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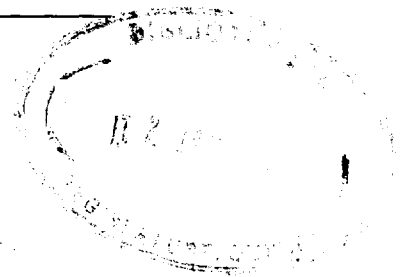
Bill 46

**An Act to amend the Montréal
Urban Community Act**

First reading
Second reading
Third reading

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Minister of Municipal Affairs



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EXPLANATORY NOTES

This bill provides several amendments to the Montréal Urban Community Act.

The main changes regarding the structures of the Community deal with the composition of the executive committee and the establishment of select committees.

Five committees are created, one for each of the following fields: development, environment, finance, public safety and public transport. Each consists of a maximum of seven members, including at least two representatives of the city of Montréal and two representatives of the other municipalities. If the chairman of a committee is a representative of the city of Montréal, the vice-chairman must be a representative of another municipality, and vice versa. They have the authority to examine and to make recommendations; they advise the Council or the executive committee, on request or on their own initiative. Their sittings are public, except for the public safety committee.

The executive committee consists of thirteen members: the chairman and the vice-chairman of the Council, the chairman and vice-chairman of each of the five committees and the chairman of the executive committee. Thus, excepting the last named officer, the executive committee is composed of six representatives of the city of Montréal and six representatives of the other municipalities.

The chairman of the executive committee is appointed by the Council from among its members. Before taking office, he must resign as a member of a municipal council, but despite this resignation he remains a member of the Community Council and is entitled to a vote in the Council. That is the only change in the composition of the Council. The chairman of the executive committee may be reappointed without having to be reelected a member of a municipal council.

As regards the operating rules, decisions of the Community Council will be taken henceforth by a double majority; that is, a majority of votes cast both of the representatives of the city of

Montréal and of the representatives of the other municipalities will be necessary, instead of the votes of one-half of the members present of each group. Decisions of the executive committee will continue to be taken by a majority of votes, but a mechanism is added by which the minority vote of two-thirds of the representatives of the city of Montréal or of the other municipalities may delay the coming into effect of a decision.

Regarding the budget, the rule by which it automatically comes into force disappears. If, by 1 January, the budget has not been adopted, a quarter of each of the appropriations provided in the budget of the previous fiscal year is deemed adopted and comes into force. The same applies on 1 April, 1 July and 1 October if, on each of these dates, the budget has not yet been adopted. However, from 15 January, if the budget has not been adopted, the Minister of Municipal Affairs may adopt it in place of the Council, with or without amendments.

From now on, questions may be placed on the agenda paper of meetings of the Council at the instance not only of the executive committee but also of its chairman, a committee or a group of 15 members of the Council. Furthermore, questions submitted to the Council will no longer require to be reported on by the executive committee.

From the standpoint of the administrative organization of the Community, the special position of director general is created, on the pattern of the Acts governing the other communities. All the officers and employees of the Community are under the authority of the director general, except the secretary, the valuation commissioner and the head, officers and employees of the police department.

As regards the jurisdictions of the Community, the list comprises essentially eight domains: the adoption of a development plan, rental and real estate assessment, air depollution, water purification, waste recovery and recycling, food inspection, intermunicipal parks and recreation, and police. The Community will also be empowered to exercise by delegation any non-discretionary power of the Government and to enter into agreements with one or more municipalities in its territory.

The development plan of the Community will have to be adopted within three years from the coming into force of this bill, according to the rules adapted from the Act respecting land use planning and development.

The powers of the Community regarding air and water depollution and waste recovery and recycling are specified and extended.

As regards the police force, the public security council is abolished and its administrative and prescribed functions are for the greater part vested in the executive committee, while its powers to examine and to make recommendations are vested in the public safety committee. This committee, composed of three representatives of the city of Montréal, three representatives of the other municipalities and a seventh member appointed by the Government, may sit in camera but must hold at least two public meetings a year.

The structure of the Transit Commission remains unchanged. However, the Community Council acquires greater control over its activities. On the one hand, every by-law of the Commission will have to be approved by the Council. On the other hand, the tariffs fixed by the Commission will also have to be approved by the Council.

The rules relating to the budget of the Commission are the same as those relating to the budget of the Community.

Bill 46

An Act to amend the Montréal Urban Community Act

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 1 of the Montréal Urban Community Act (1969, chapter 84), amended by section 1 of chapter 93 of the statutes of 1971 and by section 1 of chapter 82 of the statutes of 1974, is again amended

(1) by striking out paragraphs *f* and *g*;

(2) by replacing paragraph *k* by the following paragraph:

“(*k*) “department head”: the director general, the secretary, the treasurer, the valuation commissioner, the chief of the police department or any department head appointed under section 91 or 92.”

2. Section 5 of the said Act is repealed.

3. Sections 7 to 25 of the said Act are replaced by the following sections:

“7. The executive committee consists of thirteen members, including the chairman and the vice-chairman.

“8. The chairman is appointed by the Council, from among its members. The Council may order the vote for this appointment to be taken by secret ballot, and provide the terms and conditions thereof.

If, at the first meeting of the Council at which a vote is taken to appoint a chairman, no candidate receives the majority of votes provided for in section 53, the appointment is made by a majority of two-thirds of the votes at the next meeting.

If no candidate receives a majority of two-thirds of the votes at that meeting, the chairman is appointed by the Government, which may appoint a person who is not a member of the Council.

The third paragraph does not prevent the Council from proceeding with the appointment, upon a majority of two-thirds of the votes, at a meeting held after that mentioned in the second paragraph, provided the Government has not done so in its place.

“9. The chairman, after his appointment and before taking office, must resign from office as a member of the council of a municipality.

However, he remains a member *ex officio* of the Council.

“10. The twelve other members of the executive committee are

(1) the chairman and the vice-chairman of the Council, and

(2) the chairman and the vice-chairman of each of the committees referred to in section 82.

“11. The vice-chairman of the executive committee is appointed by the Council from among the members contemplated in section 10.

“12. The members of the executive committee shall take office after taking the oaths or making the solemn affirmations provided for by the Public Officers Act (R.S.Q., chapter E-6).

“13. The term of office of the chairman of the executive committee is four years.

However, if he is elected or appointed a member of the council of a municipality before the expiry of such four years, his term of office expires on the date on which he is so elected or appointed.

The term of office of the chairman may be renewed without his having to be elected or appointed a member of the council of a municipality.

“14. The term of every other member of the executive committee continues for as long as he is chairman or vice-chairman of the Council or of any committee referred to in section 82.

“15. In the event of the resignation of a member of the executive committee, his term of office ends on the date of receipt by the secretary of the Community of a written notice to that effect, signed by the member.

The resignation of a member other than the chairman is likewise his resignation from office as chairman or vice-chairman of the Council or of any committee referred to in section 82.

“16. Notwithstanding the end of his term of office, every member of the executive committee remains in office until his successor takes office.

“17. Any vacancy occurring in the office of chairman of the executive committee shall be filled within thirty days therefrom in accordance with section 8.

“18. The member of the executive committee appointed vice-chairman remains in office until the earlier of the following dates:

(1) that of the end of his term as a member of the executive committee;

(2) that of the end of the term of the chairman appointed at the same time as or in office when the vice-chairman was appointed.

The Council shall make the appointment provided for in section 11 within thirty days after the date mentioned in the first paragraph.

Notwithstanding the first paragraph, the vice-chairman remains in office until his successor is appointed.

“19. The chairman, the vice-chairman and the other members of the executive committee are entitled to the remuneration, allowance and pension, whether contributory or not, fixed by by-law of the Council and paid by the Community.

The by-law fixing the remuneration or allowance may have effect retroactively to 1 January preceding its coming into force.

The by-law fixing the pension does not apply to any person who avails himself of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q. chapter R-16).

“20. In no case may the chairman of the executive committee receive from the Community, as remuneration and an allowance, a total annual sum greater than that which the Government may fix by order.

The order shall be published in the *Gazette officielle du Québec*. It comes into force on 1 January immediately preceding or following its publication, as provided therein.

“21. In no case may the chairman of the executive committee receive, as an allowance, a total annual sum greater than the

amount of the annual allowance for entertainment expenses of a member of the National Assembly of Québec fixed by the Legislature Act (R.S.Q., chapter L-1).

“22. The years during which a person holds office as chairman of the executive committee of the Community count for the purposes of computing the pension payable to the mayor or to the chairman of the executive committee of a municipality in accordance with the Act governing such municipality. In that case, such pension shall be paid jointly by the municipality and the Community in proportion to the period during which such person held office as chairman of the executive committee of the Community or as mayor or chairman of the executive committee of the municipality; the pension shall be paid at the times and in the manner determined by the Government.

The first paragraph does not apply if such person avails himself of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities.

“23. The expenses actually incurred by any member of the executive committee on behalf of the Community must, in each case, have been previously authorized by the committee. The latter shall approve payment thereof upon receipt of a statement with vouchers annexed.

“24. The executive committee may, by by-law, establish a tariff applicable where expenses are incurred for an act or class of acts performed in Québec and not for the object of travel outside Québec.

Payment of an amount provided for in the tariff for an expense incurred by a member of the committee on behalf of the Community shall be approved by the committee upon receipt of a statement with the voucher required by the by-law annexed.

“25. The Council may provide sufficient appropriations in the budget of the Community for the reimbursement of a class of expenses which the members of the executive committee may incur on behalf of the Community during the fiscal year, whether such expenses are actually incurred or provided for in the tariff.

The executive committee is not required to give prior authorization for an expense included in such a class, if it does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

If all the appropriations for a fiscal year have been used, the Council may appropriate, for the purposes provided in this section, all or part of the balance of the sums provided for in the budget to cover unforeseen administrative expenses.”

4. Section 26 of the said Act is amended by replacing the second paragraph by the following paragraph:

“For such purposes, the executive committee may of its own motion take all such steps as it deems expedient and give appropriate instructions to the officers or employees of the Community. It may, through its chairman or vice-chairman, require any information that it needs from the director general.”

5. Section 28 of the said Act, amended by section 1 of chapter 90 of the statutes of 1971 and by section 1 of chapter 73 of the statutes of 1972, is again amended

(1) by replacing that part preceding paragraph *a* by the following:

“28. The executive committee, upon a report of the director general of the Community and of the head of the department concerned, may”;

(2) by replacing paragraph *i* by the following paragraph:

“(i) alienate any property of the Community the value of which does not exceed \$10 000 according to a report of the valuation commissioner in the case of an immoveable or of the head of the department concerned in the case of a moveable property;”;

(3) by replacing the period at the end of paragraph *k* by a semicolon;

(4) by adding, after paragraph *k*, the following paragraphs:

“(l) authorize the making of a contract with a view to enabling the Community to own, acquire or use, during the execution of works within its jurisdiction, a servitude or any other right necessary or useful for such execution;

“(m) strike out from the books of account of the Community any claim that, according to a report of the treasurer, is *de facto* or *de jure* a bad debt.”

6. Section 29 of the said Act, replaced by section 2 of chapter 90 of the statutes of 1971 and amended by section 5 of chapter 82 of the statutes of 1974, is again amended by replacing the second paragraph by the following paragraph:

“The official title of a department head designates his assistant or any other person authorized by the executive committee to replace the head, when such assistant or person acts in his stead.”

7. Section 31 of the said Act is replaced by the following section:

“31. Subject to any contrary provision of this Act, the appropriations voted by the Council by way of the budget, out of the authorized loans or otherwise, remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they were voted, without further approval by the Council.”

8. Section 32 of the said Act, replaced by section 3 of chapter 90 of the statutes of 1971 and amended by section 7 of chapter 80 of the statutes of 1977, is again amended by adding, at the end, the following paragraph:

“However, in any case of irresistible force that might endanger the life or health of the population or seriously damage the equipment of the Community, the executive committee may order such expenditure as it considers necessary and grant the necessary contract to remedy the situation, upon the written request of its chairman or of the director general. The committee shall in such a case give a substantiated report to the Council at the next meeting.”

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

“The executive committee may likewise, with the same approval, make a by-law prescribing administrative standards and establishing an organization plan for the departments of the Community, or prescribing the staffing requirements for the management of such departments. The by-law may give to the director general full or partial responsibility for applying such standards or plan, or for hiring personnel the executive committee is authorized to hire.”

10. Section 35 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“Unless the council decides otherwise, the chairman, together with the secretary, shall sign all the contracts of the Community.

He may, for cause, suspend any officer or employee of the Community. He shall in such a case make a report to the executive committee at the first meeting thereafter and state his grounds in writing.

The suspended officer or employee ceases thereupon to receive his salary and, where that is the case, the allowance to which he is entitled. The suspension lasts until the next meeting of the Council or of the executive committee, according to which of them is competent to dismiss the officer or employee or to reduce his salary.

The Council or the executive committee, as the case may be, may extend the suspension or impose another penalty in accordance with this Act.”

11. Section 36 of the said Act is replaced by the following section:

“36. The vice-chairman of the executive committee shall replace the chairman if the latter is absent, or incapacitated or refuses to act, or if the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor takes office.”

12. Section 37 of the said Act is replaced by the following section:

“37. The meetings of the executive committee are presided over by the chairman of such committee or by its vice-chairman in the case referred to in section 36; where both are absent or incapacitated or refuse to act, or if the offices of chairman and vice-chairman are vacant and the chairman and vice-chairman are unable or unwilling to remain in office until their successors take office, the members present shall appoint one of their number to replace the vice-chairman temporarily.”

13. Section 39 of the said Act, amended by section 8 of chapter 66 of the statutes of 1970, is replaced by the following section:

“39. The quorum at meetings of the executive committee is seven members, including at least two representatives of the city of Montréal and two representatives of the other municipalities.”

14. The said Act is amended by inserting, after section 40, the following sections:

“40a. If at least four representatives of the city of Montréal or four representatives of the other municipalities vote against an affirmative decision of the committee, the decision has no effect until the next meeting of the committee.

The question must be put to the vote at that next meeting. If the decision is confirmed by the second vote but the opposition referred to in the first paragraph is maintained, the decision has no effect until the next meeting of the Council.

The question shall be decided by the Council at that next meeting. Unless two-thirds of the votes are negative, the decision of the committee is confirmed and takes effect.

“40b. The minutes of every meeting of the executive committee must be approved by the committee at its next meeting.

However, the committee may exempt the secretary from reading the minutes if each member has received a copy of them before the meeting at which they must be approved.

Section 41 applies, *mutatis mutandis*, to the minutes."

15. Section 42 of the said Act, amended by section 9 of chapter 66 of the statutes of 1970 and by section 4 of chapter 90 of the statutes of 1971, is again amended by replacing the first and second paragraphs by the following paragraphs:

"42. The Council of the Community consists of

- (1) the chairman of the executive committee,
- (2) the mayor and councillors of the city of Montréal, and
- (3) one delegate from each of the other municipalities.

In the case of the municipalities other than the city of Montréal, the mayor is a delegate *ex officio* to the Council of the Community. If the mayor is absent or incapacitated or refuses to act, or if the office of mayor is vacant, the council of the municipality shall, by resolution, designate another of its members as delegate, and send a copy of the resolution to the Community before the first meeting the delegate must attend; the designation is valid for the duration of such absence, incapacity, refusal to act or vacancy, and until it is revoked by the council of the municipality, provided the designated person remains a member of that council."

16. Section 45 of the said Act is amended by replacing the second paragraph by the following paragraph:

"At a regular meeting of the Council, any member, provided he has notified the secretary of the Community in writing thereof within the prescribed time in order to have the secretary enter the question on the agenda paper, may make a motion that the executive committee report to the Council on any matter within the Council's competence; such member may then state the reasons in support of his motion, and if the motion is seconded, the other members of the Council have the same right to speak to the motion; if the motion is passed, the executive committee shall report to the Council, in order to have a measure passed, at the first regular meeting after the expiry of sixty days from the passing of the motion. Such question shall be included in the agenda paper of such meeting."

17. Section 46 of the said Act is replaced by the following section:

"46. The agenda paper for each regular meeting of the Council shall be prepared by the secretary of the Community and

include the matters referred to him in due time or, in accordance with the internal management by-laws of the Council, by

- (1) the executive committee,
- (2) the chairman of the executive committee,
- (3) any committee,
- (4) any group of at least fifteen members of the Council, or
- (5) any member of the Council, in accordance with section 45.

The agenda paper of any regular meeting of the Council must also include any matter required by law to be discussed at such meeting."

18. Section 47 of the said Act is amended by replacing the first paragraph by the following paragraph:

"47. The special meetings of the Council are called by the secretary of the Community upon the request of the chairman of the Council, of the chairman of the executive committee, of the executive committee itself or of a committee, or upon the written request of not fewer than fifteen members of the Council. The notice of convocation must mention the matters to be discussed, according to the request, and stands in lieu of an agenda paper."

19. Section 52 of the said Act, amended by section 10 of chapter 66 of the statutes of 1970, is again amended by adding, at the end, the following paragraph:

"The chairman of the executive committee has one vote."

20. Section 53 of the said Act, amended by section 11 of chapter 66 of the statutes of 1970, is replaced by the following section:

"53. The decisions of the Council are taken by a majority vote. Such majority must include both a majority of the votes cast by the representatives of the city of Montréal and a majority of the votes cast by the representatives of the others municipalities."

21. Section 55 of the said Act is replaced by the following section:

"55. The minutes of the votes and proceedings of the Council shall be entered in a book kept for such purpose by the secretary of the Community; they shall be signed by the chairman of the Council and by the secretary.

The minutes of any meeting shall be read at the next meeting, unless a copy of them has been given to each member of the Coun-

cil not later than at the convoking of the latter meeting. The minutes must be approved by the Council at the latter meeting.”

22. Section 56 of the said Act, amended by section 5 of chapter 90 of the statutes of 1971, is again amended by replacing the first and second paragraphs by the following paragraphs:

“**56.** The Council, by by-law, shall fix the remuneration and allowance of its members. Such remuneration and allowance are paid by the Community.

The by-law may have effect retroactively to 1 January preceding its coming into force.

Sections 23 to 25 apply in respect of members of the Council who are not members of the executive committee. In such a case, if prior authorization for the expenses is required, it is given by the Council.”

23. Section 58 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

“**58.** Any report of the executive committee to the Council may be approved, rejected, amended or returned.”

24. Section 69 of the said Act is amended by adding, at the end, the following paragraph:

“If the infringement of a by-law is continuous, a separate infringement is deemed to be committed each day it continues.”

25. The said Act is amended by inserting, after section 69, the following sections:

“**69a.** Every person who knowingly does or fails to do something with a view to aiding a person to commit an offence, or knowingly advises, encourages or incites a person to commit an offence is himself a party to the offence.

“**69b.** Where an artificial person or an association not having juridical personality commits an offence, every director, senior executive, officer, employee or agent of such artificial person or association who knowingly prescribes or authorizes the commission of the offence or knowingly consents thereto is deemed to be a party to the offence.

“**69c.** Where several persons form a common intent to commit an offence, each of them is deemed to be a party to each offence committed by any of them in the pursuit of their common intent, provided he knew or ought reasonably to have known that the

offence would probably be committed in the pursuit of the common intent.

“69d. The person who has the responsibility or control of premises or who is the owner, lessee or occupant of such premises and who knowingly allows or tolerates that an offence be committed therein is a party to the offence.

Proof that the offence was committed by an employee of the person mentioned in the first paragraph or by another person whose presence is tolerated on the premises is proof, in the absence of proof to the contrary, that the offence was committed with the permission of the former person.

26. The said Act is amended by replacing sections 82 and 83 by the following sections:

“82. The following select committees are established:

- (1) the planning committee;
- (2) the environment quality committee;
- (3) the finance committee;
- (4) the public safety committee;
- (5) the public transport committee.

“82a. Each of the planning, environment quality, finance and public transport committees consists of not more than seven members, including a chairman and a vice-chairman.

The members of each committee are appointed by the Council from among its members. At least two of them must be chosen from among the representatives of the city of Montréal and at least two from among the representatives of the other municipalities.

“82b. The public safety committee consists of seven members, including a chairman and a vice-chairman.

One member of the committee is appointed by the Government. The Community shall pay him the salary fixed by the Government, which shall also fix his other conditions of employment.

The other six members of the committee are appointed by the Council from among its members. Three of them must be chosen from among the representatives of the city of Montréal and three from among the representatives of the other municipalities.

“82c. The Council shall appoint the chairman and vice-chairman of each committee from among the members of the committee who represent a municipality.

If the chairman of a committee is a representative of the city of Montréal, the vice-chairman must be a representative of another municipality, and *vice versa*.

Neither the chairman nor the vice-chairman of a committee may at the same time hold another office that entails membership of the executive committee.

“82d. The term of office of a member of a committee is four years.

However, if he ceases to be a member of the Council before the end of such four year period, he ceases at the same time to be a member of the committee.

For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term of office as a member of the council of a municipality if he is elected to such office at the next election and if such election enables him to again become a member of the Council as a representative of the same municipality.

“82e. If a member of the committee resigns, his term of office ends on the date the secretary of the Community receives a written notice to that effect, signed by the member.

“82f. Notwithstanding the end of his term of office, a member of the committee remains in office until his successor is appointed.

“82g. Any vacancy in the office of a member of a committee shall be filled within thirty days after the date on which it occurs, in accordance with section 82a or 82b, as the case may be.

“82h. The chairman and the vice-chairman of the committee shall remain in office until the first of the following dates:

(1) that of the end of his term of office as a member of the committee;

(2) that on which he is appointed to another office that entails membership of the executive committee.

In addition, the vice-chairman of a committee ceases to hold office on the date on which the chairman who was appointed at the same time as, or was in office when, he was appointed, ceases to hold the office of chairman.

The Council shall make the appointment provided for in section 82c within thirty days after the date mentioned in the first or second paragraph, as the case may be.

Notwithstanding the first and second paragraphs, the chairman or the vice-chairman remains in office until his successor is appointed.

“82i. The function of a committee is to examine any question within its field of competence and to make such recommendations as it deems appropriate to the Council and the executive committee.

A committee shall carry out its function at the request of the Council or the executive committee, or of its own motion.

“82j. Every meeting of any committee except the public safety committee is a public meeting.

The public safety committee may hold meetings *in camera*. However, it shall hold at least two public meetings every calendar year.

“82k. The chairman of a committee shall direct its activities and preside over its meetings.

The vice-chairman shall replace the chairman if the latter is absent or incapacitated or refuses to act, or if the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor is appointed.

If both the chairman and the vice-chairman are absent or incapacitated or refuse to act, or if the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until their successors are appointed, the members present at a meeting of the committee shall appoint one of their number to preside over the meeting.

“82l. Each member of a committee has one vote. The decisions of the committee are taken by a majority of votes; in case of a tie-vote, the decision is deemed to be rendered in the negative.

The committee shall report on its work and decisions by means of a report signed by its chairman or the majority of its members.

“82m. No report of any committee has effect unless it is ratified or adopted by the Council.

“83. The Council may make a by-law respecting the administration and the internal management of any committee.”

27. Sections 86 and 87 of the said Act are replaced by the following sections:

“86. Every person neglecting or refusing to appear, to produce papers or to be examined is, on conviction by the Court which has jurisdiction to recover the penalties enacted by the by-laws of the Community, liable to the penalties provided in section 69.

“86a. The chairman of a committee may administer the oath to the witnesses.

“87. In addition to the committees referred to in section 82, the Council may establish a select or special committee, composed of as many of its members as it may fix.

The members of such a committee are appointed by the Council, which may replace them at any time. The Council shall designate from among them a chairman and a vice-chairman.

The function of such a committee is to examine any matter determined by the Council and within the competence of the Community, on a field other than those mentioned in section 82, and make such recommendations as it deems appropriate to the Council.

The first paragraph of section 82j and sections 82k to 86a apply to the committee.”

28. Section 87k of the said Act, enacted by section 17 of chapter 20 of the statutes of 1980, is amended:

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

“87k. The jurisdiction of the arts council extends to every municipal corporation whose territory is wholly or partly situated within a radius of fifty kilometres from the territorial limits of the Community and which has expressed the wish therefor by a resolution of its council transmitted to the director general of the Community.”;

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

“The resolution remains in force for a period of three years; it is thereafter renewed by tacit renewal every three years for a new period of three years unless the municipal corporation has given to the director general of the Community a notice to the contrary effect at least six months before the date of expiration of the three year period then in progress.”

29. Section 87l of the said Act, enacted by section 17 of chapter 20 of the statutes of 1980, is amended by replacing the second paragraph by the following paragraph:

“A municipal corporation may demand that the executive committee fix in its respect, for a period of three years, the contribution, the terms and conditions and the time contemplated in the first paragraph before it transmits its resolution to the director general of the Community in accordance with the first paragraph of section 87*k* or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.”

30. Sections 88 and 89 of the said Act are replaced by the following sections:

“88. The Council shall appoint a chairman and a vice-chairman of the Council from among its members.

Neither the chairman or the vice-chairman of the Council may at the same time hold another office that entails membership of the executive committee.

If the chairman of the Council is a representative of the city of Montréal, the vice-chairman must be a representative of another municipality, and *vice-versa*.

“88*a*. The chairman or the vice-chairman of the Council is appointed for a four year term.

However, if he ceases to be a member of the Council before the expiry of that term, he ceases at the same time to be the chairman or the vice-chairman.

For the purposes of the second paragraph, a person does not cease to be a member of the Council at the end of his term as a member of the council of a municipality if he is elected to such office at the next election and if the election enables him to again become a member of the Council as a representative of the same municipality.

“88*b*. The chairman or the vice-chairman ceases to hold office on being appointed to an office that entails membership of the executive committee.

In addition, the vice-chairman ceases to hold office when the chairman appointed at the same time as, or in office when, he was appointed ceases to be chairman.

“88*c*. In case of resignation, the chairman or the vice-chairman ceases to hold office upon the receipt, by the secretary of the Community, of a written notice to that effect signed by the member resigning.

“88d. The Council shall make the appointment provided for by section 88 within thirty days after that on which the chairman or vice-chairman leaves office.

“88e. Notwithstanding sections 88a to 88d, the chairman or the vice-chairman remains in office until his successor is appointed.

“88f. The chairman and the vice-chairman of the Council are entitled to the additional remuneration and allowance fixed by by-law of the Council and paid by the Community.

The by-law may have effect retroactively to 1 January before its coming into force.

“88g. The chairman and the vice-chairman of the Council may vote as members of the Council, but have no casting vote in case of a tie-vote.

“88h. The chairman of the Council shall preside over its meetings. He shall maintain order and decorum at such meetings. He may cause any person who disturbs order at the meeting to be expelled therefrom.

“89. The vice-chairman of the Council replaces the chairman if the latter is absent or is incapacitated or refuses to act, or if the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor is appointed.

If both the chairman and the vice-chairman are absent or incapacitated or refuse to act, or if the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until their successors are appointed, the members present at a meeting of the Council shall appoint one of their number to preside over the meeting.”

31. Section 90 of the said Act, amended by section 6 of chapter 90 of the statutes of 1971, is replaced by the following section:

“90. The Council shall appoint a director-general, a secretary and a treasurer. It shall also, in accordance with the Act respecting municipal taxation (1979, chapter 72), appoint an assessor to be known as the “valuation commissioner”.

No person may be appointed permanently to fill any position contemplated in this section or in the first paragraph of section 91 or the position of head of the police department if he remains in the employ of a municipality.

The Council, by by-law, may define such duties of any person holding such office as are not defined by this Act.

32. Section 91 of the said Act is amended by replacing the first paragraph by the following paragraph:

“91. The Council, by by-law, may establish the various departments of the Community and establish the field of their activities; it shall appoint, by resolution and on the recommendation of the executive committee, the heads of such departments and define their duties.”

33. Sections 92 and 93 of the said Act are replaced by the following sections:

“92. Subject to section 227, if the head of a department is absent or incapacitated or refuses to act, or the office of department head is vacant, the executive committee may appoint a temporary head to the department.

“93. Subject to section 226, the Council may dismiss the head of a department or reduce his salary by a vote of the absolute majority of all the votes of the members of the Council. Such majority must include both the absolute majority of all the votes of the representatives of the city of Montréal and that of all the votes of the representatives of the other municipalities.

Subject to section 232, the executive committee may dismiss any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and has been in office for at least six months, or reduce his salary, by a vote of the absolute majority of all the votes of the members of the committee.”

34. Section 95 of the said Act, amended by section 2 of chapter 73 of the statutes of 1972, is replaced by the following sections:

“95. If the appeal is upheld, the Commission municipale du Québec may also order the Community to pay to the appellant such sum as it determines to indemnify him for the expenses he has incurred for such appeal; the order to that effect shall be homologated upon motion by the appellant to the Provincial Court or the Superior Court depending on their respective jurisdictions. The appellant may thereafter execute the judgment against the Community.

“95a. No officer or employee of the Community may, under pain of forfeiture of office, have any direct or indirect interest in an activity putting his personal interest in conflict with that of his department.

However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with dispatch.

“95b. No head of department of the Community may be prosecuted by reason of official acts done in good faith in the performance of his duties.

“95c. No member of the council of a municipality may hold a regular or permanent office for the Community, under pain of forfeiture of office.

If such a member holds a temporary employment or is seconded to a task, he cannot sit on the Council.”

35. Section 96 of the said Act is amended

(1) by replacing that part preceding subparagraph *a* of the first paragraph by the following:

“96. Subject to this Act, the director general has the following functions and duties:”;

(2) by replacing subparagraphs *a* to *c* of the first paragraph by the following subparagraphs:

“(a) to manage the affairs of the Community under the authority of the executive committee;

“(b) as mandatarry of the executive committee, to exercise authority over the departments heads, except the secretary and the valuation commissioner;

“(c) to ensure coordination between the executive committee and the department heads;”;

(3) by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) to obtain, examine and present to the executive committee projects prepared by department heads on matters requiring the approval of the executive committee or of the Council;”;

(4) by replacing the period at the end of subparagraph *k* of the first paragraph by a semicolon;

(5) by inserting, after subparagraph *k* of the first paragraph, the following subparagraph:

“(l) to ensure the carrying out of the plans and programs of the Community, under the authority of the executive committee.”;

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

“All communication between the executive committee and the officers or employees of the Community shall be made through the director general.

The powers of the director general mentioned in the first and second paragraphs do not apply in respect of the head and the other officers or employees of the police department or in respect of any matter within their competence.”

36. Section 97 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“The minutes of the executive committee and of the Council make proof of their contents if approved and signed by the secretary and the person presiding over the meeting or, if necessary, by a person designated under section 41.

Documents and copies emanating from the Community and forming part of its records make proof of their contents if certified true by the secretary.”

37. The said Act is amended by inserting, after section 97, the following sections:

“**97a.** The books, registers and documents forming part of the records of the Community may be consulted, during office hours, by any person requesting to do so.

“**97b.** The secretary must deliver to any person who so requests, upon payment of the fees payable under the tariff fixed by the executive committee, copies or extracts of the books, registers or documents forming part of the records of the Community.

The Minister may determine by order the fees payable under the first paragraph. From the date of the order and within the limitations so fixed, the executive committee may prescribe such tariff as it deems proper, failing which the issue of such documents by the secretary is free of charge. At the request of the executive committee, the Minister may authorize it to prescribe a tariff of fees higher than those prescribed by the order.”

38. Section 98a of the said Act, enacted by section 3 of chapter 73 of the statutes of 1972 and amended by section 4 of chapter 87 of the statutes of 1975, is replaced by the following section:

“**98a.** The director general, the secretary, the treasurer and the valuation commissioner may in performing their duties administer the same oath and receive the same solemn affirmation as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).

The department heads and their assistants may administer the oath or receive the solemn affirmation provided for in the Public Officers Act (R.S.Q., chapter E-6) with respect to officers or employees of the Community.”

39. Section 99 of the said Act, amended by section 7 of chapter 82 of the statutes of 1974 and section 25 of chapter 20 of the statutes of 1980, is again amended by replacing paragraph *g* by the following paragraph:

“(g) establish and maintain or assist in the establishment or maintenance of relief or retirement funds or pension plans for its officers and employees, or for their relatives and dependent persons, and pay premiums for them, subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17) with respect to retirement funds or pension plans, and with the approval of the Minister of Financial Institutions and Cooperatives on recommendation of the Superintendent of insurance with respect to relief funds;”.

40. Section 101 of the said Act, amended by section 8 of chapter 82 of the statutes of 1974, is again amended by replacing the second paragraph by the following paragraph:

“Notwithstanding any provision to the contrary, it may dig, at a depth of more than thirty metres, a tunnel for its sewer conduits. As soon as work begins, the Community shall become the owner, without any formality or indemnity, subject to any recourse in damages, of the volume occupied by the tunnel and a radius of three metres around it. As soon as work begins, the Community shall advise the owner of the lot of the existence of the work and the provisions of this section. In the year following the start of work, the Community shall deposit in its archives a copy of a plan certified by the director of the department involved, showing the horizontal projection of such tunnel. It shall register such plan by depositing two copies at the office of the registration division of the immoveable affected and the registrar shall mention each lot or part of lot affected in the index of immoveables.”

41. Section 104 of the said Act, replaced by section 4 of chapter 73 of the statutes of 1972, is repealed.

42. Section 105 of the said Act is replaced by the following section:

“105. The secretary of the Community shall send forthwith to each municipality concerned a certified true copy of the resolution passed under section 103 or under a by-law or resolution establishing a reserve for public purposes under the Expropriation Act (R.S.Q., chapter E-24).”

43. Sections 106 to 109 of the said Act are repealed.

44. Section 110 of the said Act is replaced by the following section:

“110. The Community shall not alienate moveable or immoveable property the value of which exceeds \$10 000 except by auction, by public tender or in any other manner approved by the Commission municipale du Québec.”

45. Section 112 of the said Act, amended by section 132 of chapter 55 of the statutes of 1972, is replaced by the following sections:

“112. The Community has such competence as is provided by this Act in the following matters:

- (1) air depollution;
- (2) water purification;
- (3) waste recovery and recycling;
- (4) public health;
- (5) recreation and parks;
- (6) police.

“112a. The Community also has such competence as is provided by another Act, in particular in the following matters:

- (1) the adoption of a development plan for its territory under the Act respecting land use planning and development (1979, chapter 51);
- (2) the assessment of immoveables and places of business for its territory, under the Act respecting municipal taxation.”

46. Sections 114 and 115 of the said Act are replaced by the following sections:

“114. The Government or one of its ministers or agencies may delegate non-discretionary powers to the Community.

The Community may accept such delegation and exercise such powers.

“115. Municipalities which make an agreement may, with the consent of the Community, provide therein that the Community is liable for the carrying out of the agreement instead of an intermunicipal committee or board, as the case may be. The agreement must not only contain such components as are required by

the Act under which it is entered into, but it must also specify in detail the powers and obligations of the Community.

The consent of the Community is given by by-law of the Council. The by-law is added to the by-laws of the municipalities that are forwarded to the Minister with the agreement for his approval.

If the agreement is approved, the Community has the powers and obligations necessary for its carrying out and specified therein.

“115a. The Community and a municipality may enter into an agreement, in accordance with the Act governing the latter, in which the Community undertakes to supply the municipality with a service or receives from the latter a delegation of jurisdiction.

In such a case, the Community is deemed to be a municipal corporation for the purposes of the provisions of the said Act concerning the intermunicipal agreements on the supply of services or the delegation of jurisdiction.

“115b. Except for the vote on the by-law by which the Community agrees to being liable for the carrying out of an agreement or authorizes it to be made under sections 115 and 115a respectively, only the parties representing the municipalities taking part in the agreement are entitled to vote at the Council on a question relating to its carrying out.

The rules regarding the division of the votes among such representatives and the other rules on the decision to be taken by the Council are provided in the agreement.”

47. The heading of subdivision 1 of Division VII of Title I of the said Act and sections 116 and 117 are repealed.

48. Subdivisions 2, 3 and 3a of Division VII of Title I of the said Act, including sections 164 to 167a, are repealed.

49. The heading of subdivision 4 of Division VII of Title I of the said Act is replaced by the following heading:

“§ 1. — *Air depollution*”.

50. Section 168 of the said Act, replaced by section 5 of chapter 73 of the statutes of 1972 and amended by section 11 of chapter 82 of the statutes of 1974, is again amended by replacing paragraphs 8 to 11 by the following paragraphs:

“(8) authorize the head of the department concerned or another officer designated by it for such purposes to cause the cessation of the emission of air pollutants or any activity relating

thereto, or to have it reduced to such extent as it may determine, as long as it considers that the presence of such air pollutants constitutes an immediate danger to the life or health of persons, wildlife or vegetation; the Community, the department head or the officer cannot be prosecuted by reason of an act performed in good faith under this paragraph; a decision taken by the head or the officer under this paragraph may be appealed from in accordance with section 96 of the Environment Quality Act (R.S.Q., chapter Q-2);

“(9) limit the period for which the engine of a parked vehicle may operate and prohibit the emission of fumes, emanating from a vehicle, the opaqueness of which exceeds the degree fixed by it;

“(10) authorize the executive committee to prescribe any order to complete a by-law passed under this section, which is published and comes into force in the same manner as a by-law, and is deemed to form part of the by-law to which it relates;

“(11) prescribe that any infringement of a by-law or order made under the authority of this section or of section 168*a* or 168*b* will entail as a penalty,

(*a*) for a first offence, a minimum fine of not more than \$1 000 and of not more than \$10 000 as fixed by the Community, with or without costs, or a penalty of imprisonment of not more than three months, or both such penalties together;

(*b*) and for any subsequent offence within a period of 12 months a minimum fine of not more than \$2 000 and of not more than \$20 000 as fixed by the Community, with or without costs, or a penalty of imprisonment of not less than one month nor more than six months, or both such penalties together.”

51. Sections 168*a* and 168*b* of the said Act, enacted by section 5 of chapter 73 of the statutes of 1972, are replaced by the following sections:

“168*a*. In the exercise of their duties, the officers and employees of the Community charged with the application of the by-laws and orders passed under section 168 may enter

(1) any premises where there is or may be a substance, an apparatus, a machine, a work or an installation forming the object of such by-laws or orders; or

(2) any premises where an activity that is the object of such by-laws or such orders is or may be carried on.

Such officers or employees may require the production of the books, registers and documents relating to the matters contemplated by such by-laws or orders and require in that respect, any other information deemed useful or necessary. A person must follow up the requests.

“168b. It is prohibited to hinder an officer or employee contemplated in section 168a in the performance of his duties, particularly to mislead him or attempt to mislead him by concealment or by misrepresentation, or to refuse to give him one’s given name, surname and address.

Such officer or employee shall, if so required, produce a certificate, signed by the head of the department concerned of the Community, attesting to his authority.”

52. The said Act is amended by inserting, after section 168c, the following section:

“168d. The Community is exempted from the obligation to give a security when requesting an interlocutory injunction to cease the infringement of a by-law or an order passed under section 168, or of section 168a or 168b.”

53. Subdivision 5 of Division VII of Title I of the said Act, including sections 169 and 170, is repealed.

54. The heading of subdivision 6 of Division VII of Title I of the said Act and sections 171 to 183 are replaced by the following heading and sections:

“§2. — Water purification

“170. In this subdivision,

(1) “waste water” means water carrying waste from buildings, mixed or not with underground or surface water or from other sources, and, unless the context indicates a different meaning, rain water and underground water;

(2) “industrial waste water” means water carrying solid, liquid or gaseous residue from

(a) an industrial, manufacturing, commercial or institutional process or establishment, or any other process or establishment of the same nature, or

(b) the development, recovery or transformation of raw material;

(3) “sanitary waste water” means waste water from the plumbing system of a building and not mixed with underground or surface water or residue from any process contemplated in paragraph 2;

(4) “purification work” means a sewer, a sewer system, a waste water pumping station, a water purification plant or any

other work directly or indirectly used to collect, receive, carry, treat or drain waste water.

“171. The Community, by by-law, may establish minimum standards for all of its territory respecting the methods of carrying out all work respecting water purification, including the construction of depollution works and the materials used in the carrying out of such works.

Such by-laws shall be binding upon all the municipalities; they shall not come into force except upon the approval of the Minister of the Environment.

“172. Every municipality shall submit to the executive committee for approval any project for the construction, enlargement or alteration of depollution works before passing the resolution or the by-law necessary for implementing such project.

Within fifteen days after receiving such application, the executive committee shall determine whether such project is of a purely local nature or has any repercussion on any territory larger than that of the municipality.

If the executive committee decides that the project has intermunicipal repercussions the Council may, by resolution, subject to the approval of the Deputy-Minister of the Environment, order such alterations as it deems expedient to the plans and specifications of the proposed works and authorize the municipality to carry out such works. Failing an agreement between the Community and the municipalities involved concerning the apportionment of the cost of the work, such apportionment shall be ordered by the Minister of the Environment.

“173. The Minister or Deputy-Minister of the Environment, as the case may be, may not, with respect to the work contemplated in section 171, exercise as regards any municipality the powers contemplated in sections 29, 32, 34, 35, 41 and 43 of the Environment Quality Act, without calling upon the executive committee of the Community to make the representations to him it considers appropriate.

When the Minister of the Environment exercises the powers provided for in section 35 of the Environment Quality Act, he shall order the execution of the intermunicipal works by the municipalities that he designates, unless the executive committee of the Community informs the Minister that the latter consents to execute it. If the Community consents to execute the works, the Minister shall not then order their execution except by the Community; the Minister shall not establish the apportionment of the cost of the works and the cost of maintenance and operation thereof,

determine the method of payment or fix the indemnity, periodic or otherwise, payable by the municipalities for the use of the works or service provided, before calling upon the executive committee of the Community to make its representations on this matter.

“174. Subject to the Environment Quality Act, the Community may, by by-law, order the carrying out, even outside its territory, of all work respecting depollution works serving or intended to serve more than one municipality.

Subject to paragraph 14 of section 183, the expenses resulting from the works contemplated in the first paragraph and from the maintenance, management and operation of the works contemplated in the said paragraph shall be apportioned in accordance with section 257 unless at the request of the Community or of a municipality the Minister of the Environment himself fixes the apportionment and the method of payment, including the fixing of an indemnity, periodic or otherwise, payable for the use of the works or service provided by the Community.

“175. The Community, by a by-law which shall come into force upon approval by the Commission municipale du Québec and by the Minister of the Environment, upon the conditions fixed by the by-law, may acquire as a portion of its system the ownership of any depollution work owned by a municipality serving or intended to serve the territory of more than one municipality.

“176. Where a municipality some of whose depollution works are acquired by the Community has bound itself contractually with another municipality to receive its waste water, and such works acquired by the Community have been necessary for the carrying out of such contract, the Community shall be substituted for such municipality in all the rights and obligations of such municipality resulting from such contract.

“177. When all the depollution works of a municipality are acquired by the Community, such municipality shall no longer have power to establish such works.

This Act does not have the effect of restricting the powers of a municipality to receive, in accordance with the by-laws of the Community, waste water from the territory of the municipalities in order to convey such waste water to the works of the Community.

“178. The Community shall not receive waste water for treatment directly from persons other than a municipality, except with the consent of the municipality concerned.

“179. From the date of the coming into force of a by-law contemplated in section 175, no municipality may, without the consent of the Community collect waste water for treatment from another municipality.

“180. Nothing in section 179 is deemed to prohibit any municipality from receiving waste water from any other municipality, under contracts made before the date mentioned in this section, if the depollution works necessary to do so have not been acquired by the Community.

“181. The Community may undertake by contract to receive for treatment waste water from a municipality not situated in its territory.

“182. The Community may make by-laws to govern the receiving of waste water in its territory.

“183. The Community may, by by-law,

(1) prohibit or regulate the discharge into a depollution work or into a watercourse of a substance which may, in itself or through a reaction with another substance,

(a) damage the work, affect its normal operation, overload or obstruct it;

(b) have an unfavourable effect on the watercourse;

(c) constitute a danger to the life or health of persons, wildlife and vegetation;

(d) cause a fire, an explosion or any other material damage; or

(e) constitute a nuisance, by the emission of toxic or foul-smelling gas;

(2) prescribe standards for the quantity of the discharge of surface or underground water or industrial waste water in a depollution work; prohibit or regulate such discharge; impose conditions to control, reduce, regulate or spread such discharge;

(3) prescribe limits to the acidity, alkalinity, temperature, chemical or biochemical requirement for oxygen or the concentration of oil, grease, suspended matter, dissolved matter or substances that are toxic or harmful to the environment; prohibit or regulate the discharge, into depollution works, of water containing a substance the tenor of which exceeds the limits prescribed or showing characteristics not in compliance with such limits;

(4) regulate the discharge of rain or underground water into a sanitary and unitary or pseudo-separating sewer; prohibit the dis-

charge of sanitary waste water into a rain sewer; prescribe quality or quantity standards for the discharge of water into a rain sewer;

(5) regulate the elimination of ground waste or residue in a depollution work; prohibit or regulate the direct or indirect connection of a waste or residue grinder to such work;

(6) require from a person who intends to discharge or who discharges industrial waste water into a depolluting work to obtain a permit from the Community and furnish for such purposes the information prescribed concerning the production of such person, his methods, his use of water, his drainage system, his mode of disposing of residue and the volume and quality of the water he discharges or plans to discharge; prescribe fees and other conditions and procedures for issuing and renewing the permit, and the conditions and procedures for its suspension or revocation;

(7) require from the applicant for a permit contemplated in paragraph 6, as conditions for the issue, renewal or keeping of such permit

(a) the construction of man-holes in compliance with the requirements prescribed, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water;

(b) the installation and maintenance in good repair of the equipment and accessories appropriate for the sampling, analysis, measuring and registration of the quality and flow of the discharged waste water, in accordance with the methods prescribed;

(c) the installation and maintenance in good repair of the treatment or pre-treatment equipment of industrial waste water, to regulate the flow of the discharged waste water or to bring it into conformity with the prescriptions;

(d) the presentation to the Community, for approval, of the plans relating to the installation of the equipment contemplated in subparagraph c, and the procedures for the use of such equipment;

(e) the maintenance of an average or maximum concentration or mass of discharged pollutants;

(f) the presentation to the Community of periodic reports on discharge, indicating the volume, the qualitative and quantitative characteristics of the discharged waste water;

(8) determine a method to compute the quantity of water discharged into a depollution work;

(9) prescribe the devices and methods the use of which is recognized for the purposes of the analysis, sampling or computation of concentration and other purposes provided for in this section;

(10) provide for the revocation or suspension of the permit contemplated in paragraph 6 where the holder contravenes a by-law passed under this section;

(11) require a person to take the necessary measures to prevent the discharge into a depollution work or a watercourse of a substance harmful to persons, the work or water course; require a person to inform the Community about such a discharge;

(12) require a person who discharges waste water into a depollution work, in contravention of a by-law passed under this section, to reimburse the Community for the cost incurred for the maintenance or repair of the work resulting from such discharge;

(13) regulate the construction, maintenance, management and operation of a depollution work and prescribe measures to prevent and control the supply of parasitic water through filtration or catchment;

(14) fix a tariff for the supply by the Community of water services to municipalities and for the receiving of waste water;

(15) allow the discharge by a person, into a depollution work of the Community, of waste water whose characteristics contravene a standard enacted in accordance with paragraph 2, 3 or 4, in consideration of which the person must pay dues that may be imposed by order of the executive committee, from a tariff established according to the volume of discharged waste water, the suspended matter it contains, the biochemical or chemical requirement for oxygen, the chlorine requirement, the nature of the polluting agent or any other criterion;

(16) prescribe the use of meters, and determine the conditions, including the payment of fees, for any connection to the depollution work of the Community;

(17) prescribe a method for disposing of the industrial residue or any other residue constituting water polluting agents; require a person to eliminate such agents in the manner prescribed or approved by the head of the department concerned;

(18) determine a schedule for the execution of the work required for the issue, the renewal or the keeping of a permit, under paragraph 7, or for the prevention or the cessation of an offence or a nuisance;

(19) authorize the executive committee to enact an order concerning the establishment of fees and a tariff for such purpose, for the use of a household refuse grinder, for the receiving or treatment of residue or sediment from septic tanks, drain-tanks or industrial process, and for the analysis and measuring of the water flow.

“183a. A by-law or an order passed under section 183 requires the approval of the Minister of the Environment.

An order thus passed is published and comes into force in the same manner as a by-law. It is deemed to form part of the by-law to which it relates.

“183b. In the exercise of their duties, the officers and employees of the Community charged with the application of the by-laws and orders passed under section 183 may enter

(1) any premises where there are or may be a substance, an apparatus, a machine, a work or an installation forming the object of such by-laws or orders; or

(2) any premises where an activity that is the object of such by-laws or orders is or may be carried on.

Such officers or employees may require the production of the books, registers and documents relating to the matters contemplated by such by-laws or orders, and require in that respect any other information deemed useful or necessary. A person must follow up the requests.

“183c. It is prohibited to hinder an officer or employee contemplated in section 183b in the performance of his duties, particularly to mislead him or attempt to mislead him by concealment or by misrepresentation, or to refuse to give him one's given name, surname and address.

Such officer or employee shall, if so required, produce a certificate, signed by the head of the department concerned of the Community attesting his authority.

“183d. The Community may, by by-law, prescribe that any infringement of a by-law or order made under section 183 or of section 183b or 183c will entail as a penalty,

(1) for a first offence, a maximum fine of not more than \$2 000, with or without costs, or a maximum penalty of imprisonment for one month, or both such penalties together;

(2) for any subsequent offence within a period of 12 months from the previous offence, a maximum fine of \$5 000, with or without costs, or a maximum penalty of imprisonment for three months, or both such penalties together.

“183e. The Community is exempted from the obligation to give a security when requesting an interlocutory injunction to cease the infringement of a by-law or an order passed under section 183, or of section 183b or 183c.”

55. The heading of subdivision 7 of Division VII of Title I of the said Act, and section 184 are replaced by the following title and sections:

“§ 3. — *Waste recovery and recycling*

“**184.** The Community may establish, possess and operate a waste recovery and recycling establishment within or without its territory, and regulate the use thereof.

It may also establish, possess and operate premises for the disposal of residue from the operation of such establishment.

“**184a.** The Community may, by by-law, prescribe rules relating to the transport of waste between the place where it is collected and the recovery and recycling establishment.

It may also, by by-law,

(1) require a person who carries on transport contemplated in the first paragraph to hold a permit for such purpose;

(2) prescribe the fees and other conditions and procedures for the issue and renewal of the permit, and the conditions and procedures of its suspension or revocation;

(3) in such cases as it may determine, require the person whose waste is transported to furnish the person who carries it with a bill of lading, and require the latter to keep the bill of lading in his possession when effecting such transport; require each of such persons to keep a register of the bill of lading furnished or received, as the case may be.

The executive committee may, by order, prescribe the form and tenor of the minimum content of the bill of lading or register. Such order is published and comes into force in the same manner as a by-law. It is deemed to form part of the by-law to which it relates.

“**184b.** From the time when the Community operates a waste recovery and recycling establishment, no municipality may grant a contract for waste collection unless the manner of disposing of such garbage is approved by the Community.

“**184c.** A municipality may continue to operate, maintain and repair a waste disposal establishment already in operation or under construction on (*insert here the date of the coming into force of Bill 46*).

In no case, however, may a municipality, without the authorization of the Community, enlarge an establishment contemplated in the first paragraph or establish a new one.

“184d. The Community, by by-law, may compel the municipalities to make available to other municipalities the garbage disposal centre it operates, upon payment of a compensation fixed by the Community and approved by the Commission municipale du Québec.”

56. The heading of subdivision 8 of Division VII of Title I of the said Act is replaced by the following title:

“§ 4. — *Public health*”.

57. Section 186 of the said Act, amended by section 5 of chapter 92 of the statutes of 1971, section 6 of chapter 73 of the statutes of 1972 and section 13 of chapter 82 of the statutes of 1974, is again amended by replacing the seventh and eighth paragraphs by the following paragraphs:

“Such order is published and comes into force in the same manner as a by-law and is deemed to form part of the by-law to which it relates.

The Community may, by by-law, prescribe that any violation of the provisions of a by-law or order passed under this section entails as a penalty,

(1) for a first offence, a fine not exceeding \$2 000, with or without costs, or a penalty of imprisonment not exceeding one month, or both penalties simultaneously;

(2) for any subsequent offence during a 12-month period from the previous offence, a fine not exceeding \$5 000, with or without cost, or a penalty of imprisonment not exceeding three months, or both penalties simultaneously.”

58. Subdivision 9 of Division VII of Title I of the said Act, including sections 188 and 189, is repealed.

59. The heading of subdivision 10 of Division VII of Title I of the said Act is replaced by the following heading:

“§ 5. — *Recreation and parks*”.

60. Section 192 of the said Act is amended by adding, at the end, the following paragraph:

“The first paragraph does not apply to any project for the establishment of a park the area of which, added, as the case may be, to the area of an adjoining park situated within the territory of the municipality, is less than 20 hectares, and not bordering on the territory of another municipality.”

61. The said Act is amended by inserting, after section 192*b*, the following section:

“192*c*. The Community may, by by-law approved by the Minister, establish intermunicipal lanes reserved for bicycle riding, and regulate the use thereof.

For such purposes, it may order that the roadway of the streets identified in the by-law be reserved, in whole or in part, for bicycle riding. In such a case, the by-law must also be approved by the Minister of Transport.

The Community and a municipality in whose territory part of an existing or a planned lane is situated may enter into an agreement concerning the development and maintenance of such part of the lane. A copy of the agreement or, failing an agreement, a certificate from the secretary of the Community stating that no agreement was entered into, must be attached to the by-law when transmitting it to the Minister for approval.

The establishment of a lane under this section does not deprive the municipality of a power it may have to establish a similar lane in its territory.

For the purposes of this section, the word “bicycle” does not include a motorized bicycle.”

62. Subdivisions 11, 12 and 13 of Division VII of Title I of the said Act, including sections 193 to 195, are repealed.

63. The heading of Division VIII of Title I of the said Act, replaced by section 1 of chapter 71 of the statutes of 1977, is again replaced by the following heading:

“§ 6. — *Police*”.

64. Sections 196 to 211 of the said Act are repealed.

65. Sections 212 to 216 of the said Act are replaced by the following sections:

“212. On the advice of the public security committee, the executive committee determines the objectives of the police department.

Furthermore, the executive committee shall

(1) submit the budget of the police department, after examination by the public security committee, with or without amendment, together with its recommendations, to the secretary of the Community for adoption by the Council;

(2) determine the amount of the expenditure of the police department above which its approval is required;

(3) communicate to the municipalities and the Council, on demand, any information respecting the expenses of the police department;

(4) determine the number of policemen and officers in the police department;

(5) approve the hiring standards applicable in regard to the personnel of the police department submitted to it by the head;

(6) determine the conditions of employment applicable in regard to the members of the personnel of the police department who are not employees within the meaning of the Labour Code and establish their retirement plan, pension plan or pension fund;

(7) see that the police department has all the equipment necessary for the discharge of its duties.

The executive committee may exercise the powers mentioned in paragraphs 2, 4, 5 and 6 of the second paragraph only on the advice of the public security commission.

“213. The public safety committee shall receive the comments or representations of any person in respect of the administration of the police department, and may proceed with such consultations as it deems expedient.

However, in no case may the committee proceed with consultations on any question being the subject of

(1) an investigation by the Commission de police du Québec or

(2) a request for investigation to the latter, if the Police Act requires such request to be followed up.

“214. In the matter of discipline, the executive committee shall, on the recommendation of the head, decide in respect of policemen who are not employees within the meaning of the Labour Code, subject to their right of appeal under section 79 of the Police Act.

“215. The members of the executive committee cannot be sued by reason of official acts done in good faith in the exercise of their functions under this subdivision.

“216. Unless authorized by the Attorney General, no recourse provided in articles 33 or 834 to 850 of the Code of Civil Procedure may be exercised nor any injunction granted against the Community or the members of the executive committee by

reason of acts done by them acting in their official capacities under this subdivision.”

66. Sections 218 to 220 of the said Act are repealed.

67. The heading of Division VIIIA of the said Act, enacted by section 10 of chapter 93 of the statutes of 1971 and replaced by section 1 of chapter 71 of the statutes of 1977, is repealed.

68. Section 224 of the said Act, replaced by section 1 of chapter 71 of the statutes of 1977, is again replaced by the following section:

“224. The Government shall appoint the department head upon the recommendation of the Minister of Justice after consultation with the executive committee and the public safety committee.”

69. Section 226 of the said Act, replaced by section 1 of chapter 71 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

“226. Notwithstanding sections 93 to 95, the Government shall dismiss the head only upon the recommendation of the Minister of Justice, after consultation with the executive committee and the public safety committee, which latter committee shall, for that purpose, hear the department head.”

70. Section 228 of the said Act, amended by section 6 of chapter 93 of the statutes of 1971 and replaced by section 1 of chapter 71 of the statutes of 1977, is again replaced by the following section:

“228. Before assuming office, the head shall make the oaths prescribed in Schedules A and B of the Police Act before the chairman of the executive committee, and a policeman of the police department, before the head.”

71. Sections 230 to 232 of the said Act are replaced by the following sections:

“230. The head shall also

(1) submit to the executive committee at such times as it may fix but at least every other month, a report of its operations and expenses, in the form and on the terms and conditions determined by the executive committee and transmitted by its chairman to the public safety committee;

(2) supply the executive committee and the public safety committee with any information necessary for the discharge of their functions;

(3) submit to the executive committee and to the Minister of Justice every detailed report on conditions that are disturbing to order, peace and public safety, or on the crime situation.

“231. The head shall prepare the annual budget of the police department and submit it before 1 September to the executive committee which shall transmit it for analysis to the public safety committee.

He is responsible for management of the budget of the department under the supervision of the executive committee.

“231 a. The head is under the immediate authority of the chairman of the executive committee.

Within the fields of his jurisdiction, the department head has the powers and obligations of the director general of the Community, referred to in sections 26, 28, 32 and 33, in paragraphs *a*, *d* to *h*, *j* and *k* of the first paragraph, in the second paragraph of section 96 and in section 98*a*.

“232. Policemen who are not employees within the meaning of the Labour Code shall remain in office during good behaviour until the retirement age fixed by the executive committee after consultation with the association certified to represent the policemen and the association representing the members of the superior staff.

Notwithstanding sections 93 to 95, they shall not be dismissed except by the executive committee, acting in such case on the recommendation of the head, in the manner provided in section 79 of the Police Act.”

72. Section 233 of the said Act, replaced by section 1 of chapter 71 of the statutes of 1977, is amended by replacing the second and third paragraphs by the following paragraphs:

“The bargaining committee consists of a member of the executive committee who is the only person responsible for the bargaining; a member of the public safety committee and a representative of the head of the police department are also members of the committee, as advisers.

Every decision of the bargaining committee approved by the executive committee binds the Community.”

73. Section 234 of the said Act, replaced by section 1 of chapter 71 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

“234. The conditions of employment of the policemen who are not employees within the meaning of the Labour Code, and their retirement plan, pension plan or pension fund, shall be established in accordance with subparagraph 6 of the second paragraph of section 212.”

74. Section 235 of the said Act, replaced by section 1 of chapter 71 of the statutes of 1977, is amended

(1) by replacing that part which precedes subparagraph *a* of the first paragraph by the following:

“235. The Government may, on the recommendation of the executive committee, make a regulation on ethics and discipline for the policemen of the Community,”;

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

“The Government may, if it considers it expedient, fix a time limit for the executive committee to submit to it a recommendation on any matter contemplated in the first paragraph; it may proceed to make a regulation if the executive committee fails to submit its recommendation within the time limit fixed.

The Government may accept, amend or reject a recommendation submitted to it by the executive committee.”

75. Section 237 of the said Act, replaced by section 1 of chapter 71 of the statutes of 1977, is again replaced by the following section:

“237. The moneys required for the carrying out of section 221 and following shall be paid by the Community out of the budget of the police department.

The head shall approve and forward to the executive committee the accounts payable and the documents relating to the salaries and social benefits payable to the members of the personnel of the department; he shall at the same time forward a copy of such accounts and documents to the public safety committee.”

76. Section 247 of the said Act, amended by section 17 of chapter 90 and section 11 of chapter 93 of the statutes of 1971, section 20 of chapter 82 of the statutes of 1974 and section 2 of chapter 71 of the statutes of 1977, is again amended

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

“247. The executive committee shall draw up the budget of the Community and include therein the budget of the police department prepared in accordance with section 231, but as amended by it, if necessary. The executive committee shall file the budget in the office of the secretary of the Community, with its recommendations on that budget and the budget of the Commission de transport and with an analysis of the budget of the police department done by the public safety committee. The secretary shall send a copy of each document so filed and of the budget of the Commission de transport to each municipality and member of the Council, not later than 15 October.”;

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

“The budget shall also appropriate an amount of at least 1½% of the expenses of the Community to cover unforeseen expenditures not provided for in the budget, the settlement of claims and the payment entailed by court sentences.”

77. Section 248 of the said Act, amended by section 7 of chapter 73 of the statutes of 1972 and section 21 of chapter 82 of the statutes of 1974, is replaced by the following sections:

“248. The budget of the Community and the budget of the Commission de transport shall be submitted to the Council not later than 15 November at a special meeting called for such purpose.

Such meeting shall be adjourned as often as necessary and shall not be closed until the budgets have been adopted, except in the case contemplated in the fourth paragraph. If there is not a quorum, the meeting shall be automatically adjourned at eight o'clock on the following juridical day.

The Council may, on its own motion, amend the budgets.

If, on 1 January, the budget of the Community or of the Commission de transport has not been adopted, one quarter of each of the appropriations provided for in the budget of the preceding fiscal year, with the exception of those mentioned in the certificate of the treasurer contemplated in section 247, is deemed adopted and shall come into force. The same applies on 1 April, 1 July and 1 October if on each of those dates the budget has not been adopted.

In the hypothesis mentioned in the fourth paragraph, the appropriations mentioned in the certificate of the treasurer contemplated in section 247 and included in the budget that is being

studied are deemed to be adopted on 1 January and shall then come into force.

The adoption of the budget after 1 January is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

“248 a. In the year of a general election in the council of the city of Montréal, the dates 15 October and 15 November mentioned in the first paragraph of sections 247 and 248 are respectively replaced by the dates 15 December and 15 January.

In such case, the last three paragraphs of section 248 apply.

“248 b. If on 15 January the budget of the Community or of the Transit Commission has not been adopted, the Minister may adopt it in the place of the Council, with or without amendment. That budget has the same effect as if it had been adopted by the Council.

The order of the Minister is published in the *Gazette officielle du Québec*. It is also transmitted to the Community and, if necessary, to the Transit Commission.

The first paragraph does not prevent the Council from adopting the budget after the date mentioned therein, if the Minister has not done so in its place.”

78. Section 249 of the said Act, amended by section 12 of chapter 93 of the statutes of 1971, is again amended by striking out the second and third paragraphs.

79. Section 250 of the said Act, replaced by section 19 of chapter 90 of the statutes of 1971 and amended by section 13 of chapter 93 of the statutes of 1971, is replaced by the following sections:

“250. During a fiscal year, the Community may adopt a supplementary budget.

The said budget is prepared, filed and forwarded according to the rules applicable to the annual budget, *mutatis mutandis*. A copy of the budget must be sent to the municipalities and the members of the Council within less than fifteen days before it is submitted to the Council.

The supplementary budget is submitted to the Council at a special meeting called for that purpose. Such meeting may close without the budget being adopted.

The Council may, on its own motion, amend the supplementary budget.

If the supplementary budget is not adopted during the first meeting at which it is submitted, the appropriations mentioned in the certificate of the treasurer contemplated in section 247 and included in the budget are nevertheless deemed to be adopted and shall come into force on the day on which the meeting closes.

“250a. The expenses provided for in the supplementary budget shall be apportioned in accordance with section 257, *mutatis mutandis*.

The aliquot share of such expenses payable by each municipality shall become exigible on the date fixed by the Council when it adopts the supplementary budget. If the Council fails to determine such date, the aliquot share shall be exigible within thirty days of the adoption of the budget.

Notwithstanding the second paragraph, the aliquot share of expenses for which appropriations are deemed to be adopted under section 250 is exigible within thirty days of the date on which they come into force.”

80. Section 251 of the said Act, amended by section 8 of chapter 73 of the statutes of 1972 and section 24 of chapter 82 of the statutes of 1974, is again amended by replacing the second and third paragraphs by the following paragraphs:

“The executive committee may also transfer to an expenditure item, the appropriations made available to it by the Council. The executive committee must report to the Council on all the appropriations so transferred at the regular meeting following the transfer.

Any other transfer of appropriations shall require the approval of the Council. The latter shall only give such approval after having obtained the written notice of the head of the department concerned.”

81. Sections 251a to 254 of the said Act are replaced by the following sections:

“251a. Notwithstanding section 251, a transfer of appropriations within the budget of the police department must be approved by the Council, which may, however, order by by-law that such approval is not necessary if the appropriations transferred are of an amount less than the amount fixed by it.

“252. No by-law or resolution of the Council or the executive committee or report of the executive committee authorizing or recommending the expenditure of moneys shall have effect before the filing of a certificate of the treasurer attesting that appropriations

are available for the purposes for which such expenditure is proposed.

If the executive committee authorizes the payment of a subsidy upon the recommendation of the arts council, the certificate shall be filed by the treasurer of the arts council.

“253. The balance of an appropriation voted by a budget and not entirely spent at the end of a fiscal period may no longer be used, unless

(1) an expense has then been charged against that appropriation in accordance with section 252, or unless

(2) the executive committee decides otherwise before the following 1 April.

In the case contemplated in subparagraph 1 of the first paragraph, the appropriation shall remain available until the expenditure is made or until the by-law, resolution or report having authorized or recommended it is repealed. In the case contemplated in subparagraph 2 of the first paragraph, the appropriation shall remain available until the date fixed by the executive committee.

“254. During a fiscal year, the Community on report of the treasurer may appropriate to expenses for such fiscal year or for a subsequent fiscal year, as it determines, any estimated budget surplus for the current fiscal year.

It may also appropriate to expenditures for such current fiscal year any surplus for the preceding fiscal year, certified by its auditor.

The appropriation of a surplus to expenditures provided for in a budget in force amends the budget accordingly.

Any other surplus or any deficit for a fiscal year shall be entered in the revenues or expenditures for the fiscal year following that in which the auditor made his report for the first mentioned fiscal year.”

82. Section 256 of the said Act, amended by section 26 of chapter 82 of the statutes of 1974 and section 419 of chapter 72 of the statutes of 1979, is replaced by the following section:

“256. The payment of the expenses of the Community, including the payment of interest on and amortization of its loans, is guaranteed by its general fund.”

83. Section 257 of the said Act, replaced by section 22 of chapter 90 of the statutes of 1971, amended by section 9 of chapter

73 of the statutes of 1972 and section 10 of chapter 87 of the statutes of 1975, replaced by section 420 of chapter 72 of the statutes of 1979 and amended by section 63 of chapter 34 of the statutes of 1980, is again amended

(1) by replacing subparagraph *b* of paragraph 1 of the third paragraph by the following subparagraph:

“(b) the total of the values entered on the roll of the immoveables contemplated in paragraphs 1 and 2.1 of section 204 of the Act mentioned above, in respect of which amounts in lieu of taxes must be paid;”;

(2) by replacing the fourth paragraph by the following paragraphs:

“Within fifteen days of the adoption of the budget, the treasurer shall determine the provisional or final share of the expenses provided for in such budget payable by each municipality, and the amount of each payment, which must be equal except the last, which may be a lesser amount.

Where the budget is not adopted on 1 January of the fiscal year for which it is made, the treasurer shall determine the provisional share of the expenses for which the appropriations are deemed to be adopted at that date, before 16 January and that share is exigible on 1 March. The same applies if the budget is not adopted on 1 April, 1 July or 1 October; the date the share is exigible is then 1 June, 1 September and 1 November, respectively. When the budget is adopted, the fourth paragraph applies and the treasurer shall make the required adjustments, if any, in order to take account of the shares contemplated in the first paragraph that have been paid or the interest accumulated on those shares that are outstanding.”;

(3) by striking out the ninth paragraph;

(4) by replacing the tenth paragraph by the following paragraph:

“Within ten days of the establishment of the shares and payments, the treasurer shall advise the municipalities of the amount of the shares and payments payable by each of them.”;

(5) by replacing the twelfth and thirteenth paragraphs by the following paragraphs:

“Even if a municipality contests its share or one of the payments as determined by the treasurer, it shall be held to pay it in the meantime, pending final settlement of its contestation; should a municipality fail to pay an amount due to the Community under this section and under sections 250*a*, 307, 308 and 362, the Community may, on resolution of the executive committee, have it

advised by formal notice that it must pay the amount due within ninety days of the day the said notice is sent. Should a municipality fail to comply with such notice within the time limit, the Commission municipale du Québec may, at the request of the executive committee, petition to have the said municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale.

Any reduction of the aliquot share of a municipality shall apply as regards that municipality from the payment following the date of that decision, and any increase of the aliquot shares of the other municipalities as a result of that decision shall be added, as regards those municipalities, to the amount of the fourth payment.

An amount to be reimbursed by the Community to a municipality by reason of a difference between the provisional and the final share, a reduction of the share after a contestation, a difference contemplated in section 308 or another adjustment of the share, bears interest at the rate determined under the eleventh paragraph from the date of exigibility of the last payment of the share or the entire share, as the case may be.

An adjustment of the share effected under this section does not constitute an expenditure or a supplementary revenue of the Community for the fiscal period during which the adjustment is effected."

84. Section 258 of the said Act is replaced by the following section:

"258. For the purpose of paying its aliquot share owing under this Act, a municipality may, whatever the Act governing it, impose a special tax on the basis provided for in section 487 of the Cities and Towns Act."

85. Section 258*a* of the said Act, enacted by section 9 of chapter 80 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

"258*a*. The Community shall, not later than 30 October each year, adopt for the next three fiscal years the program of its capital expenditures and the program of the capital expenditures of the Commission de transport. Each such program shall be adopted by the by-law of which it is a part."

86. Section 259 of the said Act, amended by section 10 of chapter 80 of the statutes of 1977, is replaced by the following section:

“259. The Community may contract loans for a purpose within its jurisdiction, according to the mode and on such conditions as are approved by the Minister and the Commission municipale du Québec. The term of such loans shall in no case exceed fifty years.”

87. Section 259*a* of the said Act, enacted by section 23 of chapter 90 of the statutes of 1971 and amended by section 10 of chapter 73 of the statutes of 1972, section 27 of chapter 82 of the statutes of 1974 and section 11 of chapter 87 of the statutes of 1975, is again amended

(1) by replacing the second subparagraph of paragraph 3 by the following subparagraph:

“In the case of sale by tender, such tenders shall not be subject to sections 32 and 111, but they shall be addressed to the treasurer and opened by him in presence of the chairman of the executive committee or, if he is absent, in the presence of the vice-chairman of the committee, the director-general, or his deputy. The treasurer, on behalf of the Community, shall make the sale to the tenderer who submitted the tender which the treasurer deems to be the most advantageous to the Community. He shall not be held to accept any tender.”;

(2) by replacing the first subparagraph of paragraph 4 by the following subparagraphs:

“(4) A loan may be granted from such working fund

(*a*) for a purpose for which the Community is authorized to borrow temporarily;

(*b*) in anticipation of the collection of revenue of the Community or of a sum owing to it; or

(*c*) for the purchase of pending securities of the Community that may meet the requirements of a sinking-fund, at a price not exceeding their par value.

The term of the loan may not exceed three years in the case contemplated in subparagraph *a* of the first paragraph and may not exceed one year in the other cases.”

88. Section 260 of the said Act is replaced by the following section:

“260. The loans of the Community shall be ordered by by-law, except in the case of loans by notes the term for repayment of which does not exceed one year; in such last mentioned case, a resolution shall be sufficient.

The by-law need mention only the total amount of the principal of the loan it orders, the purposes for which the proceeds of the loan are to be used and the maximum term for which it may be contracted."

89. Section 261 of the said Act, amended by section 28 of chapter 82 of the statutes of 1974, is again amended

(1) by replacing the first and second paragraphs by the following paragraphs:

"261. Where a loan has been ordered by by-law of the Council, the executive committee may effect it by issuing securities or by a loan contract, up to the total amount of principal mentioned in the by-law.

The executive committee shall then determine

(1) the interest rate for the loan or securities, or the manner to fix such rate;

(2) the time the loan is effected;

(3) the contents of the securities or of the loan contract; and

(4) the conditions of the issue of the securities.

The executive committee may then effect the loan for a term shorter than that authorized by by-law of the Council and determine the part of such loan which shall be renewable at maturity and the maximum term of such renewal.

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

"The executive committee may designate a place outside Québec where a register shall be kept for the registration of securities and a person authorized to keep the register.

It may reimburse by anticipation a loan that may be so reimbursed.

It may set down rules on any matter relating to borrowings of the Community that the Council, by by-law, entrusts to it for regulation.

A resolution of the executive committee adopted under this section must be approved by the Minister and the Commission municipale du Québec."

90. Section 262 of the said Act, amended by section 24 of chapter 90 of the statutes of 1971 and section 11 of chapter 73 of the statutes of 1972, is replaced by the following section:

“262. Section 7 and Divisions V, VI and VIII to X of the Act respecting school debts and loans (R.S.Q., chapter D-7) shall apply to the Community. The treasurer or any other officer designated for that purpose by the executive committee shall fulfill the obligations mentioned in sections 24 and 32 of the said Act.

The Minister may cause to be affixed the seal and the certificate provided for in section 12 of such Act on a security issued by the Community under a by-law approved by it and the Commission municipale du Québec. The validity of a security bearing such seal and certificate is not contestable.

Division IX of the said Act does not apply to a security that may not be registered pursuant to the conditions of its issue.

A loan by the Community or a security issued by it may be repaid or redeemed by anticipation, of its own accord, according to the terms of the contract loan or security. The date for repayment of redemption by anticipation may be other than a date of payment of interest only if the prior notice provided for in the contract or security is given.”

91. Section 262*a* of the said Act, enacted by section 29 of chapter 82 of the statutes of 1974, is amended by replacing the second paragraph by the following paragraphs:

“The amount in Canadian dollars of a loan effected in another currency is obtained by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

For the purposes of the computation contemplated in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the moment of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the Community; or,

(2) at noon on the day on which all or part of the proceeds are paid to the Community, if it is not converted into Canadian dollars.

Where all or part of the proceeds of a loan are used to renew a loan already effected by the Commission, for all or part of its unexpired term, the amount used for such renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is effected.”

92. Sections 263 and 264 of the said Act are replaced by the following sections:

“263. The securities issued by the Community are authorized investments as if they were mentioned in subparagraph *a* of the first paragraph of article 981^o of the Civil Code.

The commitments included in the securities issued by the Community and the loan contracts entered into by it constitute direct and general obligations of the Community and of the municipalities and rank concurrently and *pari passu* with all other general bonds of the Community and of the municipalities.

“264. The Community and the municipalities are jointly and severally liable for any obligations contracted by the Community towards the holders of the securities issued by it or towards persons with whom it has entered into a loan contract.

“264a. Notwithstanding an inconsistent legislative provision, the second paragraph of section 262 does not apply to a security issued under section 259*a* or issued to effect a temporary loan.

“264b. Notwithstanding any inconsistent legislative provision, the securities of the Community may be issued in the following forms or as a combination thereof:

- (1) fully registered securities;
- (2) securities that may be registered only for the principal; or
- (3) securities payable to the bearer.

The Community may prescribe the mode of transfer or negotiation of those securities and the formalities to be fulfilled for that purpose. However, a security payable only to the bearer is negotiable by mere delivery and is not susceptible of registration unless otherwise stipulated.

“264c. Where the Community effects a loan in a foreign country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding relating to such loan.

In the same circumstances, the Community may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that sections 259 to 265 are complied with.”

93. Section 271 of the said Act, amended section 14 of chapter 73 of the statutes of 1972, is again amended by replacing the second paragraph by the following paragraph:

“Sections 3 and 4, the first paragraph of section 15 and sections 23 to 25, 38 and 41 apply to the Commission, *mutatis mutandis*.”

94. Section 272 of the said Act, replaced by section 421 of chapter 72 of the statutes of 1979, is again replaced by the following section:

“272. In any matter submitted to the Council respecting the Commission, the representatives of the municipalities of the territory of the Commission shall be entitled to vote, in addition to the chairman of the executive committee. In this part, the word “municipality” means one of those municipalities.

For such purposes only, and as long as the city of Longueuil forms part of the territory of the Commission, such city shall be represented on the Council by one delegate, appointed in accordance with the second paragraph of section 42, who shall be deemed to be a member of the Council.”

95. Section 273 of the said Act is amended by striking out the second and third paragraphs.

96. Section 274 of the said Act, amended by section 32 of chapter 82 of the statutes of 1974, is replaced by the following sections:

“274. The chairman and general manager shall be appointed by the Government.

The other commissioners shall be appointed by the Council. One of the commissioners shall be appointed upon a motion by a representative of the city of Montréal and the other upon a motion by a representative of another municipality.

“274 a. The term of office of a commissioner shall be ten years.

“274 b. Notwithstanding the end of his term of office, a commissioner shall remain in office until his successor is appointed.

The pension to which a commissioner is entitled shall then become exigible only when he has ceased to perform his duties.

“274 c. A vacancy in the office of commissioner shall be filled, within thirty days of the date on which it occurs, in accordance with section 274.

“274 d. In the case of absence or inability or refusal to act of a commissioner or of vacancy in the office of commissioner if he cannot or does not wish to remain in office until his successor is appointed, he may be temporarily replaced by a person appointed in the same manner as himself.

Section 274*e*, the first paragraph of section 275 and the third paragraph of section 276 do not apply to that temporary substitute.

“274*e*. A commissioner shall carry on only the work of the Commission and duties of his office; he shall not hold any other remunerated employment or occupation.”

97. Section 275 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“275. The office of commissioner is incompatible with the office of member of the Council or of a council of a municipality or of officer or employee of the Community or a municipality.

In no case may a commissioner hold regular or permanent employment for the Commission, under pain of forfeiture of office.”

98. Section 276 of the said Act is replaced by the following section:

“276. The Commission shall fix, by by-law, the remuneration and allowance of its members. The remuneration and allowance shall be paid by the Commission out of its revenue.

The by-law may be retroactive to 1 January preceding its coming into force.

The Commission shall also fix by by-law the rules concerning the pension of its members. The pension is paid by the Commission out of its revenue.”

99. Section 282 of the said Act, amended by section 15 of chapter 73 of the statutes of 1972, section 33 of chapter 82 of the statutes of 1974 and section 109 of chapter (*insert here the chapter number of Bill 33 of 1981*) of the statutes of 1981, is again amended by adding, at the end, the following paragraph:

“The commissioner who exercises the powers of the chairman under the seventh or eighth paragraph only does so until the appointment of a temporary substitute or of a successor in accordance with section 274*d* or 274*c*, where such is the case.”

100. Section 286 of the said Act, amended by section 28 of chapter 90 and section 118 of chapter 99 of the statutes of 1971, section 34 of chapter 82 of the statutes of 1974, section 102 of chapter 7 and section 3 of chapter 104 of the statutes of 1978, is again amended

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

“286. Sections 69 to 69*d*, 97*a*, 97*b*, 99 to 102, 110, 339, 340 and 347 shall apply, *mutatis mutandis*, to the Commission. For such purposes the word “municipality” in any of those sections shall mean a municipality within the territory of the Commission.”;

(2) by replacing subparagraphs *d* and *e* of the second paragraph by the following subparagraphs:

“(d) to make by-laws respecting the transport of passengers in its vehicles and the conduct of passengers on or in its property in such a way as to ensure comfort and safety to the public;

“(e) to establish, possess and operate a service for the public transport of passengers

i. between any point within its territory and the international airport situated at Dorval or Mirabel; or

ii. between any point or airport contemplated in subparagraph i and a Canadian or American airport towards which all or part of the air traffic of the airport first mentioned is diverted;”.

101. Sections 286*a* and 286*b* of the said Act are replaced by the following sections:

“286 a. A by-law of the Commission must be approved by the Council in order to come into force.

“286 b. A contract for the execution of works, the supplying of equipment or materials or the supplying of services other than professional services is awarded by the Commission after a call for public tenders, in accordance with section 111 that applies, *mutatis mutandis*, where the contract involves an expenditure of \$25 000 or more.

Where the contract involves an expenditure of more than \$5 000 but less than \$25 000, its awarding must be preceded by a call for tenders made by inviting at least two contractors or, as the case may be, two suppliers to tender.”

102. Section 287 of the said Act, amended by section 16 of chapter 73 of the statutes of 1972, section 140 of chapter 38 of the statutes of 1973, section 5 of chapter 104 of the statutes of 1978 and section 16 of chapter 20 of the statutes of 1980, is again amended by striking out the eighth paragraph.

103. Section 296 of the said Act, replaced by section 8 of chapter 104 of the statutes of 1978, is amended by replacing the first paragraph by the following paragraph:

“296. The Commission may, with the approval of the Council, establish tariffs for the transport of the users of its vehicles. Those tariffs may vary according to the means of transport or the classes of users or services. They may also vary for the users of any means or system of transport of an undertaking it has acquired under section 287 or that it operates under section 286c.”

104. Section 297 of the said Act is amended by replacing the first paragraph by the following paragraph:

“297. Any decision of the Commission respecting transport tariffs may be revised by the Commission des transports du Québec upon an appeal by any municipality or person interested.”

105. Section 304 of the said Act, amended by section 422 of chapter 79 of the statutes of 1972, is again amended by replacing the first and second paragraphs by the following paragraph:

“304. Sections 245, 253 and 258 apply, *mutatis mutandis*, to the Commission. For such purposes, the word “municipality” in any of those sections means a municipality of the territory of the Commission.”

106. Section 308 of the said Act, replaced by section 32 of chapter 90 of the statutes of 1971, amended by section 37 of chapter 82 of the statutes of 1974 and section 12 of chapter 87 of the statutes of 1975, replaced by section 425 of chapter 72 of the statutes of 1979 and amended by section 65 of chapter 34 of the statutes of 1980, is again amended by replacing the third and fourth paragraphs by the following paragraphs:

“The sum representing the difference, for a given fiscal period, between the estimate and the actual amount of the portion of the deficit contemplated in the first paragraph or between the amount mentioned in the certificate contemplated in section 307 and the actual expenses of the city of Montréal, is, as the case may be,

(1) paid by the Community to the Commission or the city, within thirty days of receipt by the treasurer of the Community of a certificate of the treasurer of the Commission or of the director of finance of the city attesting the difference; or

(2) reimbursed by the Commission or the city to the Community at the time of the sending of the certificate.

If the Community is reimbursed for the sum contemplated in the third paragraph, it must, within thirty days, reimburse each municipality for the amount it collected in excess from each municipality.

If the Community must pay such sum, it may borrow it temporarily from its working fund for such purpose.

The apportionment of the expenditure incurred by the Community through the payment of such sum is included in the budget for the fiscal period following such payment. The apportionment is effected in proportion to the fiscal potential of each municipality for the fiscal period contemplated in the third paragraph.

The payments or reimbursements effected under this section constitute an expense or revenue of the Community for the fiscal period following that during which they are effected."

107. Section 309 of the said Act is repealed.

108. Sections 310 and 310*a* of the said Act are replaced by the following sections:

"310. The Commission may, with the approval of the Council, contract a loan for a purpose within its jurisdiction, according to the mode and the conditions approved by the Minister and the Commission municipale du Québec. The term of such loans shall in no case exceed fifty years.

"310*a*. The loans of the Commission shall be ordered by by-law, except in the case of loans by notes the term for repayment of which does not exceed one year; in such last mentioned case, a resolution shall be sufficient.

The by-law need mention only the total amount of the principal of the loan that it orders, the purposes for which the proceeds of the loan is to be used and the maximum term for which it may be contracted."

109. Section 310*b* of the said Act, enacted by section 17 of chapter 73 of the statutes of 1972 and amended by section 38 of chapter 82 of the statutes of 1974, is again amended by

(1) replacing the first and second paragraphs by the following paragraphs:

"310*b*. Where a loan has been ordered by by-law, the Commission may effect it by an issue of securities or by a loan contract, up to the total amount of principal mentioned in the by-law.

The Commission shall then determine

(1) the interest rate of the loan or securities or the manner of fixing that rate;

(2) the time the loan is effected;

- (3) the content of the securities or of the loan contract; and
- (4) the conditions of the issue of the securities.

The Commission may then effect the loan for a term shorter than that mentioned in the by-law of the Council and determine the part of such loan which shall be renewable at maturity and the maximum term of such renewal.”;

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

“The Commission may designate a place outside Québec where a register shall be kept to register the securities and a person to keep it.

It may set down rules on any matter respecting its loans.

A resolution of the Commission adopted under this section must be approved by the Minister and the Commission municipale du Québec.”

110. Sections 310c to 310e of the said Act are replaced by the following sections:

“310c. Section 7 and Divisions v, vi and viii to x of the Act respecting school debts and loans apply to the Commission. The treasurer of the Commission or any other officer designated for that purpose by it shall fulfill the obligations mentioned in sections 24 and 32 of the said Act.

The Minister may cause to be affixed the seal and the certificate contemplated in section 12 of such Act to any security issued by the Commission under a by-law approved by it or the Commission municipale du Québec. The validity of a security bearing such seal and certificate is not contestable.

Section ix of the said Act does not apply to a security that may not be registered pursuant to the conditions of its issue.

A loan of the Commission or a security issued by it may be reimbursed or redeemed by anticipation, of its own accord, according to the terms of the loan contract or security. The date of reimbursement or redemption may be other than a date of payment of interest only if the prior notice provided for in the contract or security is given.

“310d. The securities issued by the Commission are authorized investments as if they were mentioned in subparagraph a of the first paragraph of article 981o of the Civil Code.

The commitments included in the securities issued by the Commission and the loan contracts entered into by it constitute direct and general obligations of the Commission and of the munici-

palties mentioned in Schedules A and B. They shall rank concurrently and *pari passu* with all other general bonds of the Commission and of those municipalities.

“310e. The Commission and those municipalities are jointly and severally responsible for the obligations contracted by the Community towards the holders of the securities issued by it or towards persons who have entered into a loan contract with it.”

111. Section 310f of the said Act, enacted by section 41 of chapter 82 of the statutes of 1974, is amended by replacing the second paragraph by the following paragraphs:

“The amount in Canadian dollars of a loan effected in another currency is obtained by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

For the purposes of the computation contemplated in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the time of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the Commission; or

(2) at noon on the day on which all or part of the proceeds of the loan is paid to the Commission, if it is not converted into Canadian dollars.

Where all or part of the proceeds of a loan are used to renew a loan already effected by the Commission, for all or part of its unexpired term, the amount used for such renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is effected.”

112. The said Act is amended by inserting, after section 310f, the following sections:

“310g. Notwithstanding an inconsistent legislative provision, the second paragraph of sections 310c does not apply to a security issued by the Commission to effect a temporary loan.

“310h. Notwithstanding an inconsistent legislative provision, the securities of the Commission may be issued in one of the following forms or as a combination thereof:

(1) fully registered securities;

(2) securities that may be registered for the principal only; or

(3) securities payable to the bearer.

The Commission may prescribe the mode of transfer or negotiation of its securities and the formalities to be fulfilled for that purpose. However, a security payable only to the bearer is negotiable by sole delivery and does not need to be registered unless otherwise stipulated.

“310*i*. Where it effects a loan in a foreign country, the Commission may elect domicile in that country or elsewhere, for the purposes of receiving a notice or a proceeding respecting that loan.

In the same circumstances, the Commission may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that sections 310 to 311 are complied with.”

113. Section 318 of the said Act, amended by section 34 of chapter 90 and section 25 of chapter 99 of the statutes of 1971, section 137 of chapter 55 of the statutes of 1972 and section 42 of chapter 82 of the statutes of 1974, is again amended

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

“Notwithstanding the apportionment of the debt service provided by this section, the commitments included in securities issued by the Community and loan contracts entered into by it, for the purpose of extending the Metro, constitute direct and general obligations of the Community and of the municipalities mentioned in Schedules A and B. The Community and those municipalities are jointly and severally responsible for the obligations contracted by the Community towards the holders of the securities issued by it or towards persons who have entered into a loan contract with it.”;

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

“When an expropriation is decided upon by the Community for the purposes provided for by this section and except when the object of the expropriation is a servitude or a right which affects only the subsoil of an immoveable or when a municipality already has manifested its intent not to carry out the expropriation itself, the Community shall offer to the municipality in which is situated an immoveable or a property right affected by such proposed expropriation to carry out the expropriation itself at its own cost. Subject to subparagraph *m* of the first paragraph, the Community shall not proceed with the expropriation unless such municipality fails to accept, by resolution, the offer of the Community, within 90 days following its receipt.”

114. Section 321 of the said Act, amended by section 36 of chapter 90 of the statutes of 1971 and section 22 of chapter 73 of the statutes of 1972, is again amended by replacing what precedes paragraph *a* by the following:

“321. Not later than 1 January 1983, the Commission and the city of Montréal shall jointly:”.

115. Section 324 of the said Act, amended by section 23 of chapter 73 of the statutes of 1972, is replaced by the following section:

“324. The plan shall be adopted by by-law of the Community and of the city of Montréal not later than on 15 January 1984. It shall come into force following ratification by the Government.”

116. Section 325 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The Commission, the Community, the municipalities other than the city of Montréal and that city shall be called upon to submit their representations to the Commission municipale du Québec, and the Commission shall render its decision within three months following the application of the party who referred the dispute to it.”

117. Sections 329 to 332 of the said Act are repealed.

118. Section 335 of the said Act is replaced by the following section:

“335. The Government may, on the recommendation of the Minister, exclude, by letters patent, the territory of the city of Longueuil from the territory of the Commission.

The letters patent come into force on the day of their publication in the *Gazette officielle du Québec*.”

119. Section 338*e* of the said Act, enacted by section 11 of chapter 104 of the statutes of 1978, is amended by replacing subsection 1 by the following subsection:

“338*e*. (1) The Commission municipale du Québec, after hearing the Commission and the appellant municipality, must render its decision within two months thereafter and inform the parties of its decision.

The Commission may in such decision confirm the aliquot share or change it. It may change the aliquot share only if it entails serious prejudice to the ratepayers.

It may order the Commission to pay to the appellant municipality or vice-versa, an amount that it considers equitable to meet the expenses caused by such appeal. The order shall be homologated upon a motion to the Provincial Court or the Superior Court, in accordance with their respective jurisdictions. The order homologated shall be executory in the same manner as a judgement of such court.

It may also make an interlocutory order to safeguard the rights of the interested parties during the suit."

120. Section 341 of the said Act, amended by section 14 of chapter 87 of the statutes of 1975, is replaced by the following section:

"341. Any municipality that establishes, extends or abandons a reserve for public purposes under the Expropriation Act shall have the notice contemplated in section 79 or 83 of the said Act served on the Community before having it served on the owner or the interested holder of the real right."

121. Section 343 of the said Act is repealed.

122. The said Act is amended by inserting, after section 344, the following section:

"344 a. Any power that may be exercised by ordinance of the executive committee may also be exercised by by-law of the Council."

123. Section 346 of the said Act, amended by section 25 of chapter 73 of the statutes of 1972 and section 44 of chapter 82 of the statutes of 1974, is replaced by the following section:

"346. The facsimile of the signature of the director general, secretary, treasurer or valuation commissioner of the Community on any document he is authorized to sign, shall have the same effect as the signature itself if the use of such facsimile is authorized by the executive committee.

The first paragraph does not apply in respect of the original of a by-law, ordinance or resolution adopted by the Council or executive committee.

The first two paragraphs apply, *mutatis mutandis*, to the chairman and director general, secretary and treasurer of the Commission de transport."

124. Section 349 of the said Act, amended by section 15 of chapter 93 of the statutes of 1971, section 26 of chapter 73 of the

statutes of 1972 and section 45 of chapter 82 of the statutes of 1974, is replaced by the following sections:

“349. The Community is a municipality or a municipal corporation, as the case may be, within the meaning of the Act respecting the Ministère des affaires municipales (R.S.Q., chapter M-22), the Act respecting the Commission municipale (R.S.Q., chapter C-35), the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the Public Health Protection Act (R.S.Q., chapter P-35), the Labour Code (R.S.Q., chapter C-27) and the Act respecting the protection of persons and property in the event of disaster (1979, chapter 64).

It is also a municipal corporation within the meaning of paragraph *f* of section 244 of the Act respecting insurance (R.S.Q., chapter A-32).

The Acts mentioned in the first paragraph apply, *mutatis mutandis*, to the Community.

In particular, for the application of the Act respecting the protection of persons and property in the event of disaster

(1) the executive committee and its chairman are deemed to be the council and the mayor of the municipal corporation, respectively;

(2) from the time the executive committee or its chairman decrees a state of emergency pursuant to the said Act, the officers and employees of the municipalities contemplated by such decree shall come under the authority of the chairman of the executive committee to the extent necessary for the application of the said Act; and

(3) the executive committee or its chairman may decree a state of emergency in a municipality only if

(a) such municipality and the Community have previously entered into an agreement as to their respective responsibilities for the expenses caused by the acts of officers and employees of the municipality, or if

(b) the council or the executive committee of the municipality, or its mayor or chairman of the committee, expressly request the executive committee of the Community or its chairman to decree the state of emergency, in which case the expenses mentioned in subparagraph *a* are charged to the municipality.

“349a. The Community is dispensed from the obligation of contracting the insurance provided for by section 84 of the Automobile Insurance Act (R.S.Q., chapter A-25) and section 103 of the said Act applies to it.”

125. Sections 353 to 356 of the said Act are repealed.

126. Section 357 of the said Act, replaced by section 37 of chapter 90 of the statutes of 1971 and amended by section 47 of chapter 82 of the statutes of 1974, is replaced by the following section:

“357. Any proceeding for an offence under this Act or a by-law, ordinance or resolution of the Council, executive committee or the transit commission shall be instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).”

127. Section 358 of the said Act, replaced by section 38 of chapter 90 of the statutes of 1971 and amended by section 16 of chapter 93 of the statutes of 1971, section 29 of chapter 73 of the statutes of 1972, section 48 of chapter 82 of the statutes of 1974 and section 6 of chapter 71 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraphs:

“358. The social benefits accrued to the credit of an officer or employee of the Government of Canada, of a provincial government, of a university situated in Québec, of a municipality, of a school municipality, of the school council of the island of Montréal, of Hydro-Québec, of the electrical services commission of the city of Montréal, of the Montréal transportation commission or of the transit commission of the Community in a plan or fund administered by one of such employers, by one of such employers and its employees or by a third party on behalf of such persons, shall be transferable upon the application of the officer or employee transferred to the employ of the Community or the transit commission or vice versa, or upon the application of the concerned government or body, the whole upon the conditions fixed or approved by the Régie des rentes du Québec.

The other social benefits, in particular vacation and sick leave, credited to an officer or employee of a government or body mentioned in the first paragraph who changes employment are also transferable, provided that the change of employment concerns the Community or the transit commission. The conditions of the transfer of those social benefits are those agreed upon by the Community and the transit commission and the government or other concerned body.

This section applies, *mutatis mutandis*, to the transfer of social benefits between the plans or funds of the Community.”

128. Sections 358*a* and 359 of the said Act are repealed.

129. Sections 363 to 369 of the said Act are repealed.

130. The heading of Title IV of the said Act is replaced by the following heading:

“TITLE IV

“POPULATION”.

131. Section 372 of the said Act is replaced by the following section:

“372. For the purposes of this Act, the population of a municipality is that indicated in the last census recognized as valid by the Government under the Cities and Towns Act or the Municipal Code, as the case may be, and the population of the territory of the Community is the total of the population of the municipalities.”

132. Section 373 of the said Act is repealed.

133. Schedules A to C of the said Act are replaced by the following schedules:

“SCHEDULE A

“Territory of the Community

Town of Anjou; Town of Baie d’Urfé; City of Beaconsfield; City of Côte-Saint-Luc; Town of Dollard-des-Ormeaux; City of Dorval including the town of Dorval Islands; Town of Hampstead; Town of Kirkland; City of Lachine; City of La Salle; City of Montréal; Town of Montréal-Est; City of Montréal-Nord; Town of Montréal-Ouest; Town of Mont-Royal; City of Outremont; City of Pierrefonds; City of Pointe-aux-Trembles; City of Pointe-Claire; Town of Roxboro; Town of Sainte-Anne-de-Bellevue; Town of Sainte-Geneviève; Town of Saint-Laurent; City of Saint-Léonard; Town of Saint-Pierre; Parish of Saint-Raphaël-de-l’Île-Bizard; Village of Senneville; City of Verdun; City of Westmount.

“SCHEDULE B

“Territory of the Transit Commission

Town of Anjou; Town of Baie d’Urfé; City of Beaconsfield; City of Côte-Saint-Luc; Town of Dollard-des-Ormeaux; City of Dorval; Town of Hampstead; Town of Kirkland; City of Lachine; City of LaSalle; City of Longueuil; City of Montréal; Town of Montréal-Est; Town of Montréal-Nord; Town of Montréal-Ouest; Town of Mount-Royal; City of Outremont; City of Pierrefonds; City of Pointe-aux-Trembles; City of Pointe-Caire; Town of

Roxboro; Town of Sainte-Anne-de-Bellevue; Town of Sainte-Geneviève; Town of Saint-Laurent; City of Saint-Léonard; Town of Saint-Pierre; Parish of Saint-Raphaël-de-l'Île-Bizard; Village of Senneville; City of Verdun; City of Westmount.”

134. The Act respecting land use planning and development (1979, chapter 51) is amended by inserting, after section 264.1, the following section:

“264.2 The Preliminary Title, Chapters I, VI and VII of Title I, Title III and Chapter I of Title IV apply to the Communauté urbaine de Montréal, as if it were a regional county municipality.

The provisions mentioned in the first paragraph apply with the following adaptations:

(1) the secretary of the Community is deemed to be the secretary-treasurer of the regional county municipality;

(2) the by-law by which the Council of the Community adopts, amends or revises its development plan and the by-law or the resolution by which it adopts or amends its interim control by-law, must be adopted by the majority provided for in sections 52 and 53 of the Montréal Urban Community Act;

(3) the Community must adopt its development plan not later than *(insert here the date of the third anniversary of the coming into force of Bill 46)*;

(4) in addition to the items mentioned in section 5, the development plan of the Community must also include the following:

(a) the approximate density of occupation permissible in the various parts of its territory, including those parts within the urbanization perimeters;

(b) the approximate layout and the type of the main thoroughfares;

(5) instead of mailing or otherwise distributing an abstract of the preliminary development proposal to every address, the Community may have it published in a newspaper circulated in its territory; in such a case, the opinion of a municipality on that proposal must be sent to the Council of the Community within sixty days from such publication;

(6) within six months of receiving the resolution adopting the development proposal, the Minister shall give the notice contemplated in section 16 to the Council of the Community;

(7) the public meetings for consultation on the final version of the development plan of the Community, pursuant to section 20,

shall be held by the development committee formed by section 82 of the Montréal Urban Community Act;

(8) the development plan of the Community comes into force six months after its adoption by the Council, subject to sections 27 to 29; the application for amendment of the plan provided for in section 27 may be made within six months from its adoption;

(9) the opinion of the Council of the Community provided for by section 46 or 74, respecting the advisability of a loan by-law of a municipality, must be transmitted to the municipality within sixty days from the adoption of the by-law;

(10) government regulations made under subparagraph 6 of the first paragraph of section 241 and the second paragraph of that section, do not apply to the members of the Council of the Community.

In any provision mentioned in the first paragraph, any reference to another provision of this Act that does not apply to the city of Montréal is deemed a reference to the corresponding provision of the charter of the said city, where that is the case. For the purposes of section 51, in the case of the said city, an owner is a person entered as such on its real estate assessment roll on the day of the adoption of the resolution mentioned in that section, and a lessee is a person entered, on the same date, as a lessee on the electoral list; in the case of a natural person, he must be of full age and of Canadian citizenship.

Only to the extent necessary for the application of the provisions mentioned in the first paragraph, and not in view of the procedure for consultation or approval provided for by Chapter IV of Title I, the city of Montréal must send copies of its resolutions and by-laws and send and publish notices respecting them in accordance with this Act."

135. For the purposes of sections 136 to 169

(1) "Act" means the Montréal Urban Community Act amended by this Act;

(2) "present Act" means the Montréal Urban Community Act as it existed before (*insert here the date of the coming into force of Bill 46*).

136. The members of the executive committee of the Communauté urbaine de Montréal, in office on (*insert here the date of the coming into force of Bill 46*), continue to exercise their functions, in the positions they hold on the committee, until all the members of the committee appointed under sections 8, 82c and 88 of the Act have come into office.

137. The chairman and vice-chairman of the Council of the Communauté urbaine de Montréal, in office on (*insert here the date of the coming into force of Bill 46*), continue to exercise their functions until the chairman or the vice-chairman of the Council, as the case may be, is appointed under section 88 of the Act.

138. If a member of the executive committee or the chairman or the vice-chairman of the Council of the Communauté urbaine de Montréal, in office on (*insert here the date of the coming into force of Bill 46*), ceases to be a member of the committee or hold therein the position of chairman or vice-chairman or ceases to be chairman or vice-chairman of the Council, before the date provided for by section 136 or 137, he is replaced until that date in accordance with the present Act.

139. Not later than (*insert here the date that corresponds to the sixtieth day following the coming into force of Bill 46*), the Council of the Communauté urbaine de Montréal must make the appointments provided for by sections 8, 11, 82a to 82c and 88 of the Act.

If the Council fails to make an appointment within the period provided for in the first paragraph, the Government or the Minister of Municipal Affairs may do so in his place, whether in the case of the chairman of the executive committee or another person.

The second paragraph does not prevent the Council from making the appointment after the expiry of the period mentioned in the first paragraph, if the Government or the Minister has not done so in its place.

140. Subject to section 141, until the Council of the Communauté urbaine de Montréal fixes by by-law a remuneration and allowance pursuant to section 19, 56 or 88f of the Act, those fixed by the Government under section 24, 56 or 88 of the present Act shall continue to be paid, taking into account, however, article 77j of the Municipal Code or section 65.12 of the Cities and Towns Act (R.S.Q., chapter C-19) and sections 114 and 115 of the Act to amend certain provisions of law respecting democratic procedure and the remuneration of elected officials, in municipalities (1980, chapter 16).

141. Until the date provided for in section 140, the chairman of the executive committee of the Communauté urbaine de Montréal receives from the latter, in addition to the remuneration and the allowance mentioned in that section, the remuneration and allowance that he received at the time of his resignation, from the municipality of which he was a member of the council and, where applicable, from a mandatary body of the municipality.

142. Notwithstanding sections 20 and 21 of the Act, the chairman of the executive committee of the Communauté urbaine de Montréal in office on (*insert here the date of the coming into force of Bill 46*), if he is appointed under section 8 of the Act and as long as he remains so, may not receive from the Community less remuneration and allowance than the sum of those he was receiving on that date from the municipality of which he was a member of the council, from a mandatory body of the municipality and a supramunicipal body.

143. For the purposes of sections 141 and 142, the words “mandatory body of a municipality” and “supramunicipal body” have the same meaning as for the purposes of section 65.12 of the Cities and Towns Act.

144. A person who was chairman, vice-chairman or an ordinary member of the executive committee of the Communauté urbaine de Montréal before (*insert here the date of the coming into force of Bill 46*) continues to be entitled to the pension fixed in his respect by the Government under section 24 of the present Act.

The first paragraph also applies to a person who ceases to be chairman, vice-chairman or an ordinary member of the executive committee after the date mentioned in the first paragraph but before the coming into force of the by-law of the Council of the Community fixing the pension pursuant to section 19 of the Act.

The by-law contemplated in the second paragraph must provide, in respect of a person who is the chairman, vice-chairman or an ordinary member of the executive committee on the date mentioned in the first paragraph and to whom the by-law applies, for a pension whose conditions are at least as advantageous as those fixed in his respect by the Government under section 24 of the present Act.

145. Until the Government makes the order provided for by section 20 of the Act, the order made under section 65.12 of the Cities and Towns Act applies to the chairman of the executive committee of the Communauté urbaine de Montréal as if he were a member of the council of a municipality, subject to section 142.

146. For the fiscal year 1982, the Council of the Communauté urbaine de Montréal may appropriate, out of the moneys not otherwise appropriated from its general fund, sums sufficient for the purposes provided for in section 25 of the Act.

For the application of that section, such sums are deemed to be appropriations provided for in the budget.

147. The third paragraph of section 52 of the Act applies only to the chairman of the executive committee of the Communauté urbaine de Montréal appointed in accordance with section 8 of the Act.

The same applies to the right to vote of the chairman of the executive committee mentioned in section 272 of the Act.

148. The by-laws establishing the departments of the Communauté urbaine de Montréal and the field of their activities and the functions not provided for by the Act of their heads, adopted under sections 90, 91, 116 and 167*a* of the present Act, continue to have effect as if they had been adopted under sections 90 and 91 of the Act, until they are amended, replaced or repealed.

149. The treasurer, valuation commissioner and other permanent or temporary department heads of the Communauté urbaine de Montréal, in office on (*insert here the date of the coming into force of Bill 46*), continue to exercise their functions until they are replaced pursuant to sections 90 to 92, 224 or 227 of the Act, as the case may be.

150. The secretary general of the Communauté urbaine de Montréal in office on (*insert here the date of the coming into force of Bill 46*) remains in office as secretary until he is replaced pursuant to section 90 of the Act.

Furthermore, although he does not hold the office of director general, he may carry out the duties of director general until a director general is appointed pursuant to section 90 of the Act.

151. The tariff adopted by the executive committee of the Communauté urbaine de Montréal under section 346 of the present Act continues to have effect as if it had been adopted under section 97*b* of the Act, until it is amended, replaced or repealed.

The order of the Minister of Municipal Affairs made under section 91 of the Cities and Towns Act has effect in respect of the Community as if it had been made under section 97*b* of the Act. However, such decree does not apply in respect of a tariff mentioned in the first paragraph.

152. A relief fund established and maintained by the Communauté urbaine de Montréal under section 99 of the present Act, or which the Community has assisted in establishing or maintaining under that section, continues to exist as if it had been established or maintained or the assistance furnished under section 99 of the Act and had received the approval of the Minister of Financial Institutions and Cooperatives.

153. A member of the Public Security Council appointed under section 199 of the present Act and who is in office on (*insert here the date of the coming into force of Bill 46*) becomes a member of the public safety committee and remains so until he is replaced in accordance with section 82*b* of the Act.

154. The government order made under section 207 of the present Act continues to apply to the person contemplated in section 153 and his successors appointed under section 82*b* of the Act, as if it had been adopted under that section, until it is amended, replaced or repealed.

155. The secretary, personnel and advisers of the Public Security Council appointed under section 211 of the present Act may not be dismissed solely for the reason that the Public Security Council is abolished. They may not be subjected to conditions of employment less advantageous than those fixed in their respect under that section.

156. The decisions taken by the Public Security Council under sections 212 to 214, 230 and 232 of the present Act continue to have effect as if they had been taken by the executive committee under sections 212, 214, 230 and 232 of the Act, until they are amended, replaced or repealed.

157. A municipality may levy and recover a tax based on the rental value and imposed under section 258 of the present Act.

158. The chairman and general manager of the Commission de transport de la Communauté urbaine de Montréal and its other members, in office on (*insert here the date of the coming into force of Bill 46*), continue to exercise their functions until they are replaced pursuant to section 274 of the Act.

159. Until the Commission de transport de la Communauté urbaine de Montréal fixes by by-law a remuneration and allowance pursuant to section 276 of the Act, the remuneration and allowance fixed by the Government under section 276 of the present Act continue to be paid.

160. A member of the Commission de transport de la Communauté urbaine de Montréal in office on (*insert here the date of the coming into force of Bill 46*) may not receive under the by-law contemplated by section 276 of the Act a remuneration and allowance less than those he received on that date.

161. A person who has been the chairman and general manager of the Commission de transport de la Communauté urbaine de

Montréal before (*insert here the date of the coming into force of Bill 46*) is entitled to receive from the Commission, during his lifetime and from that date, an annual pension equal to one-half of the remuneration that he received from the Commission at the time of termination of his functions. In no case, however, may he receive a pension less than that provided for by section 276 of the present Act.

The first paragraph also applies to a person who ceases to be the chairman and general manager of the Commission after the date mentioned in the first paragraph but before the coming into force of the by-law of the Commission fixing the pension under section 276 of the Act. In his case, however, the pension is payable to him only from the termination of his functions.

The by-law contemplated in the second paragraph must provide, in respect of a person who is the chairman and general manager of the Commission on the date mentioned in the first paragraph to whom the by-law applies, a pension whose conditions are at least as advantageous as those mentioned in the first paragraph.

For the purposes of this section, the chairman and general manager of the Commission is not deemed to cease to exercise his functions at the expiry of his term, if he is reappointed from the first following appointment pursuant to section 274 of the Act. The person in office on the date mentioned in the first paragraph is not deemed to cease to exercise his functions at the time of the first appointment made after that date under section 274 of the Act, if he is reappointed at that time.

162. Section 161 applies *mutatis mutandis* to a person who has been or is a member of the Commission de transport de la Communauté urbaine de Montréal other than the chairman and director general.

However, the words “to one-half” in the first paragraph of that section are replaced by the words “to five-twelfths”.

163. The surviving spouse of a person contemplated in section 161 or 162 is entitled to receive from the Commission de transport de la Communauté urbaine de Montréal, during his lifetime, from the death of that person or from (*insert here the date of the coming into force of Bill 46*) if the person dies before that date, a pension equal to one-half of that to which the deceased was entitled.

The first paragraph applies subject to the more advantageous conditions that may be provided for by the by-law adopted pursuant to section 276 of the Act, if it applied to the deceased.

164. A tariff established under section 296 of the present Act continues to have effect as if it had been established under section 296 of the Act and approved by the Council of the Communauté urbaine de Montréal, until it is amended, replaced or repealed.

165. Generally, unless otherwise provided for by this Act, an act accomplished under the present Act maintains its effects to the extent that it is not inconsistent with the Act.

166. The apportionment of the cost of lateral roads of Metropolitan Boulevard among the municipalities concerned within the meaning of the Act respecting the Metropolitan Boulevard (1960-1961, chapter 61), which was made for the fiscal years 1962 to 1981, is valid.

For the fiscal years 1982 to 1985, the apportionment is that provided for in the Schedule.

A municipality shall, not later than 1 February of every year mentioned in the second paragraph, pay to the Communauté urbaine de Montréal the amount entered in the Schedule opposite its name. If a municipality fails to make the payment within that period, Divisions VI, VIII and IX of the Act respecting the Commission municipale (R.S.Q., chapter C-35) apply to the municipality.

The treasurer of the Community may use the surplus of a loan contracted for the construction of Metropolitan Boulevard and the interest accrued on such surplus to pay each year the amount of the debt service of loans contracted for Metropolitan Boulevard that exceeds the amount payable by the municipalities under the Schedule and that is not paid by the Government.

If the fourth paragraph does not allow the amount of the debt service for a fiscal year to be paid completely, each of the amounts mentioned in the Schedule is increased to cover the difference. Such difference shall be apportioned among the municipalities according to the percentage mentioned in the Schedule opposite each name.

The executive committee of the Community may, upon a report of the treasurer, distribute to every municipality, according to the percentage mentioned in the Schedule opposite its name, any surplus of a loan contracted for the purposes of paying the expenses incurred for the construction of Metropolitan Boulevard or its lateral roads, and any balance of interest attached thereto.

Once the distribution contemplated in the sixth paragraph has been carried out, and if other expenses become payable by the Community in respect of Metropolitan Boulevard, the executive committee shall apportion them among the municipalities according to the percentage mentioned in the Schedule opposite each

name. The same applies to any additional expense in respect of Metropolitan Boulevard and its lateral roads which become payable by the Community after (*insert here the date of the coming into force of Bill 46*) and which has not been included in the apportionment mentioned in the Schedule.

167. In another Act or a by-law, ordinance, resolution or other document of the Communauté urbaine de Montréal or respecting the Community, the expression “secretary-general” means the director general or the secretary of the Community, according to the competence contemplated.

168. Section 50 has effect from 6 December 1978.

169. Sections 88 to 92 and 108 to 112 are declaratory.

However, the first paragraph does not have for effect to invalidate a loan that the Minister of Municipal Affairs has not approved, if the present Act does not require it to receive such approval.

170. Sections 168 and 169 do not affect a judgment rendered before (*insert here the date of the tabling of Bill 46*) nor a case pending on that date.

171. This Act comes into force on the day of its sanction.

SCHEDULE

Apportionment of the cost of the lateral roads of Metropolitan Boulevard

	\$	%
Anjou	79 300	15.86
Baie d'urfé	900	0.18
Beaconsfield	2 400	0.48
Dorval	16 100	3.22
Kirkland	32 400	6.48
Montréal	57 600	11.52
Montréal-est	19 400	3.88
Mont-Royal	61 200	12.24
Pointe-aux-Trembles	44 000	8.80
Pointe-Claire	36 400	7.28
Sainte-Anne-de-Bellevue	3 600	0.72
Saint-Laurent	95 600	19.12
Saint-Léonard	51 100	10.22