

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1993, chapter 68
**AN ACT TO AMEND THE ACT RESPECTING THE
COMMUNAUTÉ URBAINE DE MONTRÉAL AND THE ACT
RESPECTING MUNICIPAL TAXATION**

Bill 121

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

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Passage in principle 25 November 1993

Passage 15 December 1993

Assented to 17 December 1993

Coming into force: 17 December 1993

Acts amended:

Act respecting the *Communauté urbaine de Montréal* (R.S.Q., chapter C-37.2)

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



CHAPTER 68

An Act to amend the Act respecting the Communauté urbaine de Montréal and the Act respecting municipal taxation

[Assented to 17 December 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-37.2,
s. 1, am.

1. Section 1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by replacing the word “corporation” in the first line of paragraph *a* by the words “legal person”;

(2) by striking out paragraph *d*.

c. C-37.2,
ss. 2-4,
replaced

2. Sections 2 to 4 of the said Act are replaced by the following sections:

Constitution

“2. A legal person in the public interest, consisting of the municipalities and the inhabitants and taxpayers in their territory, is hereby constituted under the name “Communauté urbaine de Montréal”.

Territory

The territory of the Community consists of the territories of the municipalities.

Head office

“3. The head office of the Community shall be situated within its territory, in the place it shall determine.

Location

After establishing or changing the location of its head office, the Community shall have a notice of the location published in a newspaper circulated in its territory.”

c. C-37.2,
s. 12.7, am.

3. Section 12.7 of the said Act is amended by replacing the word and figure “and 12.6” in the first line by the figures and words “, 12.6 and 12.8.3 to 12.8.5”.

c. C-37.2,
ss. 12.8.1-
12.8.5,
added

4. The said Act is amended by inserting, after section 12.8, the following sections:

Disqualifica-
tion

“12.8.1 Every person who is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or of section 567 of the Election Act (R.S.Q., chapter E-3.3) is disqualified from holding office as chairman.

Disqualifica-
tion

The disqualification shall continue for five years from the day the judgment convicting the person becomes a *res judicata*.

Conviction

“12.8.2 Every person who is convicted, under any Act, of an offence which, pursuant to an Act of the Parliament of Québec or of Canada, is punishable by imprisonment for a term of two years or more and for which he is sentenced to imprisonment for thirty days or more, whether or not he serves the sentence, is disqualified from holding office as chairman.

Disqualifica-
tion

The disqualification shall continue for a period equal to twice the length of the sentence pronounced, starting from the day on which the judgment convicting the person becomes a *res judicata* or the day the final sentence is pronounced, whichever is later.

Conflict of
interest

“12.8.3 Every person who knowingly, during his term as chairman, as member of the council of a municipality or as member of a municipal body, has an interest, directly or indirectly, in a contract with the Community, the municipality or body is disqualified from holding office as chairman.

Disqualifica-
tion

The disqualification shall continue until the expiry of a period of five years from the day the judgment declaring the person disqualified becomes a *res judicata*.

Applicability

“12.8.4 Section 12.8.3 does not apply

(1) where the person acquires his interest by succession or gift and renounces or divests himself of it as soon as practicable;

(2) where the interest of the person consists in holding shares in a company which he does not control, in which he is neither a director nor an executive officer and in which he possesses less than 10 % of the outstanding voting shares;

(3) where the interest of the person arises from the fact that he is a member, director or executive officer of another municipal body, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal

information (R.S.Q., chapter A-2.1), a non-profit organization or an organization of which he is required by law, as chairman of the executive committee of the Community, as member of the council of the municipality or as member of the municipal body, to be a member, a director or an executive officer;

(4) where the object of the contract is a remuneration, an allowance, the reimbursement of expenses, social benefits, goods or services to which the person is entitled as a condition of employment attached to his office within the Community, the municipality or the municipal body;

(5) where the object of the contract is the appointment of the person to a position as an officer or employee, provided that the position is not one that makes its holder ineligible;

(6) where the object of the contract is the providing of services generally offered by the Community, the municipality or the municipal body;

(7) where the contract consists of bonds, notes or other securities offered to the public by the Community, the municipality or the municipal body, or in the acquisition of such bonds, notes or other securities on non-preferential terms;

(8) where the object of the contract is the providing of goods or services that the person has an obligation to provide to the Community, the municipality or the municipal body pursuant to a legislative or regulatory provision;

(9) where the object of the contract is the providing of goods by the Community, the municipality or the municipal body and where the contract was entered into before the person held office within the Community, municipality or body and before he became a candidate at the election in which he was elected;

(10) in a case of irresistible force, where the general interest of the Community, municipality or municipal body requires that the contract be entered into in preference to any other contract.

Disqualifica-
tion

“12.8.5 A person who knowingly, during his term as chairman, member of the council of a municipality or member of a municipal body, uses his position to misappropriate moneys or commit a breach of trust or other misconduct is disqualified from holding office as chairman.

Disqualifica-
tion The disqualification shall continue until the expiry of a period of five years after the day the judgment declaring the person disqualified becomes a *res judicata*, unless the judgment fixes a shorter period.”

c. C-37.2,
s. 12.9,
replaced **5.** Section 12.9 of the said Act is replaced by the following section:

Disqualifica-
tion “**12.9** Disqualification of the chairman may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), which then applies, in particular, as follows:

(1) the action may be brought by any elector of a municipality whose territory is included in that of the Community, by that municipality or by the Attorney General;

(2) the judicial district of the Superior Court before which the action is brought must include all or part of the territory of the Community;

(3) the provisional execution of the judgment declaring the disqualification of the chairman has the same effect as the provisional execution of a judgment declaring the disqualification of a person who is a member of the council of a municipality;

(4) the applicant must serve on the secretary of the Community the documents required to be served under section 312 of the Act respecting elections and referendums in municipalities and the secretary must give the notices prescribed in that section.”

c. C-37.2,
ss. 22.2,
22.3, added **6.** The said Act is amended by inserting, after section 22.1, the following sections:

Severance
allowance “**22.2** The Community shall pay a severance allowance to the person who ceases to hold the position of chairman of the executive committee after having accumulated during his term two or more years of credited service under the pension plan established by the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).

Amount of
allowance The amount of the allowance is equal to the product obtained by multiplying the amount of the average bi-weekly remuneration computed on the basis of a period of 12 consecutive months preceding the date on which he ceased to hold the position of chairman of the executive committee by the number of years of service credited, while holding that position, from 1 January 1992; the amount of the allowance is increased by that part of the bi-weekly remuneration which is proportional to any part of a year of credited service.

Amount of allowance

If a person who has already received a severance allowance again holds the position of chairman of the executive committee, the Community, when he again ceases to hold the position of chairman, shall pay to him an allowance computed in accordance with the second paragraph, excluding, however, for the purposes of the computation, the years or parts of years of service for which the person has already received such allowance.

Amount of allowance

If a person who again holds the position of chairman of the executive committee is subject to section 39 or 80 of the Act respecting the Pension Plan of Elected Municipal Officers, the Community shall pay to him, when he again ceases to hold the position of chairman, an allowance computed in accordance with the third paragraph, on the basis, however, of the years or parts of years for which the person again held the position of chairman of the executive committee, whether or not he was participating in the pension plan at that time.

Maximum amount of allowance

The total amount of the allowance shall not exceed the remuneration received by the person in the period of 12 consecutive months preceding the date on which he ceased to hold the position of chairman of the executive committee.

Renewal of term

“22.3 For the purposes of sections 22.1 and 22.2, a person does not cease to hold the position of chairman of the executive committee on the expiry of his term if the term is renewed.”

c. C-37.2, s. 30, am.

7. Section 30 of the said Act is amended by adding the following paragraph:

Powers

“The executive committee may, with the approval of the Council, pass a by-law to empower an officer or employee of the Community to authorize the payment of all or part of the sums due by the Community.”

c. C-37.2, s. 33, am.

8. Section 33 of the said Act is amended

(1) by inserting, after the second sentence of the second paragraph, the following sentence: “The by-law may also give to the director general full or partial responsibility for dismissing or suspending, with or without pay, an officer or employee of the Community to whom section 106, 192 or 198 does not apply, or for reducing his salary.”;

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

Subdelegation

“The director general may, to the extent permitted under the by-law provided for in the second paragraph, subdelegate to the head

of a department under his authority all or part of the responsibilities given to him.”

c. C-37.2,
s. 35, am.

9. Section 35 of the said Act is amended

(1) by inserting the words “, with or without pay” after the word “Community” in the second line of the third paragraph;

(2) by replacing the words “suspended officer or employee” in the first line of the fourth paragraph by the words “officer or employee who is suspended without pay”.

c. C-37.2,
s. 47, am.

10. Section 47 of the said Act is amended

(1) by replacing, in the French text, the word “spéciales” in the first line of the first paragraph by the word “extraordinaires”;

(2) by replacing, in the French text, the word “spéciale” in the first line of the second paragraph by the word “extraordinaire”.

c. C-37.2,
s. 49, am.

11. Section 49 of the said Act is amended by striking out the words “special or regular” in the first line of the first paragraph.

c. C-37.2,
s. 64, am.

12. Section 64 of the said Act is amended by striking out the words “French language daily newspaper and by one insertion in an English language daily” in the fifth and sixth lines of the first paragraph.

c. C-37.2,
s. 69,
replaced

13. Section 69 of the said Act is replaced by the following section:

Offence and
penalty

“69. Unless otherwise provided for by this Act, the Council may, by by-law,

(1) provide for a fine for an offence against a regulatory provision within its competence;

(2) prescribe either a fine of a fixed amount, or the minimum and maximum fines or a minimum fine of \$1 and a maximum fine.

Maximum
amount

The fixed amount or maximum amount prescribed may not exceed, for a first offence, \$1 000 if the offender is a natural person, or \$2 000 if the offender is a legal person. In the case of a second or subsequent conviction, the fixed amount or maximum amount prescribed may not exceed \$2 000 if the offender is a natural person, or \$4 000 if the offender is a legal person.”

c. C-37.2,
s. 70, am.

14. Section 70 of the said Act is amended by striking out the second paragraph.

c. C-37.2,
s. 71, am.

15. Section 71 of the said Act is amended by replacing the words “court, or the judge of the Court of Québec” in the first and second lines of the second paragraph by the words “competent court or a judge thereof”.

c. C-37.2,
s. 80, am.

16. Section 80 of the said Act is amended

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

(2) by striking out the words “by the Court of Québec of the district of Montréal” in the second and third lines of the first paragraph;

(3) by striking out the third paragraph.

c. C-37.2,
s. 108.2,
repealed

17. Section 108.2 of the said Act is repealed.

c. C-37.2,
s. 113, am.

18. Section 113 of the said Act is amended by replacing the words and figures “contemplated in sections 151.0.1 and 296” in the fourth line of paragraph *j* by the words “relating to any matter within its competence”.

c. C-37.2,
s. 114, am.

19. Section 114 of the said Act is amended by adding, at the end, the following paragraph:

Agreement

“However, to make an agreement with a municipality in its territory, the Community shall proceed in accordance with sections 124 to 124.2.”

c. C-37.2,
s. 114.1,
am.

20. Section 114.1 of the said Act is amended by inserting the words “with a person or” after the word “agreement” in the second line of the first paragraph.

c. C-37.2,
s. 120,
replaced

21. Section 120 of the said Act is replaced by the following sections:

Contract

“120. Subject to any contrary provision of this Act, the executive committee may enter into any contract on behalf of the Community.

Contract

“120.0.1 The executive committee shall award any contract involving an expenditure of more than \$20 000 for the Community in

accordance with the applicable provisions of sections 120.0.2 and 120.0.3, in particular,

- (1) insurance contracts;
- (2) contracts for the performance of work;
- (3) contracts for the supply of materials or equipment, including contracts for the lease of equipment with an option to purchase;
- (4) contracts for the providing of services other than professional services.

Applicability The first paragraph does not apply to a contract

(1) whose object is the supply of materials or equipment or the providing of services for which a tariff is fixed or approved by the Government of Canada or of Québec or by a Minister or body thereof;

(2) whose object is the supply of materials or equipment or the providing of services and which is entered into with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(3) whose purpose is to obtain energy savings for the Community and whose object is both the providing of professional services and the performance of work or the supply of materials, equipment or non-professional services;

(4) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and which is entered into with the owner of the mains or installations, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information or with a public utility for a price corresponding to the price usually charged by an undertaking generally performing such work;

(5) whose object is the supply of software or the performance of service or maintenance work on computer or telecommunication systems, and which is entered into with an undertaking generally operating in the field, for a price usually charged by such an undertaking for such software or such work;

(6) whose object is the providing of services by a single supplier or by a supplier in a monopoly position in the field of communications, electricity or gas;

(7) whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or his representative.

Contract “**120.0.2** Any contract involving an expenditure of less than \$100 000, from among the contracts to which the first paragraph of section 120.0.1 applies, may be awarded only after a call for tenders, by way of written invitation, to at least two insurers, contractors or suppliers, as the case may be.

Contract “**120.0.3** Any contract involving an expenditure of \$100 000 or more, from among the contracts to which the first paragraph of section 120.0.1 applies, may be awarded only after a call for tenders, by way of an advertisement published in a newspaper circulated in the territory of the Community.

Time limit The time limit for receipt of tenders must be not less than eight days.

Restriction Tenders may not be called for nor may the contracts resulting therefrom be awarded except on a fixed price or unit price basis.

Tenders All tenders must be opened publicly in the presence of at least two witnesses, on the date and at the time and place mentioned in the call for tenders. All tenderers may be present at the opening of the tenders. The names of the tenderers and their respective prices must be declared aloud on the opening of the tenders.

Contract The executive committee may not, without the prior authorization of the Minister, award the contract to any person other than the person who submitted the lowest tender within the prescribed time. However, where it is necessary, to comply with the conditions for a government grant, that the contract be awarded to a person other than the person who submitted the lowest tender within the prescribed time, the Community may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders submitted within the prescribed time that fulfil the conditions for the grant.

Approval If there is only one tenderer, the executive committee may not award such tenderer a contract involving an expenditure of more than \$500 000 without the approval of the Council.

Expenditures “**120.0.4** Notwithstanding section 120.0.1, the chairman of the executive committee may, on the written request of the director

general, in a case of irresistible force which might endanger the life or health of the population or seriously damage or seriously interfere with the operation of the equipment of the Community, order such expenditure as he considers necessary and award any contract necessary to remedy the situation.

Written
request

If the expenditure referred to in the first paragraph concerns a department that is not under the authority of the director general, the written request must be presented by the head of the department concerned rather than by the director general.

Report

In such case, the chairman shall table a report giving the reasons for the expenditure or contract at the next meeting of the executive committee.

Renewal

“120.0.5 Notwithstanding section 120.0.1, the executive committee may, without being required to call tenders, renew any insurance contract awarded following a call for tenders, provided that the total of the period covered by the original contract and the period covered by the renewal and, where applicable, by any previous renewal, does not exceed three years.

Premiums

The premiums stipulated in the original contract may be modified for the period covered by any renewal referred to in the first paragraph.

Leasing
contract

“120.0.6 The executive committee may enter into a leasing contract in respect of movable property that must be acquired by tender in accordance with section 120.0.1, provided it discloses in the call for tenders that it has the option to enter into a leasing contract in respect of the property.

Notice

Where the executive committee opts to enter into a leasing contract, it must give notice thereof in writing to the successful tenderer. Upon receipt of the notice, the tenderer must enter into a contract for the movable property with the lessor, which the executive committee shall designate, on the conditions under which his tender was accepted.

Report

“120.0.7 The executive committee shall report to the Council at each regular meeting on any contract awarded under sections 120 to 120.0.6 since the last regular meeting.

Report

Where a contract is awarded under section 120.0.4, the report of the executive committee must be made at the first meeting following the date of receipt of the chairman's report by the executive committee.

Report

The Council may, by by-law, determine the content of a report prescribed in this section and the manner in which it is to be tabled.”

c. C-37.2,
s. 120.3,
am.

22. Section 120.3 of the said Act is amended by replacing the figure “120” in the fourth line by the figure “120.0.1”.

c. C-37.2,
s. 120.5,
am.

23. Section 120.5 of the said Act is amended

(1) by inserting the words “the Société de transport or” after the word “and” in the second line of the first paragraph;

(2) by inserting the words “the Société and of” after the words “and the name of” in the second line of the third paragraph;

(3) by replacing the words and figures “Subsection 2 of section 120” in the first line of the fourth paragraph by the word and figure “Section 120.0.3”;

(4) by replacing the figure “\$50 000” in the third line of the fourth paragraph by the figure “\$100 000”;

(5) by replacing the words “No municipality that is party to the call for public tenders may” in the first line of the fifth paragraph by the words “Where the Société or a municipality is party to the call for public tenders, it may not”;

(6) by inserting the words “the Société or” after the word “binds” in the first line of the sixth paragraph.

c. C-37.2,
s. 121, am.

24. Section 121 of the said Act is amended by inserting, after paragraph 6, the following paragraph:

“(6.1) coordination of emergency measures respecting the health and safety of persons or the protection of property;”.

c. C-37.2,
s. 133,
replaced

25. Section 133 of the said Act is replaced by the following sections:

Air pollution
by-laws

“133. The Community may, by by-law,

(1) regulate or prohibit the emission into the atmosphere of substances liable to be air pollutants and, in particular, determine for each class of such substances the maximum quantity or concentration that may be emitted into the atmosphere;

(2) require every person who carries on an activity liable to cause the emission of an air pollutant, or who possesses or uses an object

the use or operation of which may cause such an emission, to hold a permit issued by the Community; determine classes of permit according to the classes of substances emitted into the atmosphere;

(3) determine the qualifications required of an applicant for a permit, the conditions of issue or renewal of the permit, the information and documents to be provided by the applicant, the fees to be paid by the applicant and the cases of suspension or revocation of the permit;

(4) determine the procedure for disposing of air pollutants or substances liable to constitute such pollutants;

(5) determine the methods for collecting, analyzing and computing air pollutants or substances whose emission into the air may constitute an air pollutant; empower the head of the department responsible for air quality or any other officer of the Community it designates to have such works and apparatus as he deems necessary installed to enable the collection and analysis of a source of air pollution;

(6) prescribe the devices with which the immovables, equipment, facilities and other objects whose the use or operation is liable to cause the emission of air pollutants must be fitted, and determine any other requirement to be met by the owner or user thereof in respect of such devices;

(7) prescribe the powers to be exercised by the head of the department responsible for air quality or by any other officer of the Community he designates where the emission of a pollutant into the atmosphere constitutes an immediate danger to the life or health of persons, animals or plants.

Delegation
of powers

The Community may, by by-law, delegate to the executive committee the powers mentioned in subparagraph 5 of the first paragraph, and authorize it to make any decision to complete a by-law adopted under that paragraph. The executive committee shall exercise, by order, any power delegated to it under this paragraph. The order is deemed a by-law of the Community and shall be published and come into force in the same manner as such a by-law.

Approval

A by-law or order respecting any matter provided for in subparagraph 5 of the first paragraph shall be approved by the Minister of the Environment.

By-law or
order

A by-law or order under this section may vary according to the parts of the territory which the Community or, as the case may be, the executive committee determines.

Offence and
penalty

“133.1 The Community may, by by-law, prescribe, as a penalty for an offence against a by-law or order under section 133 or against section 134 or 135,

(1) in the case of a first offence, a minimum fine, to be fixed by the Community, of not more than \$25 000 and a maximum fine of not more than \$500 000, a maximum term of imprisonment of eighteen months, notwithstanding article 231 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), or both penalties together;

(2) in the case of a second or subsequent offence, a minimum fine, to be fixed by the Community, of not more than \$50 000 and a maximum fine of not more than \$1 000 000, a maximum term of imprisonment of eighteen months, notwithstanding article 231 of the Code of Penal Procedure, or both penalties together.

Appeal

“133.2 Any decision made by the head or an officer under subparagraph 5 or 7 of the first paragraph of section 133 may be appealed from before the Commission municipale du Québec. Division XI of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), adapted as required, applies to the appeal. Notwithstanding the appeal, the decision remains executory unless the Commission municipale du Québec orders otherwise in accordance with section 99 of that Act.”

c. C-37.2,
s. 136,
replaced

26. Section 136 of the said Act is replaced by the following section:

“pollutant”

“136. For the purposes of section 133, “pollutant” means a substance whose nature, concentration or quantity is likely to in any manner whatsoever reduce air quality.”

c. C-37.2,
s. 139,
replaced

27. Section 139 of the said Act is replaced by the following section:

“purifica-
tion works”

“139. In this subdivision, “purification works” means a sewer, a sewer system, a waste water pumping station, a water purification station or any other works used to collect, receive, carry, treat or drain waste water or substances compatible with the Community’s purification processes.”

c. C-37.2,
s. 140,
repealed

28. Section 140 of the said Act is repealed.

c. C-37.2,
s. 142, am.

29. Section 142 of the said Act is amended by replacing the words “in section 140” in the second line of the first paragraph by the words “in paragraph 2 of section 151.1”.

c. C-37.2,
s. 143, am. **30.** Section 143 of the said Act is amended by replacing the figure “7” in the first line of the second paragraph by the figure “5”.

c. C-37.2,
s. 146, am. **31.** Section 146 of the said Act is amended by replacing the first paragraph by the following paragraph:

Transfer of
jurisdiction **“146.** Where all the purification works of a municipality are acquired by the Community, the municipality shall no longer have power to establish such works.”

c. C-37.2,
s. 147, am. **32.** Section 147 of the said Act is amended by inserting the words “or other substances” after the word “water” in the first line.

c. C-37.2,
s. 148, am. **33.** Section 148 of the said Act is amended by inserting the words “or other substances” after the word “water” in the third line.

c. C-37.2,
s. 149, am. **34.** Section 149 of the said Act is amended by inserting the words “or other substances” after the word “water” in the second line.

c. C-37.2,
s. 150,
replaced **35.** Section 150 of the said Act is replaced by the following section:

Contract **“150.** The Community may undertake by contract to receive, for treatment purposes, waste water or other substances from a municipality not situated in its territory or, with the consent of that municipality, from other persons in the territory of that municipality.”

c. C-37.2,
s. 151,
repealed **36.** Section 151 of the said Act is repealed.

c. C-37.2,
s. 151.1,
replaced **37.** Section 151.1 of the said Act is replaced by the following section:

By-laws **“151.1** The Community may, by by-law,

(1) define and classify the types of waste water and the other substances discharged into a purification works;

(2) determine standards for the construction, maintenance or operation of a purification works, including standards relating to the materials used and standards relating to methods to be applied for the carrying out of any purification works;

(3) regulate or prohibit the discharge of waste water or any substance it determines into a purification works or a watercourse; to that end, establish classes of contaminants or of sources of contamination and determine the maximum quantity or concentration

of contaminants allowed in waste water or in substances discharged into a purification works or a watercourse;

(4) determine the method of computing the quantity of waste water or of substances discharged into a purification works; prescribe the use of meters and determine the conditions, including the payment of costs, governing the connection of meters to the Community's purification works;

(5) prescribe a tariff for the receiving by the Community of waste water or other substances;

(6) require a person or a class of persons discharging waste water or other substances of a class it determines into a purification works to hold a permit issued by the Community; exempt from such requirement any person or class of persons it determines;

(7) determine the qualifications required of an applicant for a permit, the terms and conditions of issue and renewal of the permit, the information and documents to be provided by the applicant and the cases of suspension or revocation of the permit."

c. C-37.2,
s. 151.2.1,
am.

38. Section 151.2.1 of the said Act is amended

(1) by replacing the words "industrial waste water" in the second line of subparagraph 1 of the first paragraph by the words "waste water or other substances allowed";

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

"(1.1) fix the fees payable for the issue or renewal of a discharge permit;".

c. C-37.2,
s. 151.2.2,
replaced

39. Section 151.2.2 of the said Act is replaced by the following section:

Prohibited
discharge

151.2.2 The Community may require a person who discharges waste water or other substances into a purification works or a watercourse in contravention of a by-law adopted under section 151.1 to carry out, at his own expense, the work required to clean or repair, as the case may be, the purification works or to eliminate from the watercourse any harmful or hazardous substances he has unlawfully discharged into the watercourse, or to reimburse the Community for the costs incurred by it for such work."

c. C-37.2,
s. 151.2.3,
am.

40. Section 151.2.3 of the said Act is amended

(1) by inserting the words “or substances” after the word “water” in the first line of paragraph 1;

(2) by inserting the words “or substances” after the word “water” in the fourth line of subparagraph *a* of paragraph 1;

(3) by inserting the words “or substances” after the word “water” in the third line of subparagraph *b* of paragraph 1;

(4) by replacing subparagraph *c* of paragraph 1 by the following subparagraph:

“(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of waste water or of substances to be discharged in order to regularize the flow of discharge or to bring the equipment into conformity with the requirements of a by-law under section 151.1;”;

(5) by inserting the words “or substances” after the word “water” in the first line of subparagraph *e* of paragraph 1;

(6) by inserting the words “or substances” after the word “water” in the third line of subparagraph *f* of paragraph 1.

c. C-37.2,
s. 151.2.4,
am.

41. Section 151.2.4 of the said Act is amended by replacing the second paragraph by the following paragraph:

Sampling
and flow
measure-
ment
programs

“The Community may also fix the duration of a sampling program and a flow measurement program, determine the analysis parameters and require a permit holder to carry out the measures, sampling or analyses, and to provide it with the results thereof. The Community may, at the person’s expense, carry out the measures, sampling or analyses if the person fails to provide accurate and sufficient results.”

c. C-37.2,
s. 151.2.7,
repealed

42. Section 151.2.7 of the said Act is repealed.

c. C-37.2,
s. 151.3,
am.

43. Section 151.3 of the said Act is amended by replacing the words “and orders passed under section 151.1” in the second and third lines of the first paragraph by the words “adopted under section 151.1 or orders made under section 151.2.1”.

c. C-37.2,
s. 151.6,
am.

44. Section 151.6 of the said Act is amended by replacing the words “or an order passed under section 151.1” in the third line by the words “adopted under section 151.1, of an order made under section 151.2.1”.

c. C-37.2,
s. 153, am.

45. Section 153 of the said Act is amended by replacing paragraph 1 by the following paragraph:

"food"

"(1) "food" means anything which may be used to feed man or animals, including beverages other than alcoholic beverages within the meaning of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);".

c. C-37.2,
s. 153.1,
replaced

46. Section 153.1 of the said Act is replaced by the following section:

By-laws

"153.1 The Community may, by by-law,

(1) prescribe hygiene and sanitation measures relating to food service or food retailing activities, the providing of services to consumers for remuneration or donations for philanthropic or promotional purposes, in particular, the activities related to the preparation, processing, preservation, handling or transport of food;

(2) prescribe, for sanitation purposes, rules governing the construction, layout and equipment of the establishments, vehicles or apparatus in which an activity referred to in subparagraph 1 of the first paragraph is carried on or which are used for such activity;

(3) prohibit the use or possession of food or the carrying on of a food business in an establishment, vehicle or apparatus referred to in subparagraph 2 of the first paragraph if the food is not in conformity with the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or with the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);

(4) require a person carrying on an activity mentioned in subparagraph 1 of the first paragraph to pass an examination prescribed by by-law to establish whether or not his knowledge of hygiene and sanitation is sufficient;

(5) authorize an inspector, another officer to be designated by the executive committee for that purpose, a person referred to in section 32 of the Agricultural Products, Marine Products and Food Act or an inspector within the meaning of the Dairy Products and Dairy Products Substitutes Act to have an activity mentioned in subparagraph 1 of the first paragraph stopped, to order the closing of an establishment or apparatus, or the stopping of a vehicle, to affix seals, to seize, to confiscate, destroy or add colouring to food or to move or cause to be moved any food, vehicle, object or apparatus, at the owner's expense, where the authorized person considers the operation of the establishment or the use of the object, food, apparatus or vehicle to be an immediate danger to the life or health of consumers.

Order

The Community may, by by-law, authorize the executive committee to prescribe any order to supplement a by-law adopted

under this section. The order is deemed a by-law of the Community and shall be published and come into force in the same manner as such a by-law.”

c. C-37.2,
s. 153.3,
am.

47. Section 153.3 of the said Act is amended

(1) by replacing the word and figure “paragraph 6” in the second line of the first paragraph by the words and figure “subparagraph 5 of the first paragraph”;

(2) by replacing subparagraphs 1 to 3 of the first paragraph by the following subparagraphs:

“(1) at any reasonable time, enter an establishment and have access to any vehicle or apparatus referred to in subparagraph 2 of the first paragraph of section 153.1;

“(2) inspect the establishment, vehicle or apparatus and its equipment;

“(3) inspect any food found in the establishment, vehicle or apparatus and take samples thereof free of charge.”;

(3) by replacing the word and figure “paragraph 6” in the first line of the third paragraph by the words and figure “subparagraph 5 of the first paragraph”.

c. C-37.2,
s. 153.4.1,
added

48. The said Act is amended by inserting, after section 153.4, the following section:

Offence and
penalty

“153.4.1 The Community may, by by-law, prescribe, as a penalty for an offence against a by-law or order under section 153.1, 153.3 or 153.4,

(a) in the case of a natural person, a fine of not less than \$100 nor more than \$2 000 for a first offence, and a fine of not less than \$300 nor more than \$4 000 for a second or subsequent offence;

(b) in the case of a legal person, a fine of not less than \$200 nor more than \$3 000 for a first offence, and a fine of not less than \$600 nor more than \$8 000 for a second or subsequent offence.”

c. C-37.2,
s. 153.5,
repealed

49. Section 153.5 of the said Act is repealed.

c. C-37.2,
s. 181,
repealed

50. Section 181 of the said Act is repealed.

c. C-37.2,
s. 200, am.

51. Section 200 of the said Act is amended by striking out the second paragraph.

c. C-37.2,
s. 204, am. **52.** Section 204 of the said Act, enacted by section 206 of chapter 61 of the *statutés* of 1992, is amended by replacing the words and figures “paragraph 11 of section 133, section 151.5 or paragraph 8 of section 153.1” in the second and third lines by the words and figures “section 133.1, 151.5 or 153.4.1”.

c. C-37.2,
s. 210,
French
text, am. **53.** Section 210 of the said Act is amended by replacing, in the French text, the word “spéciale” in the third line of the first paragraph by the word “extraordinaire”.

c. C-37.2,
s. 212,
French
text, am. **54.** Section 212 of the said Act is amended by replacing, in the French text, the word “spéciale” in the second line of the third paragraph by the word “extraordinaire”.

c. C-37.2,
s. 220.2,
am. **55.** Section 220.2 of the said Act is amended by inserting the words “, or fix, by by-law, a specific rate of interest applicable to such an amount” after the word “exigible” in the fifth line.

c. C-37.2,
s. 221, am. **56.** Section 221 of the said Act is amended by striking out the second paragraph.

c. C-37.2,
s. 222.1,
added **57.** The said Act is amended by inserting, after section 222, the following section:

Financing **“222.1** Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the Community may, by by-law, provide that all or part of the property, services or activities it furnishes or carries out in relation to the operation of the “9-1-1 centre” shall be financed by means of a tariff involving a fixed amount exigible in a punctual manner or in the form of a subscription for the use of a property or service or in respect of a benefit derived from an activity.

Provisions
applicable Sections 244.3 to 244.6 and the first paragraph of section 244.8 of the Act respecting municipal taxation apply, adapted as required, to the tariff referred to in the first paragraph.”

c. C-37.2,
s. 225, am. **58.** Section 225 of the said Act is amended

(1) by replacing the figure “120” in the second line of the second paragraph of paragraph 3 by the figure “120.0.1”;

(2) by inserting, after subparagraph *a* of the first paragraph of paragraph 4, the following subparagraph:

“(a.1) for the purposes of capital expenditures;”;

(3) by replacing the words “three years in the case contemplated in subparagraph *a* of the first paragraph and may not exceed one year in the other cases” in the second paragraph of paragraph 4 by the words “five years”;

(4) by replacing the word “three” in the fourth line of the third paragraph of paragraph 4 by the word “five”.

c. C-37.2,
s. 232, am.

59. Section 232 of the said Act is amended

(1) by replacing the word “secretary” in the third line of the first paragraph by the word “treasurer”;

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

Facsimile of
signature

“The facsimile of the signature of the chairman and the treasurer on the bonds may be engraved, lithographed or printed and shall have the same effect as if the signature itself had been affixed thereto.

Facsimile of
signature

The seal of the Ministère des Affaires municipales prescribed in section 12 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is not required in respect of bonds issued by the Community, and the certificate of the Minister or of the authorized person may be issued in respect thereof under a facsimile of their signature. However, the presumption of validity provided for in section 12 of that Act applies, where a certificate is issued under a facsimile signature, only if the bonds also bear the manual signature of the chairman, the treasurer or a financial officer who is a mandatory of the Community.”;

(3) by replacing the word “secretary” in the fourth line of the fourth paragraph by the word “treasurer”.

c. C-37.2,
s. 235,
replaced

60. Section 235 of the said Act is replaced by the following section:

Constitution

“**235.** A legal person in the public interest, consisting of the municipalities listed in Schedule B and of the inhabitants and taxpayers in their territory, is hereby constituted as a public transport authority under the name “Société de transport de la Communauté urbaine de Montréal”.

Territory

The territory of the Société consists of the territories of the municipalities listed in Schedule B.”

c. C-37.2,
s. 236, am.

61. Section 236 of the said Act is amended by replacing the words “the territory of the municipalities referred to in Schedule B;

that territory is the territory of the corporation” in the fourth and fifth lines by the words “its territory and, where so provided in any legislative provision, outside its territory”.

c. C-37.2,
s. 237, am. **62.** Section 237 of the said Act is amended by replacing the words “the *Gazette officielle du Québec*” in the third and fourth lines by the words “a newspaper circulated in its territory”.

c. C-37.2,
s. 257,
French
text, am. **63.** Section 257 of the said Act is amended
(1) by replacing, in the French text, the word “ordinaire” in the first line of the first paragraph by the word “régulière”;

(2) by replacing, in the French text, the word “ordinaires” in the fourth line of the second paragraph by the word “régulières”.

c. C-37.2,
s. 258, am. **64.** Section 258 of the said Act is amended
(1) by replacing, in the French text, the word “spéciales” in the second line by the word “extraordinaires”;

(2) by replacing the words “president and managing director” in the second and third lines by the words “director general of the Société”.

c. C-37.2,
s. 259,
French
text, am. **65.** Section 259 of the said Act is amended by replacing, in the French text, the word “ordinaire” in the second line of the first paragraph by the word “régulière”.

c. C-37.2,
s. 260, am. **66.** Section 260 of the said Act is amended
(1) by replacing, in the French text, the word “ordinaire” in the first line of the second paragraph by the word “régulière”;

(2) by replacing, in the French text, the word “spéciale” in the second line of the third paragraph by the word “extraordinaire”;

(3) by striking out the words “regular or special” in the first line of the fourth paragraph.

c. C-37.2,
s. 263,
French
text, am. **67.** Section 263 of the said Act is amended by replacing, in the French text, the word “ordinaire” in the second line of the second paragraph by the word “régulière”.

c. C-37.2,
Title II,
Div. I,
subdiv. 4,
heading,
am. **68.** The heading of subdivision 4 of Division I of Title II of the said Act is amended by replacing the words “*President and managing director*” by the words “*Director general of the Société*”.

c. C-37.2,
s. 272, am. **69.** Section 272 of the said Act is amended by replacing the words “president and managing director” in the first and second lines by the words “director general of the Société”.

c. C-37.2,
s. 273, am. **70.** Section 273 of the said Act is amended by replacing the words “president and managing director” in the second and third lines by the words “director general of the Société”.

c. C-37.2,
s. 274, am. **71.** Section 274 of the said Act is amended by replacing the words “president and managing director” in the second line by the words “director general of the Société”.

c. C-37.2,
s. 275, am. **72.** Section 275 of the said Act is amended by replacing the words “president and managing director” in the first line by the words “director general of the Société”.

c. C-37.2,
s. 276, am. **73.** Section 276 of the said Act is amended by replacing the words “president and managing director” in the first line of the first paragraph by the words “director general of the Société”.

c. C-37.2,
s. 277, am. **74.** Section 277 of the said Act is amended by replacing the words “president and managing director” in the first line by the words “director general of the Société”.

c. C-37.2,
s. 278, am. **75.** Section 278 of the said Act is amended

(1) by replacing the words “president and managing director” in the third and in the fourth and fifth lines of the first paragraph by the words “director general of the Société”;

(2) by replacing the words “president and managing director” in the first and in the fourth and fifth lines of the second paragraph by the words “director general of the Société”.

c. C-37.2,
s. 279, am. **76.** Section 279 of the said Act is amended by replacing the words “president and managing director” in the first and second lines by the words “director general of the Société”.

c. C-37.2,
s. 280, am. **77.** Section 280 of the said Act is amended

(1) by replacing the words “president and managing director” in the second line of the seventh paragraph by the words “director general of the Société”;

(2) by replacing the words “president and managing director” in the first and second lines of the eighth paragraph by the words “director general of the Société”.

c. C-37.2,
s. 281, am.

78. Section 281 of the said Act is amended

(1) by replacing the words “president and managing director” in the fifth and sixth lines of the first paragraph by the words “director general of the Société”;

(2) by replacing the words “president and managing director” in the tenth and eleventh lines of the first paragraph by the words “director general of the Société”.

c. C-37.2,
Title II,
Div. I,
subdiv. 5,
repealed
c. C-37.2,
s. 291.13,
am.

79. Subdivision 5 of Division I of Title II of the said Act is repealed.

80. Section 291.13 of the said Act is amended

(1) by replacing the words “president and managing director” in the fourth line of paragraph 2 by the words “director general of the Société”;

(2) by replacing the words “president and managing director” in the first and second lines of paragraph 3 by the words “director general of the Société”;

(3) by replacing the words “president and managing director” in the third and fourth lines of paragraph 3 by the words “director general of the Société”;

(4) by replacing the words “president and managing director” in the fourth and fifth lines of paragraph 6 by the words “director general of the Société”.

c. C-37.2,
s. 291.18,
am.

81. Section 291.18 of the said Act is amended by replacing the words “president and managing director” in the first line of the third paragraph by the words “director general of the Société”.

c. C-37.2,
ss. 291.28-
291.30,
replaced
Provisions
applicable

82. Sections 291.28 to 291.30 of the said Act are replaced by the following section:

“291.28 Sections 120.0.1 to 120.0.3, 120.0.5 and 120.0.6 apply, adapted as required, to the Société.”

c. C-37.2,
s. 291.30.1,
am.

83. Section 291.30.1 of the said Act is amended

(1) by replacing the figure “291.30” in the first line by the figure “120.0.3”;

(2) by replacing the figure “\$50 000” in the fourth line by the figure “\$100 000”.

c. C-37.2,
s. 291.30.2,
am.

84. Section 291.30.2 of the said Act is amended by replacing the words and figures “the second and third paragraphs of section 291.28 and section 291.30” in the first and second lines by the words and figures “sections 120.0.2 and 120.0.3”.

c. C-37.2,
ss. 291.31
and 291.32,
repealed

85. Sections 291.31 and 291.32 of the said Act are repealed.

c. C-37.2,
s. 291.33,
am.

86. Section 291.33 of the said Act is amended by replacing the words “president and managing director” in the second line of the first paragraph by the words “director general of the Société”.

c. C-37.2,
s. 291.34,
am.

87. Section 291.34 of the said Act is amended

(1) by replacing the words “president and managing director” in the second line of the first paragraph by the words “director general of the Société”;

(2) by replacing the words “president and managing director” in the second line of the second paragraph by the words “director general”;

(3) by replacing the words “president and managing director” in the first and second lines of subparagraph 2 of the third paragraph by the words “director general”;

(4) by replacing the words “president and managing director” in the sixth line of the fourth paragraph by the words “director general”.

c. C-37.2,
s. 306.11,
French
text, am.

88. Section 306.11 of the said Act is amended by replacing, in the French text, the word “ordinaire” in the second line of the second paragraph by the word “régulière”.

c. C-37.2,
s. 306.26,
am.

89. Section 306.26 of the said Act is amended by replacing the words “president and managing director” in the third line by the words “director general of the Société”.

c. C-37.2,
s. 306.27,
am.

90. Section 306.27 of the said Act is amended by replacing the words “president and managing director” in the fourth line of the first paragraph by the words “director general of the Société”.

c. C-37.2,
s. 306.36,
am.

91. Section 306.36 of the said Act is amended by replacing the words “president and managing director” in the first line of paragraph 2 by the words “director general of the Société”.

c. C-37.2,
s. 306.46,
am.

92. Section 306.46 of the said Act is amended by replacing the figure “\$500” in the second line by the figure “\$1 000”.

c. C-37.2,
s. 306.47,
replaced

93. Section 306.47 of the said Act is replaced by the following section:

Offences and penalties

“306.47 The Société may, in a by-law under subparagraphs 1, 2 and 3 of the first paragraph of section 291.17, set out offences and prescribe a fine for each offence.

Fines

The by-law may prescribe either a fine of a fixed amount, or the minimum and maximum fines or a minimum fine of \$1 and a maximum fine.

Maximum amount

The fixed amount or maximum amount prescribed may not exceed, for a first offence, \$1 000 if the offender is a natural person, or \$2 000 if the offender is a legal person. In the case of a second or subsequent conviction, the fixed amount or maximum amount prescribed may not exceed \$2 000 if the offender is a natural person, or \$4 000 if the offender is a legal person.”

c. C-37.2,
s. 307,
replaced

94. Section 307 of the said Act is replaced by the following section:

Extension

“307. The Minister may, at the request of the executive committee, extend a time period prescribed for the Community in this Act. Where the Minister considers it expedient, he may again extend the period on the conditions he determines.”

c. C-37.2,
s. 314, am.

95. Section 314 of the said Act is amended by striking out the words “chairman and” in the first and second lines of the third paragraph.

c. C-37.2,
s. 317, am.

96. Section 317 of the said Act is amended by striking out the second paragraph.

c. C-37.2,
ss. 319.1
and 319.2,
added

97. The said Act is amended by inserting, after section 319, the following sections:

Name

“319.1 No person may, except with the authorization of the Community, use in any manner whatsoever, the name “Communauté urbaine de Montréal” or that of any of its departments, or its emblem or graphic symbol.

Offence and penalty

“319.2 Every person who contravenes section 319.1 is guilty of an offence and is liable, for each offence, to a fine not exceeding \$1 000.”

c. C-37.2,
s. 330.2,
added

98. The said Act is amended by inserting, after section 330.1, the following section:

Agreement **330.2** The Community may enter into an agreement with a municipality listed in Schedule A, after consultation with the Association de bienfaisance et de retraite des policiers de la Communauté urbaine de Montréal constituted under chapter 110 of the statutes of 1977, in order that the pension benefits or benefits credited for the period from 1 January 1972 to 31 December 1977, under a supplemental pension plan or a pension plan in force on 31 December 1971 to which a police officer was contributing at the time of his transfer to the Service de police de la Communauté urbaine de Montréal, become an integral part of the pension or of the plan known as the “Régime de rentes des policiers et policières de la Communauté urbaine de Montréal” and to allow the plan to receive sums or securities from the fund of the plan of the municipality. Such an agreement becomes an integral part of the provisions of the Régime de rentes des policiers et policières de la Communauté urbaine de Montréal from the date of its signature and is appended thereto.

Presumption An agreement thus entered into is deemed to be in conformity with the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).”

c. C-37.2,
Sched. A,
am. **99.** Schedule A to the said Act is amended

(1) by replacing the words “city of Beaconsfield” in the first line by the words “town of Beaconsfield”;

(2) by striking out the words “city of Pointe-aux-Trembles;” in the sixth and seventh lines.

c. C-37.2,
Sched. B,
am. **100.** Schedule B to the said Act is amended

(1) by replacing the words “city of Beaconsfield” in the first line by the words “town of Beaconsfield”;

(2) by striking out the words “city of Pointe-aux-Trembles;” in the sixth line.

c. F-2.1,
s. 261.5,
am. **101.** Section 261.5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by inserting the words and figure “referred to in the third paragraph of section 244.13 or to a unit” after the word “unit” in the second line of the second paragraph;

(2) by inserting the words and figure “replaced, in the first case, by 40 % of that value and, in the second case, is” after the figure and word “261.1 is” in the fourth line of the second paragraph.

- Definitions** **102.** The definitions in paragraphs 1 to 4 of section 139 of the Act respecting the Communauté urbaine de Montréal replaced by section 27 continue to apply until the Community brings a by-law into force in accordance with paragraph 1 of section 151.1 of that Act enacted by section 37.
- Presumption** **103.** A by-law adopted or an order made under a provision of the Act respecting the Communauté urbaine de Montréal replaced by this Act remains in force and is deemed to be adopted or made under the new provision.
- Presumption** **104.** A by-law adopted under section 140 of the Act respecting the Communauté urbaine de Montréal repealed by section 28 remains in force and is deemed to be adopted under section 151.1 of that Act enacted by section 37.
- Agreement** **105.** Any agreement entered into since 1 December 1985 between the Communauté urbaine de Montréal and a municipality respecting the establishment of the “9-1-1 centre” is declared valid and may not be cancelled on a ground related to the means by which it was ratified by the municipality or the Community or on the ground that it was not approved by the Minister of Municipal Affairs in the proper time.
- Presumption** **106.** The appointment of Mr Robert Charbonneau to the position of assessor of the Communauté urbaine de Montréal, made by the executive committee of the Community on 20 February 1985, is deemed to meet the prescriptions of the Act respecting municipal taxation and may not be contested on the ground that the said assessor was not appointed by the Council of the Community.
- Effect** **107.** Section 98 has effect from 1 January 1992.
- Effect** **108.** Section 101 has effect for the purposes of any fiscal year of a municipality from the 1994 fiscal year.
- Coming into force** **109.** This Act comes into force on 17 December 1993.