“72c. The program shall be transmitted to the Minister of Municipal Affairs and to the Minister of Transport not later than 30 September preceding the beginning of the first fiscal year contemplated in the program. To come into force, the program requires the approval of the Government on the recommendation of both ministers. The approval may be total or partial.

The Minister of Municipal Affairs or the Minister of Transport may also require the Commission to furnish him with any information on the program that is not provided for in section 72b.

“72d. No loan or engagements for the financing of capital expenditures may be validly ordered if the loan or engagements are not consistent with the program of capital expenditures in force.

“72e. The Commission may amend its program of capital expenditures. Sections 72a to 72d, adapted as required, apply to such an amendment, except that the program shall be transmitted within thirty days of its adoption by the Council.”

CHARTER OF THE CITY OF QUÉBEC

124. Section 4 of the Charter of the city of Québec (1929, chapter 95), amended by section 1 of chapter 85 of the statutes of 1966-67 and by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act, section 194 of chapter 38 and section 1 of chapter 61 of the statutes of 1984, is again amended by inserting, after subparagraph 4, the following subparagraph:

“(4.1) acquire, construct and equip, in the municipality, immovables that may be leased or disposed of gratuitously or for onerous title, in whole or in part, for the benefit of a person offering or proposing to offer day care in a day care centre, a stop-over centre or a nursery school within the meaning of the Act respecting child day care (R.S.Q., chapter S-4.1), for the purposes of the installation of such services;”.

125. The said charter is amended by inserting, after section 4, the following sections:

“4a. Notwithstanding sections 468 to 469.1 of the Cities and Towns Act, the city may, for purposes within its competence, enter into an agreement with another municipal corporation, a public establishment

within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5), a school board, an educational institution or a non-profit agency for the purposes of a joint purchase of equipment and materials.

“4b. The city may delegate the powers necessary for the carrying out of an agreement entered into under section 4a, including the power to award a contract, to another party. It may also exercise the competence delegated to it for the same purposes.

“4c. The rules governing the awarding of contracts by the city apply to a joint purchase to which it is a party. The total amount of a contract concerning such a purchase must be taken into consideration for the purposes of the application of the rules.

Notwithstanding the foregoing, the Minister of Municipal Affairs may exempt the city, if it is a party to an agreement concerning a purchase made jointly with a public establishment within the meaning of the Act respecting health services and social services, a school board or an educational institution, from the application of all or some of the rules.

“4d. The agreement may provide for its application to only part of the purchase procedure.

“4e. Notwithstanding sections 468 to 469.1 of the Cities and Towns Act, the city and one or several municipal corporations may make a joint call for public tenders in view of awarding an insurance contract or a contract for the supply of services other than professional services.

Corporations taking part in a joint call for public tenders may delegate to one of them the powers necessary for making the call. In that case, the acceptance of a tender by the corporation to which the powers have been delegated shall also bind each participating corporation towards the selected tenderer.

The total amount of a contract made following a joint call for tenders shall be taken into consideration for the application of the rules governing the awarding of contracts.”

126. Section 273 of the said charter, replaced by section 3 of chapter 88 of the statutes of 1968, amended by section 8 of chapter 97 of the statutes of 1974 and replaced by section 15 of chapter 42 of the statutes of 1980, is amended

(1) by replacing the second sentence of the first paragraph by the following sentences: “The council shall fix the rate of interest applicable

as often as it considers it expedient. The tax account shall indicate clearly the rate of interest in force at the time of its sending.”;

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

“The rate also applies to all debts outstanding before that fiscal period until another rate is fixed under the first paragraph.”

127. Section 304 of the said charter, enacted by section 20 of chapter 42 of the statutes of 1982 and replaced by section 19 of chapter 61 of the statutes of 1984, is again replaced by the following section:

“304. The council may, by by-law, on the conditions and in the sectors of the city as it determines, adopt a plan of action or a revitalization program providing, in particular, that the city grant a subsidy for the construction, reconstruction, renovation, conversion, restoration, extension, relocation, removal, development, re-development or demolition of any immovable property or for alterations in the connection of electric power lines and accessories.

The amount of the subsidy may in no case exceed the actual cost of the work.”

128. Sections 306 to 309 of the said charter are replaced by the following sections:

“306. The program adopted under section 304 may provide by by-law that the corporation grant a subsidy, on the conditions and in the sectors of the municipality it determines, to compensate for any increase in real estate taxes that may result from the reassessment of the immovables after completion of the work.

In no case may the amount of the subsidies contemplated in the first paragraph exceed the following amounts:

(1) for the fiscal year in which the work was completed and the following fiscal year, that amount must not exceed the difference between the amount of the real estate taxes that would be due had the assessment of the building not been changed and the amount of the taxes actually due; and

(2) for the second fiscal year following the fiscal year in which the work was completed, that amount must not exceed fifty per cent of the difference between the amount of the real estate taxes that would be due had the assessment of the building not been changed and the amount of the taxes actually due.

Where any entry on the roll relating to a building eligible for a subsidy under this section is contested, the subsidy is paid only when a final decision has been rendered on the contestation.

In the case of a residential building, no subsidy is payable unless the owner proves, in the manner prescribed in the by-law, that the price charged to his lessees for rent has not been increased as a result of the increase in the real estate taxes.

“307. The council may, within the scope of a plan of action or revitalization program, order by by-law that the city grant a real estate tax credit, on the conditions and in the sectors of its territory it determines, to compensate for any increase in real estate taxes that may result from the reassessment of the immovable after completion of the work.

“308. The council may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant subsidies for the purposes of the demolition of buildings beyond repair, unsuited to their destination or incompatible with their environment or for the purposes of the landscaping of lots or for the repair of immovables isolated by demolition.

The maximum amount of a subsidy may in no case exceed the actual cost of the works.

“309. For the purposes mentioned in sections 304 to 308, the council may establish classes of immovables and work. For purposes mentioned in section 307, it may also determine classes of immovables and of real estate taxes.

The council may combine the classes provided for in the first paragraph. It may prescribe different conditions for different classes and combinations of classes and order that the subsidy or tax credit be granted in respect of only one or several of them.

The council may avail itself of the first two paragraphs in different manners according to the sectors of the municipality it determines.

“309a. Sections 304 to 309 apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

129. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, by section 5 of chapter 104 of the statutes of 1931-32, section 19 of chapter 111 of the statutes of 1935, section 67 of chapter 102 of the statutes of 1937, section 12 of chapter 104 of the statutes of 1938, section 22 of chapter 102 of the

statutes of 1939, section 27 of chapter 74 of the statutes of 1940, section 12 of chapter 50 of the statutes of 1943, section 8 of chapter 47 of the statutes of 1944, section 20 of chapter 71 of the statutes of 1945, section 17 of chapter 51 of the statutes of 1948, section 8 of chapter 63 of the statutes of 1951-52, section 4 of chapter 36 of the statutes of 1952-53, section 1 of chapter 67 of the statutes of 1955-56, section 9 of chapter 50 of the statutes of 1957-58, section 6 of chapter 96 of the statutes of 1960-61, section 7 of chapter 66 of the statutes of 1963 (1st session), section 5 of chapter 69 of the statutes of 1964, section 38 of chapter 86 of the statutes of 1969, sections 29 to 31 of chapter 68 of the statutes of 1970, section 146 of chapter 55 of the statutes of 1972, section 29 of chapter 75 of the statutes of 1972, section 8 of chapter 80 of the statutes of 1973, section 12 of chapter 97 of the statutes of 1974, section 15 of chapter 54 of the statutes of 1976, section 457 of chapter 72 of the statutes of 1979, sections 23 and 51 of chapter 42 of the statutes of 1980, section 272 of chapter 63 of the statutes of 1982 and by section 22 of chapter 61 of the statutes of 1984, is again amended by adding, at the end of paragraph 118, the following: "to enable the city to connect the alarm system of any person, following an agreement with the person, to a control centre situated in a municipal building and to authorize the levy of a charge for the service;".

130. The said charter is amended by adding, after section 337, the following sections:

"337a. The council may pass a by-law concerning minor exemptions from the regulatory provisions relating to zoning and subdivision other than those pertaining to land use and land occupation density.

"337b. The by-law concerning minor exemptions shall provide

(1) the procedure to be followed to obtain a minor exemption from the council and prescribe the costs exigible for the examination of the application;

(2) the identification, from the zones provided for in the zoning by-law, of those where a minor exemption may be granted;

(3) the enumeration of the zoning and subdivision by-laws that may be the subject of a minor exemption.

"337c. The council may, if the by-law concerning minor exemptions is in force, grant such an exemption.

The exemption may be granted only if it is impossible for the person who applied for it to comply with the regulatory provisions. Moreover,

it shall not be granted if it hinders the owners of the neighbouring immovables in the enjoyment of their right of ownership.

“337d. The resolution may have effect in respect of work in progress or already carried out where the person who applies for the exemption has obtained a building permit for the work and carried out the work in good faith.

“337e. The clerk shall, not later than five clear days before the holding of the sitting at which the council is to give a decision on the application for a minor exemption, cause a public notice to be published at the expense of the person who applies for the exemption.

The notice shall indicate the date, time and place of the sitting of the council and the nature and the consequences of the exemption applied for. The notice shall contain a description of the zone affected and an illustration by means of a sketch made by using, whenever possible, the names of streets, and shall indicate that any interested person may be heard by the council in relation to the application.

“337f. The council shall render its decision on the recommendation of the Commission d’urbanisme et de conservation de Québec.

A copy of the resolution by which the council renders its decision shall be transmitted to the person who applied for the exemption.

“337g. Notwithstanding any inconsistent provision, the officer responsible for issuing permits and certificates shall issue the permit or certificate upon presentation of a copy of the resolution granting a minor exemption.”

131. Section 453c of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980 and amended by section 32 of chapter 61 of the statutes of 1984, is again amended by striking out the words “residential, industrial or commercial” wherever they appear in the section.

CHARTER OF THE CITY OF MONTRÉAL

132. Article 9 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 3 of chapter 71 of the statutes of 1964 and section 210 of chapter 38 of the statutes of 1984, is again amended by inserting, after paragraph c.1, the following paragraph:

“c.2 power to acquire, construct and equip immovables in the municipality which may be leased or disposed of gratuitously or by onerous title, in all or in part, for the benefit of a person offering or

proposing to offer day care in a day care centre, a stop-over centre or a nursery school, within the meaning of the Act respecting child day care (R.S.Q., chapter S-4.1), for the purposes of the installation of such services;”.

133. The said charter is amended by inserting, after article 10, the following articles:

“10a. Notwithstanding sections 468 to 469.1 of the Cities and Town Act, the city may, for purposes within its competence, enter into an agreement with another municipal corporation, a public establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5), a school board, an educational institution or a non-profit agency for the purposes of a joint purchase of equipment or materials.

“10b. The city may delegate to another person the powers necessary for carrying out an agreement entered into under article 10a, including the power to award a contract. The city may also exercise the competence delegated to it for the same purposes.

“10c. The rules governing the awarding of contracts by the city apply to a joint purchase to which it is a party. The total amount of a contract concerning such a purchase must be taken into consideration for the purposes of the application of those rules.

However, the Minister of Municipal Affairs may exempt the city from the application of all or some of the rules contemplated in the first paragraph if it is a party to an agreement concerning a purchase made jointly with a public establishment within the meaning of the Act respecting health services and social services, a school board or an educational institution.

“10d. The agreement may provide for its application to only part of the procedures relating to the purchase.

“10e. Notwithstanding sections 468 to 469.1 of the Cities and Towns Act, the city and one or more municipal corporations may make a joint call for public tenders in view of awarding an insurance contract or a contract for the supply of services other than professional services.

The corporations taking part in a joint call for public tenders may delegate to one of them the powers necessary for making the call. In that case, the acceptance of a tender by the corporation to which the powers have been delegated shall also bind each participating corporation towards the selected tenderer.

The total amount of a contract made following a joint call for tenders shall be taken into consideration for the application of the rules governing the awarding of contracts.”

134. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-61, section 8 of chapter 71 of the statutes of 1964, section 21 of chapter 84 of the statutes of 1965 (1st session), section 5 of chapter 90 of the statutes of 1968, section 4 of chapter 91 of the statutes of 1969, section 205 of chapter 19 of the statutes of 1971, section 20 of chapter 96 of the statutes of 1971, section 57 of chapter 77 of the statutes of 1973, sections 45 and 183 of chapter 77 of the statutes of 1977, section 23 of chapter 64 of the statutes of 1982 and section 1 of chapter 59 of the statutes of 1983, is again amended by inserting, after paragraph 41, the following paragraph:

“(41.1) Regulate the installation and operation of alarm systems and require a permit for that purpose on conditions determined by the council; allow the city to claim the repayment of costs incurred by it in the case of a defect in an alarm system; allow the city to connect the alarm system of any person, upon an agreement with the person, to a control centre situated in a municipal building and authorize the levy of a charge for the service;”.

135. The said charter is amended by inserting, after article 524c, the following articles:

“**524d.** The council may pass a by-law concerning minor exemptions from the regulatory provisions relating to zoning and subdivision other than those pertaining to land use and land occupation density.

“**524e.** The by-law concerning minor exemptions shall provide

(1) the procedure to be followed to obtain a minor exemption from the council and prescribe the costs exigible for the examination of the application;

(2) the identification, from the zones provided for in the zoning by-law, of those where a minor exemption may be granted;

(3) the enumeration of the regulatory provisions that may be the subject of a minor exemption.

“**524f.** The council may, if the by-law concerning minor exemptions is in force, grant such an exemption.

The exemption may be granted only if it is impossible for the person who applied for it to comply with the regulatory provisions. Moreover,

it shall not be granted if it hinders the owners of the neighbouring immovables in the enjoyment of their right of ownership.

“524g. The resolution may have effect in respect of work in progress or already carried out where the person who applies for the exemption has obtained a building permit for the work and carried out the work in good faith.

“524h. The clerk shall, not later than five clear days before the holding of the sitting at which the council is to give a decision on the application for a minor exemption, cause a public notice to be published at the expense of the person who applies for the exemption.

The notice shall indicate the date, time and place of the sitting of the council and the nature and the consequences of the exemption applied for. The notice shall contain a description of the zone affected and an illustration by means of a sketch made by using, whenever possible, the names of streets, and shall indicate that any interested person may be heard by the council in relation to the application.

“524i. A copy of the resolution by which the council renders its decision shall be transmitted to the person who applied for the exemption.

“524j. Notwithstanding any inconsistent provision, the building inspector or the officer designated pursuant to paragraph 15 of article 524 shall issue the permit upon presentation of a copy of the resolution granting a minor exemption.”

136. Article 674a of the said charter, enacted by section 7 of chapter 91 of the statutes of 1969, amended by section 76 of chapter 77 of the statutes of 1977 and replaced by section 34 of chapter 40 of the statutes of 1980, is amended

(1) by replacing, in the first paragraph, the second sentence by the following sentences: “The council shall, as often as it considers it expedient, fix the rate of interest that applies. The tax account shall indicate clearly the rate of interest in force at the time of its sending.”;

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

“That rate applies also to all debts outstanding before that fiscal period until another rate is fixed under the first paragraph.”

137. The said charter is amended by inserting, after article 722, the following article:

“722.1 The council may, by by-law, delegate to any officer the power to authorize expenditures and to make contracts accordingly, in the name of the city.

The by-law shall indicate:

- (1) the area of competence to which the delegation applies;
- (2) the amounts of the expenditures the officer may authorize;
- (3) the other conditions on which the delegation is made.

The rules for the awarding of contracts by the city, adapted as required, apply to any contract awarded under this article. Notwithstanding the foregoing, in any case where the authorization of the Minister of Municipal Affairs is required for the awarding of a contract to any other person than the person who made the lowest tender, only the executive committee may apply to the Minister for the authorization.

Every authorization of expenditures granted pursuant to a delegation requires, to be valid, a certificate of the head of the competent department indicating that sufficient appropriation is available for that purpose. No authorization may be granted if it entails engagements of the funds of the city for a period extending beyond the current fiscal period.

Every officer who authorizes expenditures shall transmit a report thereof to the executive committee within thirty days. The latter shall table a report at the next sitting of the council.

The executive committee may also, within the limits of its competence, grant a delegation of its powers for the same purposes. The preceding paragraphs, adapted as required, shall then apply provided that the report of the officer is made to the executive committee within thirty days of the authorization of expenditures.”

138. The said charter is amended by replacing articles 787*a* to 787*e* by the following articles:

“787*a*. The council may, by by-law, adopt a revitalization program or a plan of action providing, in particular, that the city grant a subsidy for the construction, reconstruction, renovation, conversion, restoration, extension, relocation, removal, development, re-development or demolition of any immovable property or for alterations in the connection of electric power lines and accessories.

The amount of the subsidy may in no case exceed the actual cost of the work.

“787b. The council may, within the scope of a program adopted under article 787a, provide that the city grant, by by-law, on the conditions and in the sectors of the municipality it determines, a subsidy to compensate for any increase in the real estate taxes that may result from the reassessment of the immovables after completion of the work.

The amount of the subsidies contemplated in the first paragraph may in no case exceed the following sums:

(1) for the fiscal year during which the works were completed and the following fiscal year, the amount of the subsidy shall be equal to not more than the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due; and

(2) for the second fiscal year following the fiscal year during which the works were completed, the amount of the subsidy shall be equal to not more than fifty per cent of the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due.

Where any entry on the roll relating to a building eligible for a subsidy under this article is contested, the subsidy is paid only when a final decision has been rendered on the contestation.

In the case of a residential building, no subsidy is payable unless the owner proves, in the manner prescribed in the by-law, that the price charged to his lessees for rent has not been increased as a result of the increase in the real estate taxes.

“787c. The council may, within the scope of a revitalization program, order by by-law that the city grant, on the conditions and in the sectors as it determines, a real estate tax credit to compensate for any increase in real estate taxes that may result from the reassessment of the immovable after completion of the work.

“787d. The council may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant subsidies for the purposes of the demolition of buildings beyond repair, unsuited to their destination or incompatible with their environment or for the purposes of the landscaping of lots or for the repair of immovables isolated by demolition.

The maximum amount of a subsidy may in no case exceed the actual cost of the work.

“787e. The council may, for the purposes mentioned in articles 787a to 787d, establish classes of immovables and work. It may also,

for the purposes mentioned in article 787c, establish classes of immovables and real estate taxes.

The council may combine the classes provided for in the first paragraph. It may establish different conditions according to the classes or combinations of classes and order that a subsidy or tax credit be granted only in respect of one or several of the classes or combinations of classes.

The council may avail itself of the first two paragraphs differently according to the sectors of the municipality that it determines.

“787f. Articles 787a to 787e apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

CITY OF HULL

139. Section 55 of the Act to revise the charter of the city of Hull (1975, chapter 94), amended by section 1 of chapter 124 of the statutes of 1979 and by section 246 of chapter 38 of the statutes of 1984, is again amended by replacing, in the last line of subsection 1, the words “one and one-half million dollars” by the words “two million seven hundred and fifty thousand dollars including financing costs”.

TRANSITIONAL AND FINAL PROVISIONS

140. Every provision of a by-law, resolution or order in force on (*insert here the date of the day before the coming into force of this Act*) and passed or made under a provision replaced or repealed by this Act remains in force until it is amended, replaced or repealed under this Act.

141. Every act done before (*insert here the date of the coming into force of this Act*) under a provision replaced by this Act retains its effects to the extent that it is still pertinent.

142. Until the coming into force of the regulations made under section 28.3 of the Cities and Towns Act, article 13 of the Municipal Code and section 7 of the Act respecting municipal industrial immovables, amended respectively by sections 11, 36 and 100, the prior approval of the Minister of Municipal Affairs continues to be required where an immovable subject to those provisions is disposed of by the municipality at a price lower than the cost price of the immovable for the municipality.

143. A general election shall be held in all Northern villages in 1985 in accordance with section 66 in the Act respecting Northern

villages and the Kativik Regional Government replaced by section 104 of this Act. The terms of office of the members of the council of a Northern village in which a general election was held in 1984 shall expire in 1985 in accordance with section 34 of the said Act.

144. Every change in the boundaries of a regional county municipality resulting from a grouping or annexation that has come into force before (*insert here the date of coming into force of this Act*) is valid. The grouping or annexation entails, from the date of its coming into force, an amendment to the letters patent of the regional county municipality in respect of the boundaries of the territory of that regional county municipality.

145. Sections 22, 50, 69 to 72, 74 to 78 and 118 to 123 have effect in respect of a three-year program of capital expenditures applicable from the fiscal year 1986 and in respect of any subsequent program.

146. Sections 83, 84, 86, 87 and 88 have effect for the purposes of any municipal fiscal year from the fiscal year 1986.

147. Notwithstanding any inconsistent provision of a general law or special Act, the development plan of the Communauté urbaine de Québec was validly adopted by a by-law of its council on 1 April 1985 and comes into force in accordance with section 106 of the Act respecting the Communauté urbaine de Québec.

From the coming into force of the development plan, the territory of the urban community is deemed to be the territory of a regional county municipality in which a resolution provided for in section 4 of the Act respecting land use planning and development is in force.

148. From (*insert here the date of coming into force of this Act*), the Communauté urbaine de Québec shall have, in respect of the immovables described in Schedule A, the competence conferred on it by sections 117 to 120.1 of the Act respecting the Communauté urbaine de Québec and the city of Beauport may no longer exercise in respect of those immovables the competence conferred on it by the Act respecting municipal industrial immovables, in accordance with the memorandum of agreement signed by the Community and the city of Beauport on 11 June 1984.

149. Notwithstanding any general law or special Act, a temporary loan made before 1 January 1985 by the city of Laval pursuant to the first paragraph of section 19 of the Act to amend the charter of the city of Laval (1971, chapter 99) may be repaid by way of a long-term

loan contracted in accordance with the third paragraph of the said section as it existed before 1 January 1985. The by-law ordering the loan requires only the approval of the Minister of Municipal Affairs.

150. Notwithstanding any general law or special Act, a temporary loan made before 1 January 1985 by the city of Sainte-Foy in accordance with the first paragraph of section 26 of the Act to revise the Charter of the city of Sainte-Foy (1976, chapter 56) may be repaid by way of a long-term loan contracted in accordance with the third paragraph of the said section as it existed before 1 January 1985. The by-law ordering the loan requires only the approval of the Minister of Municipal Affairs.

151. 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).

152. This Act comes into force on (*insert here the date of assent to this Act*), except sections 114 to 116 which come into force on 1 July 1986.

SCHEDULE "A"

A territory now forming part of the industrial zone of the city of Beauport and comprising, with reference to the cadastre of the parish of Beauport, lots and parts of lots and their present and future subdivisions and streets and parts of streets, the whole enclosed within the boundaries hereinafter described:

Beginning at point "A" at the southeasterly corner of lot 752-3-2; thence, successively, the following lines and delimitations: southeasterly along the northeasterly line of lots 752-3-1, 752-2-2, 752-2-1 and 752-1 to point "B" situated at the centre of Adanac street; thence, southwesterly along the centre line of Adanac street to point "C" situated on the southeasterly extension of the centre line of the des Rocheuses street; thence, northwesterly along the centre line of the des Rocheuses street to point "D" situated at the centre of des Laurentides street; thence, southwesterly along the centre line of the des Laurentides street to point "E" situated on the extension of the southwesterly line of lot 761-16; thence, northwesterly along the southwesterly line of lots 761-16 and 761-19 to point "F"; thence, southwesterly along the southeasterly line of lot 761-28 to point "G"; thence, northwesterly along the southwesterly line of lot 761-28 to point "H"; thence, northeasterly along the northwesterly line of lot 761-28 to point "J"; thence, northwesterly along the southwesterly line of lots 761-19 and 761-20 to point "K" situated at the centre of Ardouin street; thence, northeasterly along the centre line of Ardouin street to point "L"; thence, southeasterly along the southwesterly line of lot 560-105 to point "M"; thence, southwesterly along the southeasterly line of Ardouin street to point "N"; thence, southeasterly along the northeasterly of the property of Autobus Laval Ltée to point "O"; thence, southwesterly along the southeasterly line of the property of Autobus Laval Ltée to point "P"; thence, southeasterly along the northeasterly line of lots 753-2 and 753-42 to point "Q"; thence, southwesterly along the southeasterly line of lot 753-42 to point "R"; thence, southeasterly along the northeasterly line of lot 752-4 to point "S"; thence, northeasterly along the southeasterly line of lot 753-91 to point "T"; thence, southeasterly along the northeasterly limit of the property of G. Moisan Inc. to point "U"; thence, southwesterly along the southeasterly limit of the property of G. Moisan Inc. to the starting point "A", the whole as recorded in the plan prepared by Pierre Pageau, land-surveyor at Québec, and bearing number C-7943 of his minutes.