

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

BILL 106

An Act respecting the town of Saint-Eustache

First reading

Second reading

Third reading



M. GUY TARDIF
Ministre des affaires municipales

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTE

This bill forbids the bringing of an action in disqualification or civil liability or a penal action against a municipal councillor or officer of the town of Saint-Eustache on the ground that a formality, even if mandatory, was omitted or that a provision of law was not observed in the performance of certain acts during the state of emergency that prevailed in that town in the spring of 1978. The bill also forbids the annulment or quashing of a by-law or resolution of the council on the same grounds.

BILL 106

An Act respecting the town of Saint-Eustache

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

Interpretation:
"council";

"municipal officer";

"state of emergency".

1. In this act, unless the context indicates another meaning,

(a) "council" means the council of the town of Saint-Eustache;

(b) "municipal officer" means an officer, a permanent or temporary employee or a mandatary of the town of Saint-Eustache;

(c) "state of emergency" means the situation caused by underground infiltration of oil products, which began on 11 April 1978 and ended on 15 August 1978.

Omission of formality, etc.

2. No action in declaration of disqualification of a member of the council or of a municipal officer, no action in civil liability, nor any action that may entail the condemnation of a member of the council or a municipal officer to a pay a fine, in respect of an act performed during the state of emergency, may be based on the ground of the omission of a formality, even a mandatory formality, or on the ground of the non-observance of a provision of law.

Omission of formality, etc.

Moreover, no action to annul or quash a by-law, resolution, *procès-verbal*, order or any other decision of the council passed before 15 August 1978 and relating to the state of emergency may be based on those grounds.

Acts contemplated.

3. The by-laws, resolutions, *procès-verbaux* and other orders, and the decisions contemplated in section 2 relate particularly to the following acts:

(a) any order restricting or prohibiting pedestrian traffic;

(b) any order restricting or prohibiting the use of moveable or immoveable property or of services;

(c) any leasing of moveable or immoveable property;

(d) any order for work by day-labour or by contract to be executed on private or public immoveables, including those belonging to the town of Saint-Eustache;

(e) any contract or quasi-contract for the execution of works, for the supplying of equipment or materials and for the supplying of services;

(f) any hiring of staff;

(g) any engagement of credit and any expenditure related to the acts contemplated in paragraphs a to f.

Loan
by-law.

4. The council may pass a loan by-law to cover the expenses related to the acts listed in section 3; such a by-law requires only the approval of the Ministre des affaires municipales and of the Commission municipale du Québec.

Effect.

5. This act has effect as from 11 April 1978.

Coming
into force.

6. This act comes into force on the day of its sanction.