

NATIONAL ASSEMBLY

SECOND SESSION

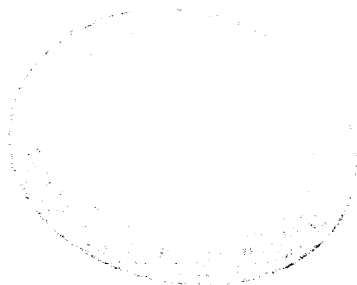
THIRTY-FIFTH LEGISLATURE

Bill 83

**An Act to amend the Cities and Towns Act, the
Municipal Code of Québec and other
legislative provisions**

Introduction

**Introduced by
Mr Rémy Trudel
Minister of Municipal Affairs**



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EXPLANATORY NOTES

This bill amends several Acts and Charters in the municipal field to simplify certain procedures, grant new powers and eliminate redundant provisions.

In order to simplify procedure, the bill makes changes to the rules governing the holding of referendums, especially as regards the time limits within which certain acts must be performed. It also simplifies the publication procedure for certain notices and by-laws.

With respect to the granting of new powers, the bill amends the Act respecting elections and referendums in municipalities to authorize municipalities to test new voting methods. It empowers municipalities and urban communities to enter into agreements with the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and another municipality for the inspection of food, and authorizes municipalities to adopt a revitalization program for existing sectors. Under the bill, municipalities may hold shares in a mutual fund jointly with municipal and supra-municipal bodies, transfer or lease their expertise and data concerning their territories and acquire, develop and maintain ports and harbours.

The Act respecting the Société d'habitation du Québec is amended to authorize the Corporation in connection with a program it is implementing to empower municipalities to prepare programs to complement the Corporation's own program.

The bill also amends provisions in the Act respecting land use planning and development pertaining to consultation on municipal planning by-laws by qualified voters.

The bill introduces an expense allowance for the members of the councils of northern villages and of the council of the Kativik Regional Government, and makes changes to the remuneration of the chairman of the Kativik Regional Government.

Lastly, the bill repeals two spent statutes.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);
- Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Charter of the city of Trois-Rivières (1915, chapter 90);
- Charter of the City of Québec (1929, chapter 95);
- Charter of the city of Sherbrooke (1974, chapter 101).

LEGISLATION REPEALED BY THIS BILL:

- Municipal Franchises Act (R.S.Q., chapter C-49);
- Act respecting municipal contribution to the construction of roads (R.S.Q., chapter C-66).

Bill 83

AN ACT TO AMEND THE CITIES AND TOWNS ACT, THE MUNICIPAL CODE OF QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 90 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), replaced by section 32 of chapter 25 of the statutes of 1996, is amended by replacing the word “latter” in the third line of the first paragraph by the word “mayor”.

2. Section 109.2 of the said Act, amended by section 42 of chapter 25 of the statutes of 1996, is again amended by replacing the word “latter” in the third line of the first paragraph by the word “mayor”.

3. Section 125 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended by replacing the word “latter” in the third line of the first paragraph by the word “mayor”.

4. Section 130 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended

(1) by inserting the words “17 or” after the word “subparagraph” in the second line of the second paragraph;

(2) by replacing the words “does not permit of sector-by-sector regulation” in the second line of the fifth paragraph by the words “permits of zone-by-zone regulation, where it applies to a zone that is not divided into sectors if the power also permits of sector-by-sector regulation;”;

(3) by adding, after the sixth paragraph, the following paragraph:

“For the purposes of the fifth and sixth paragraphs and of sections 133 to 137, a provision that applies to more than one zone or more than one sector of a zone, as the case may be, is deemed to constitute a separate provision applying separately to each zone or sector.”

5. Section 132 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended

(1) by inserting, after the first paragraph, the following paragraph:

“If the notice contains a description of the object of a provision other than those referred to in the second and third paragraphs of section 130, the indication of the interested persons entitled to sign an application in respect of that provision, prescribed in subparagraph *a* of subparagraph 3 of the first paragraph of this section, shall name every zone to which the provision applies, contain a general statement concerning any zone contiguous to the zone so named and, in the case of a provision referred to in the seventh paragraph of section 130, state that the provision is deemed to constitute a separate provision applying separately to each zone named. For the purposes of this paragraph, a zone in which the authorized structures or uses would no longer be the same because of the amended classification under the provision is deemed to be a zone to which the provision applies.”;

(2) by replacing the word “three” in the first line of the fourth paragraph by the word “four”.

6. Section 136 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended by striking out the third paragraph.

7. Section 136.1 of the said Act, enacted by section 57 of chapter 25 of the statutes of 1996, is amended by adding, after the sixth paragraph, the following paragraph:

“Where approval is to be sought under the third, fourth, fifth or sixth paragraph, if the applicable paragraph applies to several zones, the sector concerned, within the meaning of the Act respecting elections and referendums in municipalities, is the aggregate of those zones. For the purposes of this paragraph, a sector of a zone is considered to be a zone in the case of approval sought under the sixth paragraph.”

CITIES AND TOWNS ACT

8. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 1 of chapter 34 of the statutes of 1995, section 124 of chapter 2 of the statutes of 1996 and section 1 of chapter 27 of the statutes of 1996, is again amended by inserting, after subsection 1, the following subsection:

“(1.1) A municipality may, by onerous title, transfer or lease rights to and licences for the processes it has developed, its expertise in any area within its competence, the equipment allowing such expertise to be applied, and any data concerning its territory.

It may also transfer them by gratuitous title or make a loan for use of them to the Government, one of its Ministers or bodies, a municipality, an urban community, a school board or another non-profit organization.”

9. Section 28.0.0.1 of the said Act, enacted by section 7 of chapter 7 of the statutes of 1995, is renumbered as section 28.0.1.

10. Section 29.2 of the said Act, amended by section 127 of chapter 2 of the statutes of 1996, is replaced by the following sections:

“29.2. The Minister of Agriculture, Fisheries and Food may enter into an agreement with one or more municipalities, designated by the Government, respecting the administration within the territory of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

If one of the municipalities that is a party to the agreement is charged with administering provisions in all or part of the territory of another municipality, that competence does not extend to the institution of penal proceedings for an offence under such a provision committed in the territory of that other municipality.

The first and second paragraphs apply to every municipality governed by this Act, except those mentioned in Schedule A to the Act respecting the Communauté urbaine de Montréal (chapter C-37.2), and to Ville de Québec.

“29.2.1. A municipality that is a party to an agreement under section 29.2 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

11. Section 54 of the said Act, amended by section 210 of chapter 2 of the statutes of 1996, is replaced by the following section:

“54. Where so ordered by the Minister of Municipal Affairs, the mayor is bound to read to the council all circulars or communications addressed to the mayor or to the council by the Minister. The mayor shall also, where so required by the council or by the Minister, publish them in the manner prescribed for the publication of public notices.”

12. Section 99 of the said Act is amended by inserting the words “, by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or by municipalities and such bodies” after the word “municipalities” in the third line of the third paragraph.

13. Section 346.1 of the said Act, enacted by section 14 of chapter 34 of the statutes of 1995, is amended by replacing the words “section 514” in the second line of the first paragraph by the words “section 422 or 514”.

14. Section 415 of the said Act, amended by section 155 of chapter 2 of the statutes of 1996 and by section 14 of chapter 27 of the statutes of 1996, is again amended

(1) by replacing the words “for a cost of not over \$5 ;” in the second line of paragraph 31 by the words “; to fix the amount of that licence;”;

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

“(40) To acquire, develop, maintain or manage any port within or outside its territory.”

15. Section 422 of the said Act, amended by section 210 of chapter 2 of the statutes of 1996, is again amended

(1) by striking out the words “by resolution” in the first line of subparagraph 1 of the first paragraph;

(2) by replacing, in the French text, the words “du registrateur de la division d’enregistrement où se trouvent” in the third and fourth lines of subparagraph 3 of the first paragraph by the words “de la publicité des droits de la circonscription foncière où sont situés”;

(3) by replacing the part of subparagraph 4 of the first paragraph preceding subparagraph *a* by the following:

“(4) The clerk of the municipality shall cause to be published in the *Gazette officielle du Québec* and in a newspaper distributed in the territory of the municipality, a notice containing:”;

(4) by striking out the words “the last” in the third line of the second paragraph.

16. Section 468.38 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraphs:

“468.38. Once the by-law is passed, the secretary of the board of management shall give a public notice to the taxpayers of the municipalities in the territory under the jurisdiction of the board. The notice shall be published in a newspaper distributed in the territory of the municipalities.

The notice shall state:

(1) the number, title, object and date of passage of the by-law;

(2) the amount of the projected loan and the projected use of the borrowed monies;

(3) that the taxpayers concerned by the notice have the right to oppose the approval of the by-law by the Minister of Municipal Affairs by sending their written objections to the Minister within 30 days following publication of the notice.”

17. Section 468.51 of the said Act, amended by section 26 of chapter 27 of the statutes of 1996, is again amended by inserting the figure “99,” after the figure “73.1,” in the first line of the first paragraph.

18. Sections 542.1 to 542.3 of the said Act are replaced by the following sections:

“542.1. The council may, by by-law, adopt a revitalization assistance program for any sector it delimits within any zone specified in the zoning by-law in which the majority of the buildings are over 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, where applicable,

- (1) the persons or classes of persons that may benefit from the program;
- (2) the buildings or classes of buildings covered by the program;
- (3) the nature of activities covered;
- (4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which in no case may exceed five years;
- (5) the terms and conditions governing the administration of the program.

“542.2. The council may, within the framework of a revitalization assistance program, exercise the powers mentioned in section 28.2.”

19. Section 542.4 of the said Act is replaced by the following section:

“542.4. The council may, by by-law, adopt a revitalization program for the part of the territory of the municipality that is designated as its “centre” pursuant to a special planning program. It may, on the conditions it determines, order that the municipality grant a subsidy for work consistent with the revitalization program. In no case may the amount of the subsidy exceed the actual cost of the work.”

20. Section 542.6 of the said Act, amended by section 198 of chapter 2 of the statutes of 1996, is again amended

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

“542.6. The council may, for the purposes mentioned in sections 542.4 and 542.5, establish classes of immovables and classes of work.”;

(2) by striking out the words “or tax credit” in the third line of the second paragraph.

21. Section 542.7 of the said Act is amended by replacing the words “542.1 to 542.5” in the first line by the words “542.1, 542.2, 542.4 and 542.5”.

MUNICIPAL CODE OF QUÉBEC

22. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 6, the following article:

“6.1. A municipality may, by onerous title, transfer or lease rights to and licences for the processes it has developed, its expertise in an area within its competence, the equipment allowing such expertise to be applied, and any data concerning its territory.

It may also transfer them by gratuitous title or make a loan for use of them to the Government, one of its Ministers or bodies, a municipality, an urban community, a school board or another non-profit organization.”

23. The said Code is amended by inserting, after article 10.8, enacted by section 44 of chapter 27 of the statutes of 1996, the following articles:

“10.9. The Minister of Agriculture, Fisheries and Food may enter into an agreement with one or more municipalities, designated by the Government, respecting the administration within the territory of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where a regional county municipality is a party to such an agreement, its territory is deemed, for the purposes of this article, article 10.10, and any similar provision of another Act, to have subtracted from it the territory of any local municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the administration of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other local municipalities on the council of the regional county municipality may take part in the discussions and vote relating to the agreement to which the regional county municipality is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other local municipalities shall contribute towards the payment of the expenses of the regional county municipality arising from the agreement to which the regional county municipality is a party.

If one of the municipalities that is a party to the agreement is charged with the administration of provisions in all or part of the territory of another municipality, that competence does not extend to the institution of penal proceedings for an offence under such a provision committed in the territory of that other municipality.

The first and third paragraphs do not apply to a municipality mentioned in Schedule A to the Act respecting the Communauté urbaine de Montréal (chapter C-37.2).

“10.10. A municipality that is a party to an agreement under article 10.9 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

24. Article 142 of the said Code, amended by section 255 of chapter 2 of the statutes of 1996, is again amended by replacing subarticle 5 by the following subarticle:

“(5) Where so ordered by the Minister of Municipal Affairs, the head of the council is bound to read to the council all circulars or communications addressed to the head of the council or to the council by the Minister. The head of the council shall also, where so required by the council or by the Minister, publish them in the manner prescribed for the publication of public notices.”

25. Article 203 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by inserting the words “, by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or by municipalities and such bodies” after the word “municipalities” in the third line of the second paragraph.

26. The said Code is amended by inserting, after article 212, the following article:

“212.1. The council may, by by-law adopted by an absolute majority of its members, add to the powers and obligations of the secretary-treasurer of the municipality the powers and obligations set out in the second and third paragraphs of section 113 of the Cities and Towns Act (chapter C-19), and those set out in paragraphs 2 and 5 to 8 of section 114.1 of that Act in place of the powers and obligations set out in paragraphs 2, 5 and 6 of article 212 of this Code.

In such a case, the secretary-treasurer shall also be the director general of the municipality.”

27. Article 437.1 of the said Code, enacted by section 36 of chapter 34 of the statutes of 1995, is amended by inserting the words “a notice referred to in article 631.2,” after the words “other than” in the first line of the first paragraph.

28. Article 491 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996 and by section 61 of chapter 27 of the statutes of 1996, is again amended

- (1) by striking out subparagraph 5 of the first paragraph;
- (2) by striking out the second paragraph.

29. Article 607 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraphs:

“607. Once the by-law is passed, the secretary of the management board shall give public notice to the taxpayers of the municipalities in the territory under the jurisdiction of the board. The notice shall be published in a newspaper distributed in the territory of the municipalities.

The notice shall state:

- (1) the number, title, object and date of passage of the by-law;
- (2) the amount of the projected loan and the projected use of the borrowed monies;
- (3) that the taxpayers concerned by the notice have the right to oppose the approval of the by-law by the Minister of Municipal Affairs by sending their written objections to the Minister within 30 days following publication of the notice.”

30. Article 620 of the said Code, amended by section 72 of chapter 27 of the statutes of 1996, is again amended by inserting the figure “99,” after the figure “73.1,” in the first line of the first paragraph.

31. The said Code is amended by inserting, after article 625, the following section:

“SECTION XXVI.1

“PORTS

“625.1. A local municipality may, by by-law, acquire, develop, maintain or manage a port within or outside its territory.”

32. The said Code is amended by inserting, after article 631.1, the following article:

“631.2. The streets or roads open to the public for 10 years or more shall become the property of the local municipality upon the observance of the following formalities:

(1) the council shall approve a description of all streets or roads or parts thereof with respect to which the municipality proposes to avail itself of this article;

(2) the description shall be made according to an official plan and book of reference made and deposited in accordance with the Cadastre Act (chapter C-1);

(3) the original of the description shall be deposited in the office of the secretary-treasurer of the municipality and a copy certified by a land surveyor shall be deposited in the office of the registrar of the registration division in which the lands concerned are situated;

(4) the secretary-treasurer of the municipality shall cause to be published in the *Gazette officielle du Québec* and in a newspaper circulating in the territory of the municipality, a notice containing

(a) the full text of this article;

(b) a summary description of the streets or roads concerned;

(c) a statement to the effect that the formalities prescribed in paragraphs 1 and 2 have been observed.

Any right that third parties may claim to the ownership of the site of the streets or roads is prescribed unless exercised by an action before the court of competent jurisdiction within one year after publication of the notice in the *Gazette officielle du Québec*.

The municipality may not avail itself of this article with respect to streets or roads on which it has levied any tax within the preceding 10 years.”

33. Article 678 of the said Code, amended by section 318 of chapter 2 of the statutes of 1996 and by section 77 of chapter 27 of the statutes of 1996, is again amended

(1) by striking out the words “(articles 490 to 524)” in the third line;

(2) by replacing the words “, in Section XXV of the said Chapter II (articles 569 to 624) and in article 626,” in the third and fourth lines by the words “and in Sections XXV to XXVII of the said Chapter II”.

34. Article 994 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “for a cost of not over \$5;” in the third line by the words “, to fix the cost of such licence”.

35. Articles 1008 to 1010 of the said Code are replaced by the following articles:

“1008. The council may, by by-law, adopt a revitalization assistance program for any sector it delimits within any zone specified in the zoning by-law in which the majority of the buildings are over 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, where applicable,

(1) the persons or classes of persons that may benefit from the program;

(2) the buildings or classes of buildings covered by the program;

(3) the nature of activities covered;

(4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which in no case may exceed five years;

(5) the terms and conditions governing the administration of the program.

“1009. The council may, within the framework of a revitalization assistance program, exercise the powers mentioned in article 12.”

36. Article 1011 of the said Code is replaced by the following article:

“1011. The council may, by by-law, adopt a revitalization program for the part of the territory of the municipality designated as its “central sector” pursuant to a special planning program. It may, on the conditions it determines, order that the municipality grant a subsidy for work consistent with the revitalization program. In no case may the amount of the subsidy exceed the actual cost of the work.”

37. Article 1011.2 of the said Code, amended by section 417 of chapter 2 of the statutes of 1996, is again amended

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

“1011.2. The council may, for the purposes mentioned in articles 1010 and 1011, establish classes of immovables and classes of work.”;

(2) by striking out the words “or tax credit” in the third line of the second paragraph.

38. Article 1011.3 of the said Code is amended by replacing the words “1008 to 1011.1” in the first line by the words “1008, 1009, 1011 and 1011.1”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

39. The Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 86, the following sections:

“86.1. The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, respecting the administration within the territory of the Community and that of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where the Community is a party to such an agreement, its territory is deemed, for the purposes of this section, section 86.2, and any similar provision of another Act, to have subtracted from it the territory of any municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the application of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other municipalities on the council of the Community may take part in the discussions and vote relating to the agreement to which the Community is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other municipalities shall contribute towards the payment of the expenses of the Community arising from the agreement to which the Community is a party.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

“86.2. The Community or any other municipality that is a party to an agreement under section 86.1 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

40. The said Act is amended by inserting, after section 151, the following section:

“151.1. The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

41. The said Act is amended by inserting, after section 194.1, the following section:

“194.2. The Corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

42. Section 153.6 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following sections:

“153.6. The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, except a municipality mentioned in Schedule A, respecting the administration within the territory of the Community and that of any municipality that is a party to the agreement, of

the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

“153.7. The Community or any municipality that is a party to an agreement under section 153.6 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

43. The said Act is amended by inserting, after section 231.3, the following section:

“231.4. The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

44. The said Act is amended by inserting, after section 306.28, the following section:

“306.28.1. The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

45. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 96.1, the following sections:

“96.1.1. The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, respecting the administration within the territory of the Community and of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where the Community is a party to such an agreement, its territory is deemed, for the purposes of this section, section 96.1.2 and any similar provision of another Act, to have subtracted from it the territory of any municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the administration of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other municipalities on the Council of the Community may take part in the discussions and vote relating to the agreement to which the Community is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other municipalities shall contribute towards the payment of the expenses of the Community arising from the agreement to which the Community is a party.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

“96.1.2. The Community or any municipality that is a party to an agreement under section 96.1.1 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

46. The said Act is amended by inserting, after section 166, the following section:

“166.1. The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

47. The said Act is amended by inserting, after section 212, the following section:

“212.1. The Société may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Société may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

MUNICIPAL FRANCHISES ACT

48. The Municipal Franchises Act (R.S.Q., chapter C-49) is repealed.

ACT RESPECTING MUNICIPAL CONTRIBUTION TO THE CONSTRUCTION OF ROADS

49. The Act respecting municipal contribution to the construction of roads (R.S.Q., chapter C-66) is repealed.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

50. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting, after section 83, the following section:

“83.1. The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

51. Section 532 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing the word “all” in the first line of subparagraph 3 of the second paragraph by the words “a majority of”.

52. Section 535 of the said Act is amended

(1) by replacing the word “six” in the first line of the second paragraph by the word “five”;

(2) by replacing the words “thirty-day” in the first line of the third paragraph by the words “45-day”.

53. Section 540 of the said Act is amended by striking out the words “they shall not exceed five in number and” in the second and third lines of the first paragraph.

54. Section 568 of the said Act is amended by replacing the figure “90” in the second line of the first paragraph by the figure “120”.

55. The said Act is amended by inserting, after section 659.1 enacted by section 76 of chapter 23 of the statutes of 1995, the following sections:

“659.2. A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and the Chief Electoral Officer, test new methods of voting during a general election.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

“659.3. After an election during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and the Chief Electoral Officer.”

ACT RESPECTING MUNICIPAL TAXATION

56. Section 244.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

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

(2) by striking out the word “local” in the first line of the second paragraph,

and by striking out the words “local municipality, a regional county” in the third line of the second paragraph.

57. Section 244.2 of the said Act is amended by adding, at the end, the following paragraph:

“The only mode of tariffing that may be provided for by a regional county municipality not acting as a local municipality under section 8 of the Act respecting municipal territorial organization (chapter O-9) is a fixed amount referred to in subparagraph 3 of the second paragraph or an amount exigible in the same manner as a subscription.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

58. The Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 3.1, the following section:

“3.1.1. Every municipality authorized by the Minister may, if the Corporation so provides in a program referred to in the second paragraph of section 3, prepare a program to complement that of the Corporation.

The program prepared by the municipality shall be approved by the Corporation before it may have effect.”

59. Section 94.5 of the said Act is replaced by the following section:

“94.5. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), a municipality may grant any form of financial assistance in the administration of a program prepared under section 3 or 3.1.1.”

ACT RESPECTING MUNICIPAL AND PRIVATE ELECTRIC POWER SYSTEMS

60. Section 4 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) is repealed.

61. Section 12 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by inserting the words “and submit it to the qualified voters for approval” after the word “purpose” in the second line of subsection 2.

62. Section 13 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by replacing the words “, in accordance with the formalities prescribed by sections 3 and 4” in the second line of the second paragraph of subsection 1 by the words “and submitted to the qualified voters for approval”.

63. Section 15 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by replacing the words “adopted according to the formalities prescribed by sections 3 and 4” in the third and fourth lines by the words “submitted to the qualified voters for approval”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

64. Section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 1105 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “an amount per inhabitant, not less than \$0.40, determined from time to time by the Minister” in the fourth and fifth lines of subsection 1 by the words “\$0.40 per inhabitant”;

(2) by replacing the words “the amount, not less than \$400, determined by the Minister” in the sixth and seventh lines of subsection 1 by the figure “\$400”;

(3) by replacing the words “an amount per inhabitant, not less than \$0.20, determined from time to time by the Minister” in the third and fourth lines of subsection 2 by the words “\$0.20 per inhabitant”;

(4) by replacing the words “the amount, not less than \$200, determined by the Minister” in the sixth and seventh lines of subsection 2 by the figure “\$200”;

(5) by inserting, after subsection 2, the following subsection:

“(2.1) Every member of the council shall receive, in addition to the remuneration provided for in subsection 1 or 2 or in a by-law passed under subsection 5, an indemnity equal to one-half of the amount of that remuneration, up to the maximum amount prescribed in section 22 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

The indemnity shall be paid to defray the part of the expenses incident to the discharge of the member’s duties and that are not reimbursed to the member pursuant to subsection 4.”;

(6) by replacing the words “unless it has been authorized by” in the second line of subsection 5 by the words “. However, remuneration in an amount greater than that provided for in subsections 1 and 2 may be provided for in”;

(7) by adding, at the end of subsection 5, the words “The by-law may be retroactive to 1 January of the year in which it comes into force.”

65. Section 230 of the said Act, amended by section 1077 of chapter 2 of the statutes of 1996, is again amended by replacing the words “the amount, not less than \$100, determined from time to time by the Minister” in the second and third lines of subsection 3 by the words “\$100, unless the Minister determines from time to time a greater amount”.

66. The said Act is amended by inserting, after section 261, the following section:

“261.1. Every member of the council shall receive, in addition to the remuneration provided for in section 259 and the remuneration provided for in section 261 or 281, if any, an indemnity equal to one-half of the amount of the remuneration or one-half of the combined amount of remuneration, as the case may be, up to the amount obtained by subtracting the amount in subparagraph 2 from the amount in subparagraph 1, if the result is positive:

(1) the maximum amount provided for in section 22 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001);

(2) the amount of the indemnity that the member of the council receives pursuant to section 40 of this Act.

If the subtraction under the first paragraph results in a difference of zero, the member shall receive no indemnity under this section.

The indemnity shall be paid to defray the part of the expenses incident to the discharge of the member’s duties and that are not reimbursed pursuant to subsection 1 of section 260 or the third paragraph of section 281.”

67. Section 395 of the said Act is amended by adding, at the end, the following paragraphs:

“The Regional Government may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Regional Government may invest the monies belonging to it through a mutual fund referred to in the second paragraph.”

68. Section 410 of the said Act is amended

(1) by striking out the words “subsections 1 and 2 of section 40,” in the second and third lines of the second paragraph;

(2) by striking out the words “section 220,” in the fourth line of the second paragraph;

(3) by striking out the words “the second paragraph of section 251,” in the fifth and sixth lines of the second paragraph;

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

“Any order made under section 259, 261 or 281 may be retroactive to 1 January of the year during which it is published.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

69. The Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by inserting, after section 75, the following section:

“**75.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

70. The Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting, after section 97, the following section:

“**97.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

CHARTER OF THE CITY OF TROIS-RIVIÈRES

71. Section 41g of the Charter of the city of Trois-Rivières (1915, chapter 90), enacted by section 13 of chapter 64 of the statutes of 1982, is repealed.

CHARTER OF THE CITY OF QUÉBEC

72. Section 336i of the Charter of the City of Québec (1929, chapter 95), enacted by section 18 of chapter 64 of the statutes of 1982, is repealed.

CHARTER OF THE CITY OF SHERBROOKE

73. Section 8g of the Charter of the city of Sherbrooke (1974, chapter 101), enacted by section 28 of chapter 64 of the statutes of 1982, is repealed.

TRANSITIONAL AND FINAL PROVISIONS

74. Sections 1 to 7 have effect from 1 November 1996.

75. Any program adopted under a provision replaced by sections 18 and 35 of this Act that is in force on *(insert here the date of introduction of this Act)* shall continue to apply until the earliest of its scheduled expiry date, the date fixed by the council or *(insert here the date that is three years after the date of coming into force of this Act)*.

Sections 542.2 and 542.3 of the Cities and Towns Act and articles 1009 and 1010 of the Municipal Code of Québec, as they read on *(insert here the date of the day preceding the coming into force of this Act)*, shall continue to have effect for the purposes of the administration of a program referred to in the first paragraph.

Section 542.4 of the Cities and Towns Act, enacted by section 19 of this Act or article 1011 of the Municipal Code of Québec, enacted by section 36 of this Act, as the case may be, applies for the purposes of the program referred to in the first paragraph that concerns the “centre” or “central sector”, as if the program had been adopted under that section 542.4 or that article 1011.

Every person who, on the date on which a program referred to in the first paragraph ceases to apply, is entitled to receive a subsidy under the program or a tax credit that is payable after that date shall remain entitled thereto notwithstanding the fact that the program has ceased to have effect.

76. Section 58 has effect from 17 April 1996.

77. Section 59 has effect from 20 June 1995.

78. Section 64 has effect from 1 January 1996.

From that date, a part of the remuneration provided for by a by-law, in force on *(insert here the date of the day preceding the coming into force of this Act)* and passed under subsection 5 of section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), is deemed to be the indemnity provided for in subsection 2.1 of the said section, enacted by section 64 of this Act, and the remainder is deemed to be the remuneration to which that indemnity is added pursuant to the said subsection.

The said part shall be equal to the lesser of the following amounts:

(1) the amount corresponding to one-third of the remuneration provided for by the by-law;

(2) the maximum amount provided for in section 22 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

79. Section 66 has effect from 1 January 1996.

From that date, the annual remuneration fixed by the Minister of Municipal Affairs under sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), to which is added, where applicable, the indemnity provided for by section 261.1 of the said Act, enacted by section 66 of this Act, is deemed to be as follows for the various positions on the council and the executive committee of the Kativik Regional Government:

(1) the basic remuneration for each position of council member: \$5,324;

(2) the additional remuneration for the position of speaker of the council: \$444;

(3) the additional remuneration for the position of deputy-speaker of the council: \$222;

(4) the additional remuneration for the position of chairman of the executive committee: the amount equal to the difference obtained by subtracting, from \$79,676, the positive amount, if any, calculated in respect of the person holding the position pursuant to the first paragraph of section 261.1 of the Act respecting Northern villages and the Kativik Regional Government, enacted by section 66 of this Act;

(5) the additional remuneration for the position of vice-chairman of the executive committee: \$14,783;

(6) the additional remuneration for a position as a member of the executive committee, other than the chairman or vice-chairman: \$12,563.

The second paragraph shall cease to have effect on the date on which the first order made after (*insert here the date preceding the date of coming into force of this Act*) pursuant to sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government takes effect.

If the sum obtained by adding the amount of the remuneration provided for in the second paragraph or provided for in an order made after (*insert here the date preceding the date of coming into force of this Act*) pursuant to sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government and the amount of the indemnity that is to be added to it, if any, is less than the amount of remuneration provided for in the order dated 9 September 1992 made pursuant to the said sections and published in

the *Gazette officielle du Québec* on 23 September 1992, the difference shall be paid, as supplementary remuneration, to the person holding the position. The said difference shall not, however, be included in the amount of remuneration for the purpose of calculating the amount of the indemnity under section 261.1 of the Act respecting Northern villages and the Kativik Regional Government, enacted by section 66 of this Act.

Where a person holds more than one position referred to in the second paragraph, the fourth paragraph applies with regard to the total of all amounts of remuneration provided for the positions held, rather than with regard to each of those amounts.

80. The additional annual remuneration fixed by the Minister of Municipal Affairs pursuant to section 281 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) for the position of chairman of the executive committee of the Kativik Regional Government is deemed to have been \$70,951 in 1994 and \$77,014 in 1995 and is deemed to have been paid and received.

81. An agreement that is in force on (*insert here the date of coming into force of this Act*) and that was entered into under section 41g of the Charter of the city of Trois-Rivières (1915, chapter 90), section 336i of the Charter of the City of Québec (1929, chapter 95) or section 8g of the Charter of the city of Sherbrooke (1974, chapter 101) shall continue to apply as if it had been entered into under section 29.2 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 10 of this Act, until its date of expiry or until it terminates before that date with the consent of the parties or on some other ground provided for in law.

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