

NATIONAL ASSEMBLY
Thirty-fourth Legislature, third session

1994, chapter 33

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

Bill 29

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

Introduced 12 May 1994

Passage in principle 26 May 1994

Passage 15 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Acts amended:

Cities and Towns Act (R.S.Q., chapter C-19)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting municipal debts and loans (R.S.Q., chapter D-7)

Act respecting municipal territorial organization (R.S.Q., chapter O-9)





CHAPTER 33

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

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

/

c. C-19,
s. 28, am.

1. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by striking out the words “, and he shall send a copy of the notice to the Minister of Municipal Affairs” in the sixth and seventh lines of paragraph 2.1 of subsection 1;

(2) by replacing the words “whose object is the organization of a recreation centre or a public place for sports and amusements or which is devoted to the promotion of industry, commerce or tourism, or whose object is to organize and promote physical and cultural activities among the residents of the municipality” in the third, fourth, fifth, sixth and seventh lines of the first paragraph of subsection 3 by the words “devoted to the pursuit of purposes mentioned in subsection 2”.

c. C-19,
s. 29.3, am.

2. Section 29.3 of the said Act is amended by replacing the words “an individual” in the fifth line of the first paragraph by the word “a”.

c. C-19,
s. 29.7, am.

3. Section 29.7 of the said Act is amended by replacing the second sentence of the first paragraph by the following sentence: “The total amount of a contract pertaining to such a purchase and the combined population of the municipalities that are parties to the agreement must be taken into consideration for the purposes of the application of those rules.”

c. C-19,
s. 29.9, am.

4. Section 29.9 of the said Act is amended by replacing the third paragraph by the following paragraph:

Rules governing awarding of contracts

“The total amount of a contract made following a joint call for tenders and the combined population of the municipalities that are parties to the joint call must be taken into consideration for the application of the rules governing the awarding of contracts.”

c. C-19,
s. 29.9.2,
added

5. The said Act is amended by inserting, after section 29.9.1, the following section:

Delegation

“29.9.2 The party responsible for carrying out an agreement entered into under section 29.5 or 29.9.1 for the purchase of equipment or materials may, by agreement, delegate that responsibility to the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4).

Non-applicability of rules

The rules governing the awarding of contracts by a municipality do not apply to purchases made by the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

c. C-19,
s. 29.12,
added

6. The said Act is amended by inserting, after section 29.11, the following section:

Power to enter into agreement

“29.12 Subject to the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), a municipality may enter into an agreement with any person or any government other than the government of Québec, or with any department or body of such a government, the object of which is the supply of services, expertise, supplies, materials or equipment relating to any matter within its jurisdiction.

Power to implement agreement

The municipality may implement the agreement and exercise the rights and perform the obligations arising from the agreement, even outside its territory.”

c. C-19,
s. 99, am.

7. Section 99 of the said Act is amended by adding, after the second paragraph, the following paragraphs:

Shares

“The council may invest the moneys mentioned in the first paragraph in the purchase of shares in an unincorporated mutual fund which is managed by a financial institution, and all the shares of which are held by municipalities. The investments made by such a fund must be limited to those set out in the second paragraph.

Regulations

The Minister may, by regulation, determine other securities in which the council may invest, through the agency of the unincorpo-

rated mutual fund referred to in the third paragraph, the moneys mentioned in the first paragraph, or determine the forms of investment in which the council may invest the moneys through the agency of such a fund.”

c. C-19,
s. 100.1, am.

8. Section 100.1 of the said Act is amended by replacing the words “Where the population of a municipality exceeds 5 000 inhabitants, the signature of the mayor and” in the third and fourth lines by the words “The signature of the mayor and of”.

c. C-19,
s. 468.1, am.

9. Section 468.1 of the said Act is amended by inserting the words “mentioned in section 468.10” after the word “agreement” in the first line of the first paragraph.

c. C-19,
s. 468.9, am.

10. Section 468.9 of the said Act is amended by adding, at the end, the following paragraph:

Population

“Where a contract must be awarded in accordance with sections 573 and 573.1, the population to be taken into consideration is the combined population of the municipalities that are parties to the agreement.”

c. C-19,
s. 468.11, am.

11. Section 468.11 of the said Act is amended by striking out the last sentence of the first paragraph.

c. C-19,
s. 468.32, am.

12. Section 468.32 of the said Act is amended by striking out the words “, and he shall send a copy of the notice to the Minister of Municipal Affairs” in the eighth and ninth lines of paragraph 2.1.

c. C-19,
s. 468.41, am.

13. Section 468.41 of the said Act is amended by replacing the word “secretary” in the second line by the word “treasurer”.

c. C-19,
s. 468.42, am.

14. Section 468.42 of the said Act is amended by replacing the word “secretary” in the second line by the word “treasurer”.

c. C-19,
s. 469.1, am.

15. Section 469.1 of the said Act is amended by replacing the words “the Minister of Municipal Affairs and to any other” in the third and fourth lines of the fourth paragraph by the word “any”.

c. C-19,
ss. 544-546,
replaced

16. Sections 544 to 546 of the said Act are replaced by the following section:

Content of
by-law

“544. Every by-law ordering a loan must

(1) specify its object;

(2) contain a detailed description of the expenditure to be incurred under the by-law;

(3) indicate the amount and term of the loan.”

c. C-19,
s. 549, am.

17. Section 549 of the said Act is amended

(1) by replacing the word “clerk” wherever it occurs in the second line of the second paragraph by the word “treasurer”;

(2) by replacing the word “clerk” in the third and in the fourth lines of the second paragraph by the word “treasurer”;

(3) by inserting, at the end of the second paragraph, the following sentence: “The signature of the treasurer may also, with the authorization of the council, be printed, lithographed or engraved on the bonds.”

c. C-19,
ss. 573.12,
573.13, added

18. The said Act is amended by inserting, after section 573.11, the following sections:

Contract

“573.12 Any contract under which a municipality entrusts a person with the responsibility of performing work for the conversion of its public lighting network and of administering and maintaining the network during the period determined in the contract may also entrust that person with the responsibility of assuming the financing of the costs relating to the acquisition of the network by the municipality, and may provide for the reimbursement of the costs by means of the payment of instalments to that person by the municipality for such amount and in such number as are determined in the contract.

Non-
applicability
of T-14

“573.13 The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a contract entered into in accordance with section 573.12.”

c. C-19,
s. 604.2, am.

19. Section 604.2 of the said Act is amended by replacing the words “right of way of” in the second line by the words “right of way of a street or of”.

c. C-19,
s. 604.3, am.

20. Section 604.3 of the said Act is amended by inserting the words “of a street or” after the word “rebuilding” in the third line of the second paragraph.

c. C-27.1,
a. 6, am.

21. Article 6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out the words “, and he shall send a

copy of the notice to the Minister of Municipal Affairs” in the sixth and seventh lines of paragraph 1.1.

c. C-27.1,
a. 9, am.

22. Article 9 of the said Code is amended by replacing the words “whose object is the organization of a recreation centre or a public place for sports and amusements or which is devoted to the promotion of industry, commerce or tourism, or whose object is to organize and promote physical and cultural activities among the residents of the municipality” in the third, fourth, fifth, sixth and seventh lines of the first paragraph by the words “devoted to the pursuit of purposes mentioned in article 8”.

c. C-27.1,
a. 14.1, am.

23. Article 14.1 of the said Code is amended by replacing the words “an individual” in the fifth line of the first paragraph by the word “a”.

c. C-27.1,
a. 14.5, am.

24. Article 14.5 of the said Code is amended by replacing the second sentence of the first paragraph by the following sentence: “The total amount of a contract pertaining to such a purchase and the combined population of the municipalities that are parties to the agreement must be taken into consideration for the purposes of the application of those rules.”

c. C-27.1,
a. 14.7, am.

25. Article 14.7 of the said Code is amended by replacing the third paragraph by the following paragraph:

“The total amount of a contract made following a joint call for tenders and the combined population of the municipalities that are parties to the joint call must be taken into consideration for the purposes of the application of the rules governing the awarding of contracts.”

c. C-27.1,
a. 14.7.2,
added

26. The said Code is amended by inserting, after article 14.7.1, the following article:

14.7.2 The party responsible for carrying out an agreement entered into under article 14.3 or 14.7.1 for the purchase of equipment or materials may, by agreement, delegate that responsibility to the *General Purchasing Director* appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4).

The rules governing the awarding of contracts by a municipality do not apply to purchases made by the General Purchasing Director in accordance with the regulations under the Financial Administration Act (R.S.Q., chapter A-6).”

c. C-27.1,
a. 14.10,
added

27. The said Code is amended by inserting, after article 14.9, the following article:

“**14.10** Subject to the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), a municipality may enter into an agreement with any person or any government other than the Gouvernement du Québec, or with any department or body of such a government, the object of which is the supply of services, expertise, supplies, materials or equipment relating to any matter within its jurisdiction.

The municipality may implement the agreement and exercise the rights and meet the obligations arising from the agreement, even outside its territory.”

c. C-27.1,
a. 203, am.

28. Article 203 of the said Code is amended by adding, after the first paragraph, the following paragraphs:

“The council may invest the moneys mentioned in the first paragraph in the purchase of shares in an unincorporated mutual fund which is managed by a financial institution, and all the shares of which are held by municipalities. The investments made by such a fund must be limited to those set out in the first paragraph.

The Minister may, by regulation, determine other securities in which the council may invest, through the agency of the unincorporated mutual fund referred to in the second paragraph, the moneys mentioned in the first paragraph, or determine the forms of investment in which the council may invest the moneys through the agency of such a fund.”

c. C-27.1,
a. 549, am.

29. Article 549 of the said Code is amended

(1) by striking out the words “and approved by the Commission municipale du Québec” in the second and third lines of the first paragraph of subarticle 4;

(2) by striking out the words “and approved by the Commission municipale du Québec” in the third line of the first paragraph of subarticle 7;

(3) by striking out the words “and obtaining the approval” in the fourth line of subarticle 8;

(4) by striking out the fourth, fifth and sixth paragraphs of subarticle 9.

c. C-27.1,
a. 570, am.

30. Article 570 of the said Code is amended by inserting the words “mentioned in article 579” after the word “agreement” in the first line of the first paragraph.

c. C-27.1,
a. 578, am.

31. Article 578 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“Where a contract must be awarded in accordance with articles 935 and 936, the population to be taken into consideration is the combined population of the municipalities that are parties to the agreement.”

c. C-27.1,
a. 580, am.

32. Article 580 of the said Code is amended by striking out the last sentence of the first paragraph.

c. C-27.1,
a. 601, am.

33. Article 601 of the said Code is amended by striking out the words “, and he shall send a copy of the notice to the Minister of Municipal Affairs” in the eighth and ninth lines of paragraph 2.1.

c. C-27.1,
a. 610, am.

34. Article 610 of the said Code is amended by replacing the word “secretary” in the second line by the word “treasurer”.

c. C-27.1,
a. 611, am.

35. Article 611 of the said Code is amended by replacing the word “secretary” in the second line by the word “treasurer”.

c. C-27.1,
a. 624, am.

36. Article 624 of the said Code is amended by replacing the words “the Minister of Municipal Affairs and to any other Minister” in the third and fourth lines of the fourth paragraph by the words “any minister”.

c. C-27.1,
a. 679, am.

37. Article 679 of the said Code is amended by striking out the words “approved by the Minister of Municipal Affairs and the Commission municipale du Québec” in the second and third lines of the first paragraph.

c. C-27.1,
a. 680, am.

38. Article 680 of the said Code is amended by replacing the words “the Minister of Municipal Affairs, to the Commission municipale du Québec and to any other” in the third, fourth and fifth lines of the fourth paragraph by the word “any”.

c. C-27.1,
aa. 688.5,
688.6, added

39. The said Code is amended by inserting, after article 688.4 enacted by section 120 of chapter 3 of the statutes of 1993, the following articles:

“688.5 Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), any regional county municipality may, by

by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase that are situated in its territory. The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister of Municipal Affairs.

The by-law must indicate the maximum contribution that the regional county municipality may make to the fund. The amount that a regional county municipality may commit under this article may not exceed \$500 000.

The third paragraph of section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) does not apply in respect of the by-law mentioned in the first paragraph.

“688.6 The adoption of a by-law under the first paragraph of article 688.5 requires a majority of two-thirds of the votes cast.

The population of the local municipalities whose vote is affirmative must constitute at least 60 % of the population of the regional county municipality. The vote of a local municipality is determined by a majority of the votes cast by its representatives.”

c. C-27.1,
a. 725.2, am. **40.** Article 725.2 of the said Code is amended by inserting the words “or of a front road” after the word “road” in the second line.

c. C-27.1,
a. 725.3, am. **41.** Article 725.3 of the said Code is amended by inserting the words “or a front road” after the word “road” in the third line of the second paragraph.

c. C-27.1,
aa. 944.2,
944.3, added **42.** The said Code is amended by inserting, after article 944.1, the following articles:

“944.2 Any contract under which a municipality entrusts a person with the responsibility of performing work for the conversion of its public lighting network and of administering and maintaining the network during the period determined in the contract may also entrust that person with the responsibility of assuming the financing of the costs relating to the acquisition of the network by the municipality, and may provide for the reimbursement of the costs by means of the payment of instalments to that person by the municipality for such amount and in such number as are determined in the contract.

“944.3 The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a contract entered into in accordance with article 944.1.”

c. C-27.1,
a. 1063,
replaced

43. Article 1063 of the said Code is replaced by the following article:

“1063. Every by-law ordering a loan must

(1) specify its object;

(2) contain a detailed description of the expenditure to be incurred under the by-law;

(3) indicate the amount and term of the loan.”

c. C-27.1,
a. 1064, am.

44. Article 1064 of the said Code is amended by inserting, at the end of the third paragraph, the following sentence: “The signature of the secretary-treasurer may also, with the authorization of the council, be printed, lithographed or engraved on the bond.”

c. D-7, s. 1,
am.

45. The English text of section 1 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), amended by section 68 of chapter 54 of the statutes of 1992, is again amended

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

Period of
reimburse-
ment

“The Minister may, in the regulation, fix maximum reimbursement periods, which may vary according to the purpose for which the loan is effected and the categories of municipal corporations the Minister may determine.”;

(2) by striking out the last paragraph.

c. D-7,
s. 12.1, added

46. The said Act is amended by inserting, after section 12, the following section:

Facsimile of
signature

“12.1 The certificate mentioned in section 12 may be issued under a facsimile of the signature of the Minister or of the authorized person. However, the presumption of validity set out in the said section shall not apply, where the certificate is issued under a facsimile of the signature, unless the bonds bear the manual signature of the authorized member of the council, or of the officer or financial agent mandated by the municipality.”

c. O-9,
s. 210.39, am.

47. Section 210.39 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 71 of chapter 65 of the statutes of 1993, is amended by replacing paragraph 2 by the following paragraph:

“(2) the resolution is passed by a majority of the votes cast. The population of the local municipalities whose vote is affirmative must constitute at least 75 % of the population of the regional county municipality. The vote of a local municipality is determined by the majority of the votes cast by its representatives.”

- 48.** A bond issued after 17 June 1994 under a loan by-law that came into force before that date may be signed by the secretary or the clerk, as the case may be, or by the treasurer, and the legislative provisions as amended by sections 13, 14, 17, 34, 35, 44 and 46 of this Act shall apply in respect of the bond.
- 49.** Sections 3, 4, 10, 24, 25 and 31 have effect from 23 June 1992.
- 50.** Sections 18 and 42 have effect from 1 January 1990.
- 51.** Any act by which a regional county municipality or a local municipality gave or lent, before 17 June 1994, a sum of money to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase and administered by a non-profit body established on or after 1 January 1992 under Part III of the Companies Act (R.S.Q., chapter C-38) under a corporate name that includes the words “Société locale d’investissement dans le développement de l’emploi”, is valid.
- Any sum of money so given or lent by a regional county municipality or by a local municipality whose territory is included in the territory of the regional county municipality is deemed to have been given or lent in accordance with article 688.5 of the Municipal Code of Québec, enacted by section 39.
- 52.** Section 45 has effect from 1 April 1993.
- 53.** This Act comes into force on 17 June 1994.