

1983, chapter 57

AN ACT TO AMEND LEGISLATIVE PROVISIONS CONCERNING MUNICIPALITIES

Bill 45

Introduced by Mr Jacques Léonard, Ministre of Municipal Affairs

First reading: 15 November 1983

Second reading: 12 December 1983

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Assented to: 22 December 1983

Coming into force: 22 December 1983

Acts amended:

Municipal Code

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

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

Act respecting the Commission municipale (R.S.Q., chapter C-35)

Act respecting the Communauté régionale 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 school debts and loans (R.S.Q., chapter D-7)

James Bay Region Development Act (R.S.Q., chapter D-8)

Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1)

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

Mining Act (R.S.Q., chapter M-13)

Act to promote the regrouping of municipalities (R.S.Q., chapter R-19)

Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21)

Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

Charter of the City of Montréal (1959-60, chapter 102)

Charter of the City of Laval (1965, 1st session, chapter 89)

Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98)





CHAPTER 57

An Act to amend legislative
provisions concerning municipalities

[Assented to 22 December 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

AMENDMENTS TO THE MUNICIPAL CODE

M.C. aa.
5e-5h, added

1. The Municipal Code is amended by inserting, after article 5*d*, the following articles:

“5*e*. Where a special planning program in respect of that part of the territory of a local corporation designated as the “central sector” and planning by-laws consistent with that program are in force in a local corporation, the local corporation may carry out any program of acquisition of immovables provided for in the special planning program in view of alienating or leasing the immovables for purposes contemplated in the program.

The local corporation may also acquire any immovable situated in that part of its territory designated as the “central sector” even if the acquisition is not provided for in a program of acquisition of immovables, in view of alienating or leasing it to a person who requires it to carry out a project that is consistent with the special planning program, if the person is already the owner of lands or the beneficiary of a promise of sale of lands, representing two-thirds of the area required for the carrying out of the project.

“5*f*. For the purposes of article 5*e*, the local corporation may, in particular,

- (1) acquire an immovable by agreement or by expropriation;

- (2) hold and manage the immovable;
- (3) carry out the required development, restoration, demolition or clearing work on the immovable;
- (4) alienate or lease the immovable for the purposes contemplated.

“5g. The alienation of the immovable is not subject to any special formality and does not require the approval of the Commission municipale du Québec.

Notwithstanding the foregoing, the alienation or leasing of the immovable for a price lower than the cost price of the immovable for the corporation requires the prior approval of the Minister of Municipal Affairs.

The Minister of Municipal Affairs may make regulations to prescribe the mode of computing the cost price of an immovable, which may differ according to such cases as he may determine. The regulations may also specify the cases in which it is not necessary to compute the cost price; in such a case, prior approval of the Minister is not required. The regulations come into force on the day of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

“5h. The amounts derived from the alienation of the immovable may be used only for the purposes contemplated in articles 5e and 5f and for the purposes of the subsidies provided for in this Code in respect of works carried out in that part of the territory contemplated in article 5e.”

M.C., a.
77c, am.

2. Article 77c of the said Code, enacted by section 37 of chapter 16 of the statutes of 1980, is amended by replacing the second and third paragraphs by the following paragraphs:

“The amounts are adjusted on 1 January every year in accordance with the rate of increase in the Consumer Price Index for Canada established by Statistics Canada.

The rate of increase is established on the basis of the Consumer Price Index for Canada for the month preceding the adjustment, reduced by the Consumer Price Index for Canada for the same month of the preceding year, divided by this last Consumer Price Index.”

M.C., a.
77k, am.

3. Article 77k of the said Code, enacted by section 37 of chapter 16 of the statutes of 1980, is amended by replacing the first paragraph by the following paragraph:

“77k. Notwithstanding any contrary provision of any general law, special Act, regulation, by-law or order, no member of the council of the local corporation may receive, as an indemnity for a portion of the

expenses attaching to the office of mayor or councillor and an office in a mandatory body of the local corporation or in a supramunicipal body, a total annual sum greater than the amount of the annual expense allowance of a Member of the National Assembly established under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1)."

M.C., a. 144,
am. **4.** Article 144 of the said Code, amended by section 38 of chapter 67 of the statutes of 1979, is again amended by adding, at the end, the following paragraph:

"Every request of the council and every report or account contemplated in this article must be forwarded through the agency of the secretary-treasurer."

M.C., a. 148,
replaced **5.** Article 148 of the said Code, replaced by section 5 of chapter 103 of the statutes of 1930, amended by section 1 of chapter 118 of the statutes of 1933 and replaced by section 44 of chapter 16 of the statutes of 1980, is again replaced by the following article:

"**148.** The secretary-treasurer may be dismissed at all times, even before the expiry of the term of his appointment.

The vote of the absolute majority of the members of the council is required to dismiss the secretary-treasurer, suspend him without pay or reduce his salary."

M.C., a.
148a, am. **6.** Article 148a of the said Code, enacted by section 1 of chapter 85 of the statutes of 1968 and amended by section 3 of chapter 82 of the statutes of 1969, is again amended

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

"**148a.** The resolution dismissing the secretary-treasurer, suspending him without pay or reducing his salary shall be served upon him by handing a copy thereof to him in person. A secretary-treasurer who has held office for at least twelve consecutive months may appeal from such a decision to the Commission municipale du Québec, which shall decide finally, after inquiry.";

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

"If the appeal is upheld, the Commission may also order the corporation to pay to the appellant a sum of money which it determines to indemnify him for the expenses that he has incurred for such appeal. The order to such effect shall be homologated, upon motion by the appellant, by the court of competent civil jurisdiction. The appellant may thereafter execute the judgment against the corporation."

M.C., a.
148b, added **7.** The said Code is amended by inserting, after article 148a, the following article:

“148b. Articles 148 and 148a do not apply to a suspension without pay unless

- (1) the suspension is for more than twenty working days, or
- (2) the suspension, whatever its duration, occurs within the twelve months following the expiry of a suspension without pay for more than twenty working days.”

M.C., aa.
171a-171c, added **8.** The said Code is amended by inserting, after article 171, the following articles:

“171a. The secretary-treasurer is the chief officer of the corporation.

“171b. Under the authority of the council or of the executive committee, the secretary-treasurer is responsible for the administration of the corporation and for that purpose he shall plan, organize, direct and supervise the activities of the corporation.

“171c. In application of articles 171a and 171b, the secretary-treasurer shall, in particular, perform the following duties:

(1) he shall ensure communication between the council, the executive committee and other committees on the one hand, and the other officers and employees of the corporation on the other hand; for that purpose, the secretary-treasurer shall have access to all the documents of the corporation and may require any document or information from any officer or employee except where, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation;

(2) he shall assist the council, the executive committee or any other committee in the preparation of the budget and, where such is the case, the corporation's program of capital expenditures and the plans, programs and projects intended for the orderly functioning of the corporation with the collaboration of the heads of departments and the other officers and employees of the corporation;

(3) he shall examine the complaints and claims against the corporation;

(4) he shall examine the draft by-laws of the corporation;

(5) he shall attend the meetings of the council, the executive committee and the other committees;

(6) he shall report to the council or to the executive committee on the carrying out of its decisions and, in particular, on the use of the funds for the purposes for which they were voted.”

C.M., a.
250a, added **9.** The said Code is amended by inserting, after article 250, the following article:

“**250a.** The presiding officer shall not vote at the election.”

M.C., a. 282,
replaced **10.** Article 282 of the said Code is replaced by the following article:

“**282.** Where the addition of the votes gives the same number of votes to more than one candidate and one additional vote to any candidate would give him the right to be declared elected, the presiding officer shall immediately declare in writing that there is a tie. A recount of the votes must then be made in accordance with article 313b.”

M.C., a.
313b, am. **11.** Article 313b of the said Code, enacted by section 10 of chapter 50 of the statutes of 1954-55, is amended by adding, at the end, the following paragraph:

“A recount must also be made when the presiding officer has declared, in accordance with article 282, that there is a tie. In such a case, articles 313d, 313e and 313p to 313r do not apply.”

M.C., a.
313o, am. **12.** Article 313o of the said Code, enacted by section 10 of chapter 50 of the statutes of 1954-55, is amended by replacing the third paragraph by the following paragraph:

“In case of equality of votes, the presiding officer shall give a special notice of one clear day to each of the candidates concerned; the presiding officer shall, at the time mentioned in the notice, proceed with a public drawing of lots and proclaim elected the candidate whom the drawing has favoured.”

M.C., a. 391,
am. **13.** Article 391 of the said Code is amended by replacing paragraph 3 by the following paragraph:

“3. To determine the duties of the officers and employees of the corporation not determined by this Code; ”.

M.C., a.
403a, added **14.** The said Code is amended by inserting, after article 403, the following article:

“**403a.** Every local corporation may make, amend or repeal by-laws to regulate the display of erotic objects and printed matter, more particularly for the purpose of protecting the youth.”

M.C., Title
XV, Chap.
II, Sec. XV,
heading
replaced **15.** The heading of Section XV of Chapter II of Title XV of the said Code is replaced by the following heading:

“ANIMALS”.

M.C., a.
406a, added

16. The said Code is amended by inserting, after article 406, the following article:

“**406a.** Every local corporation may make, amend or repeal by-laws to

(1) regulate or prohibit the keeping of animals, or categories of animals, and limit the number of animals that a person may keep in or on any immovable;

(2) require the owner or keeper of an animal to hold a licence entitling him to keep the animal;

(3) prohibit owners or keepers of animals from letting their animals stray in the municipality and authorize their elimination in a summary manner or their impounding and sale for the benefit of the corporation;

(4) require the owner or keeper of any animal to remove its excrement from any property, public or private, determine the manner of disposing thereof and require the owner or keeper to have the necessary implements for that purpose;

(5) enable the corporation to enter into agreements with any person or body to authorize the person or body to collect the cost of animal licences and enforce any by-law of the corporation concerning animals.

The person or body with whom or which the corporation enters into an agreement and his or its employees are deemed to be officers or employees of the corporation for the purposes of collecting the cost of licences and enforcing the by-law of the corporation.

Any by-law made under the first paragraph applies only in a sector of the municipality determined by the corporation. Prescriptions of the by-law may differ according to the sectors of the municipality and the categories of animals determined by the corporation.

Every by-law made under the first paragraph prevails over any inconsistent provision of this Code or of the Agricultural Abuses Act (R.S.Q., chapter A-2).”

M.C., a. 407,
am.

17. Article 407 of the said Code, amended by section 1 of chapter 85 of the statutes of 1923-24, section 90 of chapter 38 of the statutes of 1973, section 31 of chapter 36 of the statutes of 1979 and by section 33 of chapter 63 of the statutes of 1982, is again amended by adding, after paragraph 5, the following paragraphs:

“6. To prohibit the erection and installation of chimneys, hearths, fireplaces, stoves, stovepipes, ovens, boilers and any other appliance the use of which may be dangerous, and order the removal thereof;

“7. To prohibit the depositing of ashes or the accumulation of shavings, waste or other inflammable matter in places where their deposit or accumulation may be dangerous;

“8. (a) To impose minimum standards of quality for any domestic, commercial or industrial heating or cooking appliance or equipment, in particular, by reference to standards prescribed or approval given by a third person;

(b) To prescribe installation and maintenance standards for the appliance or equipment, in particular, by reference to standards prescribed by a third person;

(c) To establish classes of immovables, appliances or equipment and enact different rules for each of them.”

M.C., a. 410,
am.

18. Article 410 of the said Code is amended by adding, at the end of paragraph 2, the following paragraph:

“Any agreement contemplated in this paragraph may be made by resolution.”

M.C., a.
412a, am.

19. Article 412a of the said Code, replaced by section 2 of chapter 83 of the statutes of 1979 and amended by section 35 of chapter 63 of the statutes of 1982, is again amended by adding, at the end, the following paragraphs:

“A local corporation may, by resolution, authorize the making of an agreement relating to property or services with any other municipal corporation, whatever the Act governing it, within their competence in matters of recreational activities.

In no case may an agreement contemplated in the fourth paragraph entail capital expenditures in respect of immovables or include a financial contribution to such expenditures.

Articles 412b and 412c, paragraph 3 of article 412h, articles 412k to 412ba and the last three paragraphs of article 412bd do not apply to an agreement contemplated in the fourth paragraph. Section 27 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) does not apply to the credit commitment resulting therefrom.

The fourth paragraph does not prevent a corporation from availing itself of the first paragraph in view of making an agreement in the field of recreational activities.”

M.C., a.
412az, am.

20. Article 412az of the said Code, enacted by section 2 of chapter 83 of the statutes of 1979 and replaced by section 38 of chapter 63 of the statutes of 1983, is amended by inserting the words and figures “and 573.5 to 573.10” after the figure “573.3”.

M.C., Sec.
XIX C, a.
412bf, added

21. The said Code is amended by inserting, after article 412be, the following:

“SECTION XIX C

“TWINNING OF CORPORATIONS

“**412bf.** Every local corporation may make, amend or repeal by-laws to authorize the making of agreements, on the conditions that it determines, in view of twinning the corporation with another municipal corporation situated in Québec or elsewhere.”

M.C., a. 423,
am.

22. Article 423 of the said Code, amended by section 2 of chapter 84 of the statutes of 1922, section 1 of chapter 106 of the statutes of 1930, section 8 of chapter 83 of the statutes of 1934 and by section 278 of chapter 72 of the statutes of 1979, is again amended by replacing the second paragraph of subarticle 6 by the following paragraph:

“For the purposes of this article, the words “standardized assessment of taxable immovable property” mean the total of the following assessments:

- (1) the standardized taxable assessment of all the immovables;
- (2) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (3) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;
- (4) the standardized nontaxable assessment of all farmland and woodlots;
- (5) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this article, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;
- (6) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;

(7) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the corporation for the fiscal period preceding the fiscal period considered, of the revenues of the corporation derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this article, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act on the basis of the data provided in the budget of the preceding fiscal period.”

M.C., a. 523,
am.

23. Article 523 of the said Code, amended by section 2 of chapter 62 of the statutes of 1951-52, is again amended by replacing the fourth and fifth paragraphs by the following paragraphs:

“No by-law under this article may come into force until 1 January following its publication.

The Government may, however, at the request of the council, order the coming into force of the by-law on an earlier date than that which is fixed in this article but subsequent to the one hundred and twentieth day following its publication.”

M.C., a. 527,
replaced

24. Article 527 of the said Code is replaced by the following article:

“**527.** No by-law passed under article 522 or 523, or otherwise, placing all or part of the works at the charge and expense of the corporation, may be repealed except by another by-law passed by the affirmative vote of two-thirds of the members of the council, nor may the by-law come into force until 1 January following its publication.”

M.C., a. 548,
am.

25. Article 548 of the said Code, amended by section 27 of chapter 2 of the statutes of 1982, is again amended by replacing subarticle 2 by the following subarticle:

“2. Make arrangements with the local corporations with a population of less than 4 000 inhabitants and whose territory is included in that of the same regional county municipality for the purpose of allowing them the use of such machines for their roads, and fix the price for their use, or give them the gratuitous use thereof;”.

M.C., a. 625,
am.

26. Article 625 of the said Code, replaced by section 37 of chapter 53 of the statutes of 1977 and amended by section 45 of chapter 36 of the statutes of 1979, is again amended by replacing the second paragraph of subarticle 9 by the following paragraph:

“The liability mentioned in this subarticle is joint and several, and it also applies to every officer or employee of the corporation and to every other person who knowingly becomes party to the illegal act.”

M.C., a.
625d-625e,
added

27. The said Code is amended by inserting, after article 625c, the following articles:

“625d. Every corporation may enter into a convention with the Minister of Municipal Affairs and the Minister of the Environment under which it is authorized by them to negotiate, including with the Société québécoise d’assainissement des eaux, a contract of the kind known as a “turn-key contract”, in exercising its competence in matters of waste water purification.

The corporation and the Ministers may agree upon conditions in respect of the contract, the contracting partner or the manner of selecting the contracting partner.

“625e. The turn-key contract must state the objectives contemplated by the corporation and, as the case may be, the cost limits and other general conditions with which the purification facilities must conform.

The contract confers on the contracting partner the responsibility of designing purification facilities that meet the objectives and conform with the limits and conditions, of building the facilities and operating them for a period fixed in the contract, which may in no case be less than five years.

The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facilities.

“625f. Following a convention made with the Ministers, the corporation may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding articles 625 and 625a.

“625g. The corporation shall submit to the Ministers the draft turn-key contract it has negotiated following the convention.

Where the draft contract provides for long-term financing of the facilities by the contracting partner, the financing must be submitted to the Commission municipale du Québec.

If the Ministers and, as the case may be, the Commission municipale du Québec give their approval, the corporation may make the contract which requires no other approval.

“625h. The Municipal Works Act (R.S.Q., chapter T-14) does not apply in the case of work done under a turn-key contract.

“625i. Every local corporation may, in accordance with article 684a, impose a special tax for the purposes of paying all or part of its obligations arising from a turn-key contract.

The corporation may also impose such a tax for the purposes of paying all or part of its share of the expenses, arising from such a contract, of another corporation, an intermunicipal management board or of a regional or urban community.”

M.C., a.
699a,
replaced

28. Article 699a of the said Code, enacted by section 11 of chapter 71 of the statutes of 1949, is replaced by the following article:

“**699a.** Every local corporation may make, amend and repeal by-laws to require every owner of a bicycle or non-motorized bicycle to obtain from the corporation an annual licence for a cost of not over five dollars; to require that the licence be attached permanently to the vehicle, and to enable the municipality to enter into agreement with a third person under which the third person issues the licence and collects its costs on behalf of the corporation. The third person and his employees are then deemed to be officers or employees of the corporation.”

M.C., aa.
716b-716d,
added

29. The said Code is amended by inserting, after article 716a, the following articles:

“**716b.** Every local corporation may, by by-law, on the conditions and in the sectors of the municipality it determines, order that it grant subsidies for the purposes of the demolition of buildings beyond repair, not suited to their destination or incompatible with their environment or for the purposes of landscaping lots or repairing immovables isolated by demolition.

The maximum amount of a subsidy may, in no case, exceed the actual cost of the works.

“**716c.** Where a special planning program for that part of the territory of a local corporation designated as the “central sector” and planning by-laws consistent with the program are in force in a local corporation, the local corporation may, by by-law, on the conditions it determines and in that part of the territory, order that it grant subsidies for the following purposes:

(1) the renovation, restoration and enlargement of buildings and the construction and reconstruction of residential buildings and the conversion of buildings into residential buildings;

(2) landscaping; and

(3) alterations in the connection of electric power lines and accessories on burying electric cables or moving them off a street.

The maximum amount of a subsidy may in no case exceed the actual cost of the works.

“716d. Articles 716a to 716c apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

M.C., a. 732,
am.

30. Article 732 of the said Code, amended by section 300 of chapter 72 of the statutes of 1979 and replaced by section 62 of chapter 63 of the statutes of 1982, is amended by inserting, after the second paragraph, the following paragraphs:

“The prothonotary shall obtain from the registrar a copy of any page of the index of immovables concerning the adjudged immovable that may be useful to him for the purposes of apportioning the proceeds of the sale. Where the prothonotary considers it necessary and if the amount to be apportioned exceeds \$1 000, he may obtain from the registrar the certificate described in articles 703 to 707 of the Code of Civil Procedure. The prothonotary shall pay out of the proceeds of the sale the cost of the copy of the page of the index of immovables and, as the case may be, the cost of the certificate.

The proceeds of the sale shall be apportioned among the creditors according to the rules provided for in the case of a seizure of immovables in execution, without the formality of a scheme of collocation if the amount to be apportioned does not exceed \$1 000.”

M.C., a. 760,
am.

31. Article 760 of the said Code, replaced by section 2 of chapter 104 of the statutes of 1930 and amended by section 36 of chapter 82 of the statutes of 1975, is again amended by replacing the second and third paragraphs by the following paragraphs:

“It must also bear the signature of the head of the council or of any person authorized to sign it, as well as that of the secretary-treasurer. However, if the secretary-treasurer and his assistant are absent or if they are unable or refuse to act or if the offices of secretary-treasurer and assistant secretary-treasurer are vacant, another officer or employee of the corporation designated by the council may sign the bond in their place.

Every bond heretofore or hereafter issued shall be deemed to be validly signed if it bears the signature of each person who is required to sign it under this article on the date the bond bears or on the date it was signed. The signature of the head of the council may be printed, lithographed or engraved on the bond.”

M.C., a. 762,
am.

32. Article 762 of the said Code, amended by section 21 of chapter 60 of the statutes of 1918 and by section 18 of chapter 103 of the statutes of 1930, is again amended by replacing the first paragraph by the following paragraph:

“762. Coupons to the amount of the half-yearly interest, setting forth the place of payment, signed by the persons contemplated in article

760, and payable to the person entitled thereto under articles 778 and 779 when the interest specified therein falls due, may be annexed to each bond.”

M.C. aa.
778-780,
replaced

33. Articles 778 to 780 of the said Code are replaced by the following articles:

“778. A bond payable to bearer may be transferred by delivery.

A bond payable to a person designated thereon or to such person or to his order may be transferred by endorsement or delivery.

“779. If a bond is registered in the name of a person under the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7), it may be transferred only if the registration is corrected to mention the name of the transferee or to indicate that the bond is payable to bearer.

That condition is added to the transfer procedure mentioned in article 778.

“780. A transfer carried out in accordance with article 778 and article 779, where such is the case, shall vest the property thereof in the transferee and entitle him to bring action thereon in his own name.

In any such action, it is not necessary to set forth or to prove the mode by which a person became the holder of the bond, or to set forth or to prove the notices, by-laws, or other proceedings under or by virtue of which the bond was issued. It shall be sufficient to describe the plaintiff or applicant as the holder of the bond alleging the general endorsement or registration required by articles 778 and 779, if any, and shortly to state its legal effect and purport, and to make proof accordingly.”

DIVISION II

AMENDMENTS TO THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1, s.
85, am.

34. Section 85 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by adding, at the end, the following paragraph:

“centre”,
“central
sector”

“A special planning program applicable to that part of the territory of the municipality designated as the “centre” or “central sector” of the city or town may also include a program of acquisition of immovables in view of alienating or leasing them for purposes contemplated in the special planning program.”

c. A-19.1, s.
85.1, added

35. The said Act is amended by inserting, after section 85, the following section:

Special
planning
program

“85.1 A municipality may, until the adoption of its planning program or until a development plan is in force in its territory, adopt, in respect of that part of its territory that it designates as the “centre” or the “central sector” of the city or town, a special planning program that does not form part of its planning program.

Provisions
applicable

Provisions of this Act relating to the planning program apply to the special planning program, *mutatis mutandis*, except sections 83, 84 and 98.

General aims
of
development

In addition to the components listed in section 85, the special planning program must include the general aims of land development policy in the territory of the municipality regarding that part of the territory to which it applies.

Coming into
force

In the case of a municipality forming part of the territory of a regional county municipality in which a resolution described in section 4 is in force, the program comes into force on the date of its approval by the council of the regional county municipality. In other cases, it comes into force on the date of publication of the by-law under which it is adopted, in accordance with the Act governing the municipality, or on any later date indicated therein.”

c. A-19.1, s.
116, am.

36. Section 116 of the said Act is amended by adding, at the end of the third paragraph, the following: “However, no residence situated on land under cultivation may be exempted from the obligation contemplated under subparagraph 3 of the first paragraph.”

c. A-19.1, s.
205, am.

37. Section 205 of the said Act is amended by replacing the first paragraph by the following paragraph:

Apportion-
ment

“205. The expenses of a regional county municipality for the purposes of the exercise of a power not provided for in the second paragraph of section 188 shall be apportioned among the municipalities whose territories form part of that of the regional county municipality, proportionately to the standardized assessment of the taxable immovables in each municipality. The expenses may, however, be apportioned according to any other criterion determined by the council of the regional county municipality, by by-law.”

c. A-19.1, s.
205.1, added

38. The said Act is amended by inserting, after section 205, the following section:

Interpretation

“205.1 For the purposes of section 205,

“standard-
ized
assessment”

(1) “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for the roll pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

“standard-
ized
assessment
of taxable
immovables”

(2) “standardized assessment of taxable immovables” means the total of the following assessments:

- (a) the standardized taxable assessment of all the immovables;
- (b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation;
- (c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;
- (d) the standardized nontaxable assessment of all farmland and woodlots;
- (e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables, if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;
- (f) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;
- (g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act on the basis of the data provided in the budget of the preceding fiscal period.”

c. A-19.1, s.
264.1, am.

39. Section 264.1 of the said Act is amended

- (1) by inserting the words “or any officer or employee of the Community designated for that purpose by the executive committee” after the word “Community” in the first line of subparagraph 1 of the second paragraph;

(2) by inserting, after subparagraph 12 of the second paragraph, the following subparagraph:

“(12.1) the executive committee of the Community shall designate every officer responsible for issuing the permits and certificates required under its interim control by-law;”.

c. A-19.1, s.
264.2, am.

40. Section 264.2 of the said Act is amended

(1) by inserting the words “or any officer or employee of the Community designated for that purpose by the executive committee” after the word “Community” in the first line of subparagraph 1 of the second paragraph;

(2) by inserting, after subparagraph 5 of the second paragraph, the following subparagraph:

“(5.1) the executive committee of the Community shall designate every officer responsible for issuing the permits and certificates required under its interim control by-law;”.

c. A-19.1, s.
264.3, am.

41. Section 264.3 of the said Act, enacted by section 72 of chapter 29 of the statutes of 1983, is amended by inserting the words “or any officer or employee of the Community designated for that purpose by the council” after the word “Community” in the first line of subparagraph 1 of the third paragraph.

DIVISION III

AMENDMENTS TO THE CITIES AND TOWNS ACT

c. C-19, ss.
28.1-28.4,
added

42. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting, after section 28, the following sections:

“centre” of
city or town

“28.1 Where a special planning program for that part of the territory of a municipality designated as the “centre” of the city or town and planning by-laws consistent with the program are in force in a municipality, the municipality may carry out any program of acquisition of immovables provided for in the special planning program in view of alienating or leasing the immovables for purposes contemplated in the program.

Acquisition
of
immovables

The municipality may also acquire any immovable situated in that part of its territory designated as the “centre” of the city or town even if the acquisition is not provided for in a program of acquisition of immovables, in view of alienating or leasing it to a person who requires it to carry out a project that is consistent with the special planning program, if the person is already the owner of lands, or the beneficiary of a promise of sale of lands, representing two-thirds of the area he requires to carry out the project.

Powers of the municipality **“28.2** For the purposes of section 28.1, the municipality may, in particular,

- (1) acquire an immovable by agreement or by expropriation;
- (2) hold and manage the immovable;
- (3) carry out the required development, restoration, demolition or clearing work on the immovable;
- (4) alienate or lease the immovable for the purposes contemplated.

Alienation of immovables **“28.3** The alienation of the immovable is not subject to any special formality and does not require the approval of the Commission municipale du Québec.

Price Notwithstanding the foregoing, the alienation or leasing of the immovable for a price lower than the cost price of the immovable for the municipality, requires the prior approval of the Minister of Municipal Affairs.

Computation The Minister of Municipal Affairs may make regulations to prescribe the mode of computing the cost price of an immovable, which may differ according to such cases as he may determine. The regulations may also specify the cases in which it is not necessary to compute the cost price; in such a case, prior approval of the Minister is not required. The regulations come into force on the day of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Use of proceeds **“28.4** The amounts derived from the alienation of the immovable may be used only for the purposes contemplated in sections 28.1 and 28.2 and for the purposes of the subsidies provided for in this Act in respect of works carried out in that part of the territory contemplated in section 28.1.”

c. C-19, s. 65.4, am. **43.** Section 65.4 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

Indexing **“The amounts are adjusted on 1 January each year according to the rate of increase in the Consumer Price Index for Canada established by Statistics Canada.**

Rate The rate of increase is established on the basis of the Consumer Price Index for Canada for the month preceding the adjustment, reduced by the Consumer Price Index for Canada for the same month of the preceding year, divided by this last Consumer Price Index.”

c. C-19, s. 65.13, am. **44.** Section 65.13 of the said Act is amended by replacing the first paragraph by the following paragraph:

Maximum
indemnity

“65.13 Notwithstanding any contrary provision of any general law, special Act, regulation, by-law or order, no member of the council of a municipality may receive, as an indemnity for a portion of the expenses attaching to his office in the municipality, in a mandatory body of the municipality or in a supramunicipal body, a total annual sum greater than the annual expense allowance of a Member of the National Assembly established under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).”

c. C-19, s.
70.7,
repealed

45. Section 70.7 of the said Act is repealed.

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

46. Section 71 of the said Act is amended

(1) by replacing the beginning of the second paragraph by the following:

Absolute
majority

“The vote of the absolute majority of the members of the council shall be required for destituting, suspending without pay or reducing the salary.”;

(2) by replacing the word “manager” in the first line of subparagraph *a* of the second paragraph by the words “director general”.

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

47. Section 72 of the said Act is amended

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

Service of
resolution

“72. The resolution removing an officer or employee contemplated in the second paragraph of section 71, suspending him without pay or reducing his salary, shall be served upon him by handing a copy thereof to him in person. The person so removed or suspended or whose salary has been so reduced may, subject to section 79 of the Police Act (R.S.Q., chapter P-13), appeal from such a decision to the Commission municipale du Québec, which shall decide finally, after inquiry.”;

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

Expenses for
appeal

“If the appeal is upheld, the Commission may also order the municipality to pay to the appellant a sum of money which it determines to indemnify him for the expenses that he has incurred for such appeal. The order to such effect shall be homologated, upon motion by the appellant, by the competent court of civil jurisdiction. The appellant may thereafter execute the judgment against the municipality.”

c. C-19, s.
73.1, added

48. The said Act is amended by inserting, after section 73, the following section:

Suspension “**73.1** Sections 71 to 73 do not apply to a suspension without pay unless

(1) the suspension is for more than twenty working days, or

(2) the suspension, whatever its duration, occurs within twelve months following the expiry of a suspension without pay for more than twenty working days.”

c. C-19, s. 77, am. **49.** Section 77 of the said Act is amended by replacing the first paragraph by the following paragraph:

Duties of officers and employees “**77.** The council may, by by-law, determine the duties of the officers or employees of the municipality not defined by this Act or the charter.”

c. C-19, Div. IV, subsec. 6, Div. VII, ss. 112-114, replaced, s. 114.1, added **50.** Division VII of subsection 6 of Division IV of the said Act, comprising sections 112 to 114, is replaced by the following:

“VII.— *Director general*

Appointment “**112.** The council may, by the vote of the absolute majority of its members, appoint a director general and fix his salary.

Duties performed by officer If the council does not appoint a director general, it may designate an officer or employee of the municipality to perform the duties of a director general.

Assistant director general The council may also appoint an assistant director general who shall replace the director general if he is absent or if he is unable or refuses to act or if the office of director general is vacant. If no assistant director general is appointed, the council may designate an officer or employee of the municipality to perform the duties of an assistant director general.

Respective competence Where the council appoints more than one assistant director general or designates several officers or employees to perform the duties of assistant director general, it shall establish their respective competence so as to determine who shall replace the director general in any of the cases contemplated in the third paragraph.

Status “**113.** The director general is the chief officer of the municipality.

Authority The director general has authority over all the other officers and employees of the municipality. With respect to an officer or employee whose duties are prescribed by law, the authority of the director general is exercised only within the framework of his duties as the administrator of human, material and financial resources of the municipality and may in no case hinder the carrying out of duties that are prescribed by law.

Suspension The director general may suspend an officer or employee from his duties. He shall immediately make a report of the suspension to the council. The council shall decide the case of the suspended officer or employee, after inquiry.

Adminis-
tration “114. Under the authority of the council or the executive committee, the director general is responsible for the administration of the municipality and, for that purpose, he shall plan, organize, direct and supervise the activities of the municipality.

Duties of the
director
general “114.1 In application of sections 113 and 114, the director general shall, in particular, perform the following duties:

(1) he shall ensure communication between the council, the executive committee and other committees, on the one hand, and the other officers and employees of the municipality on the other hand; for that purpose, the director general shall have access to every document of the municipality and may require any document or information from any officer or employee except where, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation;

(2) he shall prepare the budget and, where such is the case, the municipality's program of capital expenditures and the plans, programs and projects intended for the orderly functioning of the municipality with the collaboration of the heads of departments and the other officers and employees of the municipality;

(3) he shall examine the complaints and claims against the municipality;

(4) he shall examine the draft by-laws of the municipality;

(5) he shall submit to the council, the executive committee or another committee, as the case may be, the budgets, programs of capital expenditures, plans, programs and projects prepared by him together with his observations and recommendations concerning the complaints, claims and draft by-laws that he has examined;

(6) he shall make to the council, the executive committee or another committee, as the case may be, a report on any matter that he believes should be brought to it in view of the sound management of public funds, the progress of the municipality and the welfare of its citizens provided that the report does not, in the opinion of the head of the police department, tend to disclose the content of a record concerning a police investigation; and, he shall, where he considers it expedient, add his own conclusions to the record of any matter submitted to the council, the executive committee or another committee;

(7) he shall attend the meetings of the council, of the executive committee and of other committees and, with the permission of the chairman of the meeting, give his advice and present recommendations on the matters debated, without having the right to vote;

(8) subject to the powers of the mayor, he shall see to it that the by-laws of the municipality and the decisions of the council are implemented and, particularly, see to it that the funds are used for the purposes for which they were voted.”

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

51. Section 412 of the said Act is amended

(1) by inserting, after paragraph 19, the following paragraph:

“XI.1 — *Animals*

Keeping of
animals

“(19.1) (a) To regulate or prohibit the keeping of animals, or categories of animals, and limit the number of animals that a person may keep in or on any immovable;

Licence

(b) To require the owner or keeper of an animal to hold a licence entitling him to keep the animal;

Straying

(c) To prohibit owners or keepers of animals from letting their animals stray in the municipality and authorize their elimination in a summary manner or their impounding and sale for the benefit of the municipality;

Removal of
excrement

(d) To require the owner or keeper of any animal to remove its excrement from any property, public or private, determine the manner of disposing thereof and require the owner or keeper to have the necessary implements for that purpose;

Agreements

(e) To enable the municipality to enter into agreements with any person or body to authorize the person or body to collect the cost of animal licences and enforce any municipal by-law concerning animals.

Deemed
municipal
officers

The person or body with whom or which the municipality enters into an agreement and his or its employees are deemed to be municipal officers or employees for the purposes of collecting the cost of licences and enforcing the municipal by-law.

Municipal
sectors

Any by-law made under this paragraph applies only in a sector of the municipality determined by the council. Prescriptions of the by-law may differ according to the sectors of the municipality and the categories of animals determined by the council.

Prevalence
of by-law

Every by-law made under this paragraph prevails over any inconsistent provision of this Act or of the Agricultural Abuses Act (R.S.Q., chapter A-2).”;

(2) by inserting, after paragraph 23.1, the following paragraph:

Heating and
cooking
equipment

“(23.2) (a) To impose minimum standards of quality for any domestic, commercial or industrial heating or cooking appliance or equipment, particularly, by reference to standards prescribed or approval given by a third person;

Standards

(b) To prescribe installation and maintenance standards for the appliance or equipment, particularly, by reference to standards prescribed by a third person;

Rules

(c) To establish classes of immovables, appliances or equipment and enact different rules for each of them.”;

(3) by replacing paragraph 25 by the following subparagraph:

Installation

“(25) (a) To prescribe the manner of installing stoves, grates and stovepipes and of building any kind of chimney, furnace and oven, and regulate their use;

Fireplaces
and ovens

(b) To prohibit the erection and installation of chimneys, hearths, fireplaces, stoves, stovepipes, ovens, boilers and any other appliance the use of which may be dangerous, and order the removal thereof;

Ashes

(c) To prohibit the depositing of ashes or the accumulation of shavings, waste or other inflammable matter in places where their deposit or accumulation may be dangerous;”.

c. C-19, s.
414.1, added

52. The said Act is amended by inserting, after section 414, the following section:

Erotic
objects

“**414.1** The council may make by-laws to regulate the display of erotic objects and printed matter, more particularly for the purpose of protecting the youth.”

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

53. Section 415 of the said Act is amended

(1) by adding the following at the end of subparagraph *c* of paragraph 4: “any agreement contemplated in this subparagraph may be made by resolution;”;

(2) by replacing the word “fifteen” in the eleventh line of paragraph 10 by the word “thirty”;

(3) by replacing paragraph 31 by the following paragraph:

Bicycle
licence

“(31) To require every owner of a bicycle or non-motorized bicycle to obtain from the municipality an annual licence for a cost of not over five dollars; to require that the licence be attached permanently to the vehicle and to enable the municipality to enter into agreement with

a third person under which the third person issues the licence and collects its costs on behalf of the municipality; the third person and his employees are then deemed to be officers or employees of the municipality;”.

c. C-19, s. 468, am. **54.** Section 468 of the said Act is amended by adding, at the end, the following paragraphs:

Service agreement “The council of any city or town corporation, even if it is not contemplated in section 1, may, by resolution, authorize the making of an agreement relating to property or services with any other municipal corporation, whatever the Act governing it, for purposes of their competence in respect of recreational activities.

Restriction In no case may an agreement contemplated in the fourth paragraph entail capital expenditures in respect of immovables, or include a financial contribution to such expenditures.

Applicability Sections 468.1 and 468.2, paragraph 3 of section 468.7, sections 468.10 to 468.52 and the last three paragraphs of section 469.1 do not apply to an agreement contemplated in the fourth paragraph. Section 27 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) does not apply to the credit commitment resulting therefrom.

Recreational activities The fourth paragraph does not prevent a corporation from availing itself of the first paragraph in view of the making of an agreement in respect of recreational activities.”

c. C-19, s. 468.51, am. **55.** Section 468.51 of the said Act is amended by inserting, in the second line of paragraph 2, after the figure “573.3”, the words and figures “and 573.5 to 573.10”.

c. C-19, s. 523, am. **56.** Section 523 of the said Act is amended by inserting, after the first paragraph, the following paragraphs:

Copy of page of index of immovables “The prothonotary shall obtain from the registrar a copy of any page of the index of immovables concerning the adjudged immovable that may be useful to him for the purposes of apportioning the proceeds of the sale. Where the prothonotary considers it necessary and if the amount to be apportioned exceeds \$1 000, he may obtain from the registrar the certificate described in articles 703 to 707 of the Code of Civil Procedure. The prothonotary shall pay out of the proceeds of the sale the cost of the copy of the page of the index of immovables and, as the case may be, the cost of the certificate.

Apportionment of proceeds The proceeds of the sale shall be apportioned among the creditors according to the rules provided for in the case of a seizure of immovables in execution, without the formality of a scheme of collocation if the amount to be apportioned does not exceed \$1 000.”

c. C-19, ss.
542.2-542.4,
added

57. The said Act is amended by inserting, after section 542.1, the following sections:

Subsidies for
demolition

“542.2 The council may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant subsidies for the purposes of the demolition of buildings beyond repair, unsuited to their destination or incompatible with their environment or for the purposes of the landscaping of lots or for the repair of immovables isolated by demolition.

Maximum
amount

The maximum amount of a subsidy may in no case exceed the actual cost of the works.

Subsidies

“542.3 Where a special planning program for that part of the territory of a municipality designated as the “centre” of the city or town and planning by-laws consistent with the program are in force in a municipality, the council of the municipality may, by by-law, on the conditions it determines and in that part of the territory, order that the municipality grant subsidies for the following purposes:

(1) the renovation, restoration and enlargement of buildings and the construction and reconstruction of residential buildings and the conversion of buildings into residential buildings;

(2) landscaping; and

(3) alterations in the connection of electric power lines and accessories on burying electric cables or moving them off a street.

Maximum
amount

The maximum amount of a subsidy may, in no case, exceed the actual cost of the works.

Applicability

“542.4 Sections 542.1 to 542.3 apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

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

58. Section 549 of the said Act is amended

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

Bond issue

“549. Except in the case of a temporary loan and in that of a loan contemplated in section 567, a loan may be contracted by a municipality only by means of an issue of bonds.

Seal and
signature

Every bond must bear the seal of the municipality and be signed by the mayor and the clerk. However, if the clerk and his assistant are absent or if they are unable or refuse to act, or if the offices of clerk and assistant clerk are vacant, another officer or employee of the municipality designated by the council may sign the bonds in their place. The signature of the mayor may be printed, lithographed or engraved on the bonds.

Signature Every bond heretofore or hereafter issued shall be deemed to have been validly signed if it bears the signature of each person who is required to sign it under this section on the date the bond bears or on the date it was signed.”;

(2) by replacing the sixth and seventh paragraphs by the following paragraphs:

Transfer “If a bond is registered in the name of a person under the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7), it may be transferred only if the registration is corrected to mention the name of the transferee or to indicate that the bond is payable to bearer. That condition is added to the pertinent transfer procedure mentioned in the fifth or sixth paragraph.

Effect of transfer A transfer carried out in accordance with the fifth or sixth paragraph or the seventh paragraph, as the case may be, shall vest the property thereof in the transferee and entitle him to bring action thereon in his own name.”

c. C-19, s. 551, am. **59.** Section 551 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

Coupons “**551.** Coupons may be annexed to each bond, each of which shall constitute the title for one instalment of interest. Such coupons shall be payable to the person entitled thereto pursuant to the last four paragraphs of section 549 when the interest specified therein falls due, and shall bear an indicating number as well as the number of the bond to which they are attached.

Signature They shall be signed by the persons contemplated in the second paragraph of section 549; but a facsimile of the signatures of those persons, printed, lithographed or engraved on the coupons, shall be sufficient.”

c. C-19, s. 573, am. **60.** Section 573 of the said Act is amended by replacing the second paragraph of subsection 9 by the following paragraph:

Joint and several liability “The liability mentioned in this subsection is joint and several, and it also applies to every officer or employee of the municipality and to every person who knowingly becomes party to the illegal act.”

c. C-19, ss. 573.5-573.10, added **61.** The said Act is amended by inserting, after section 573.4, the following sections:

“turn-bey contract” **“573.5** Every municipality may enter into a convention with the Minister of Municipal Affairs and the Minister of the Environment under which it is authorized by them to negotiate, including with the Société québécoise d’assainissement des eaux, a contract of the kind known

as a “turn-key contract”, in exercising its competence in matters of waste water purification.

Conditions The municipality and the Ministers may agree upon conditions in respect of the contract, the contracting partner or the manner of selecting the contracting partner.

Content of the contract “**573.6** The turn-key contract must state the objectives contemplated by the municipality and, as the case may be, the cost limits and other general conditions with which the purification facilities must conform.

Obligations The contract confers on the contracting partner the responsibility of designing purification facilities that meet the objectives and conform with the limits and conditions, of building the facilities and operating them for a period fixed in the contract, which may in no case be less than five years.

Financing The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facilities.

Call for tenders “**573.7** Following a convention made with the Ministers, the municipality may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding sections 573 and 573.1.

Approval “**573.8** The municipality shall submit to the Ministers the draft turn-key contract it has negotiated following the convention.

Approval Where the draft contract provides for long-term financing of the facilities by the contracting partner, the financing must be submitted to the Commission municipale du Québec.

Approval If the Ministers and, as the case may be, the Commission municipale du Québec give their approval, the municipality may make the contract which requires no other approval.

c. T-14, not applicable “**573.9** The Municipal Works Act (R.S.Q., chapter T-14) does not apply in the case of work done under a turn-key contract.

Special tax “**573.10** Every municipality may, in accordance with section 487, impose a special tax for the purposes of paying all or part of its obligations arising from a turn-key contract.

Special tax The municipality may also impose such a tax for the purposes of paying all or part of its share of the expenses, arising from such a contract, of another municipality, an intermunicipal management board or of a regional or urban community.”

DIVISION IV

AMENDMENTS TO THE ACT RESPECTING
THE COMMISSION MUNICIPALE

c. C-35, s. 5, replaced **62.** Section 5 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), replaced by section 82 of chapter 24 of the statutes of 1983, is again replaced by the following section:

Term in office **“5.** Every member of the Commission appointed under section 3 shall hold office during the period fixed by the Government which may in no case exceed five years from the date of his appointment. He may be removed at any time for cause by the Government.

Continuance in office Notwithstanding the expiration of his term, every member remains in office until he is reappointed, provisionally or permanently, or until he is replaced.”

c. C-35, s. 15, replaced **63.** Section 15 of the said Act is replaced by the following section:

Secretary **“15.** There shall be a secretary of the Commission who shall be appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1).”

c. C-35, s. 18, replaced **64.** Section 18 of the said Act is replaced by the following section:

Necessary employees **“18.** The employees necessary for the proper performance of the duties of the Commission shall be appointed and remunerated in accordance with the Civil Service Act.”

DIVISION V

AMENDMENTS TO THE ACT RESPECTING THE
COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

c. C-37.1, s. 69, replaced **65.** Section 69 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1), replaced by section 17 of chapter 29 of the statutes of 1983, is again replaced by the following section:

Required majority **“69.** A two-thirds majority of the votes cast is required in order that the Council may remove, suspend without pay, or reduce the salary of a department head or any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for at least six months.”

c. C-37.1, s. 71, am. **66.** Section 71 of the said Act, amended by section 18 of chapter 29 of the statutes of 1983, is again amended by replacing the first two paragraphs by the following paragraphs:

Service of resolution **“71.** The resolution removing a department head or any other officer or employee of the Community contemplated in section 69, or

suspending him without pay or reducing his salary, must be served on him by handing a copy thereof to him in person.

Appeal The person so removed or suspended, or whose salary has been so reduced, may appeal from such decision to the Commission municipale du Québec, which shall decide finally, after inquiry.”

c. C-37.1, s. 72.01, added **67.** The said Act is amended by inserting, after section 72, the following section:

Suspension **“72.01** Sections 69 to 72 do not apply to a suspension without pay unless

(1) the suspension is for more than twenty working days, or

(2) the suspension, whatever its duration, occurs within twelve months after the expiry of a suspension without pay for more than twenty working days.”

c. C-37.1, s. 77.1, added **68.** The said Act is amended by inserting, after section 77, the following section:

Twinning **“77.1** The Community may make an agreement for the purposes of twinning with another supramunicipal body situated in Québec or elsewhere.”

c. C-37.1, ss. 83.2-83.6, added **69.** The said Act is amended by adding, after section 83.2, the following sections:

“turn-key contract” **“83.3** The Community may enter into a convention with the Minister of Municipal Affairs and the Minister of the Environment under which it is authorized by them to negotiate, including with the Société québécoise d’assainissement des eaux, a contract of the kind known as a “turn-key contract”, in exercising its competence in matters of waste water purification.

Conditions The Community and the Ministers may agree upon conditions in respect of the contract, the contracting partner or the manner of selecting the contracting partner.

Content of contract **“83.4** The turn-key contract must state the objectives contemplated by the Community and, as the case may be, the cost limits and other general conditions with which the purification facilities must conform.

Obligations The contract confers on the contracting partner the responsibility of designing purification facilities that meet the objectives and conform with the limits and conditions, of building the facilities and operating them for a period fixed in the contract, which may in no case be less than five years.

Financing The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facilities.

Call for tenders “**83.5** Following a convention made with the Ministers, the Community may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding section 83.

Approval “**83.6** The Community shall submit to the Ministers the draft turn-key contract it has negotiated following the convention.

Approval Where the draft contract provides for long-term financing of the facilities by the contracting partner, the financing must be submitted to the Commission municipale du Québec.

Approval If the Ministers and, as the case may be, the Commission municipale du Québec give their approval, the Community may make the contract, which requires no other approval.”

c. C-37.1, s. 87, am. **70.** Section 87 of the said Act, replaced by section 29 of chapter 29 of the statutes of 1983, is amended

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

Agreement with municipalities “**87.** The municipalities which enter into an agreement may provide therein, with the consent of the Community, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.”;

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

Powers and obligations “If the agreement is approved, the Community has the powers and obligations of an intermunicipal committee or of an intermunicipal management board, as the case may be.”

c. C-37.1, s. 87.2, am. **71.** Section 87.2 of the said Act, enacted by section 29 of chapter 29 of the statutes of 1983, is amended by replacing the first paragraph by the following paragraph:

Representatives “**87.2** Except for the passing of a by-law under which the Community agrees to act as an intermunicipal committee or an intermunicipal management board, as the case may be, or a by-law authorizing the making of an agreement under section 87.1, only the representatives of the municipalities that are parties to the agreement are entitled to vote in the Council on any matter relating to the carrying out of the agreement.”

c. C-37.1, s. 169.9, am. **72.** Section 169.9 of the said Act, enacted by section 52 of chapter 29 of the statutes of 1983, is amended by replacing the first paragraph by the following paragraph:

Required
majority

“169.9 A majority of two-thirds of the votes cast is required to authorize the Commission to dismiss, suspend without pay or reduce the salary of the general manager, the secretary, the treasurer or any other officer or employee of the Commission who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for at least six months.”

c. C-37.1, s.
169.9.1,
added

73. The said Act is amended by inserting, after section 169.9, the following section:

Suspension

“169.9.1 Section 169.9 does not apply to a suspension without pay unless

(1) the suspension is for more than twenty working days, or

(2) the suspension, whatever its duration, occurs within twelve months after the expiry of a suspension without pay for more than twenty working days.”

c. C-37.1, s.
193, am.

74. Section 193 of the said Act, amended by section 60 of chapter 29 of the statutes of 1983, is again amended

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

“(1) the total of the following assessments:

(a) the standardized taxable assessment of all the immovables;

(b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(d) the standardized nontaxable assessment of all farmland and woodlots;

(e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the

last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;

(f) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;

(g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act on the basis of the data provided in the budget of the preceding fiscal period.”;

(2) by inserting, after the second paragraph, the following paragraph:

“standard-
ized
assessment”

“For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for that roll under the Act respecting municipal taxation.”

DIVISION VI

AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2, s.
21, replaced

75. Section 21 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following section:

Maximum
allowance

“21. In no case may the chairman of the executive committee receive, as an allowance, a total annual sum greater than the amount of the annual expense allowance of a Member of the National Assembly established under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).”

c. C-37.2, s.
106,
replaced

76. Section 106 of the said Act is replaced by the following section:

Dismissal of
department
head

“106. Subject to section 192, the Council may dismiss the head of a department, suspend him without pay or reduce his salary by a vote of the absolute majority of all the votes of the members of the Council. Such majority must include both the absolute majority of all the votes of the representatives of the city of Montréal and that of all the votes of the representatives of the other municipalities.

Required
majority

Subject to section 198, the executive committee may dismiss any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for at least six months, or suspend him without pay or reduce his salary, by a vote of the absolute majority of all the votes of the members of the committee."

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

77. Section 107 of the said Act is amended by replacing the first paragraph by the following paragraph:

Service of
resolution

"107. The resolution removing an officer or employee contemplated in section 106 or suspending him without pay or reducing his salary shall be served by handing a copy thereof to him in person; the person so removed, suspended or whose salary has been so reduced may, subject to section 79 of the Police Act (R.S.Q., chapter P-13), appeal from such decision to the Commission municipale du Québec, which shall decide finally, after inquiry."

c. C-37.2, s.
108.01,
added

78. The said Act is amended by inserting, after section 108, the following section:

Suspension

"108.01 Sections 106 to 108 do not apply to a suspension without pay unless

(1) the suspension is for more than twenty working days, or

(2) the suspension, whatever its duration, occurs within twelve months after the expiry of a suspension without pay for more than twenty working days."

c. C-37.2, ss.
114.1, 114.2,
added

79. The said Act is amended by inserting, after section 114, the following sections:

Agreement

"114.1 The Community or a company contemplated in paragraph *j* of section 113 may enter into an agreement with a government other than that of Canada or of Québec or with any of its departments or bodies for the purposes of furnishing services, advice, substances, materials or equipment relating to any matter within its competence.

Rights and
privileges

The Community or the company may carry out the agreement and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside the territory of the Community.

Condition

No agreement may be negotiated and entered into under this section unless it is excluded from the application of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21).

Twinning

"114.2 The Community may enter into an agreement for the purpose of twinning with another supramunicipal body situated in Québec or elsewhere."

c. C-37.2, ss.
120.1-120.4,
added

80. The said Act is amended by inserting, after section 120, the following sections:

“turn-key
contract”

“120.1 The executive committee may enter into a convention with the Minister of Municipal Affairs and the Minister of the Environment under which it is authorized by them to negotiate, including with the Société québécoise d’assainissement des eaux, a contract of the kind known as a “turn-key contract”, in exercising the competence of the Community in matters of waste water purification.

Conditions

The committee and the Ministers may agree upon conditions in respect of the contract, the contracting partner or the manner of selecting the contracting partner.

Content of
the contract

“120.2 The turn-key contract must state the objectives contemplated by the Community and, as the case may be, the cost limits and other general conditions with which the purification facilities must conform.

Obligations

The contract confers on the contracting partner the responsibility of designing purification facilities that meet the objectives and conform with the limits and conditions, of building the facilities and operating them for a period fixed in the contract, which may in no case be less than five years.

Financing

The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facilities.

Call for
tenders

“120.3 Following a convention made with the Ministers, the executive committee may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding sections 32 and 120.

Approval

“120.4 The executive committee shall submit to the Ministers the draft turn-key contract it has negotiated following the convention.

Approval

Where the draft contract provides for long-term financing of the facilities by the contracting partner, the financing must be submitted to the Commission municipale du Québec.

Approval

If the Ministers and, as the case may be, the Commission municipale du Québec give their approval, the executive committee may make the contract, which requires no other approval.”

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

81. Section 124 of the said Act is amended

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

Agreement

“124. The municipalities which enter into an agreement may provide therein, with the consent of the Community, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.”;

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

Powers and
obligations

“If the agreement is approved, the Community has the powers and obligations of an intermunicipal committee or of an intermunicipal management board, as the case may be.”

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

82. Section 124.2 of the said Act is amended by replacing the first paragraph by the following paragraph:

Representatives

“**124.2** Except for the passing of a by-law under which the Community agrees to act as an intermunicipal committee or an intermunicipal management board, as the case may be, or of a by-law authorizing the making of an agreement under section 124.1, only the representatives of the municipalities that are parties to the agreement are entitled to vote on the Council on any matter relating to the carrying out of the agreement.”

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

83. Section 220 of the said Act is amended

(1) by replacing paragraph 1 of the third paragraph by the following paragraph:

“(1) the total of the following assessments:

(a) the standardized taxable assessment of all the immovables;

(b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(d) the standardized nontaxable assessment of all farmland and woodlots;

(e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;

(f) the standardized nontaxable assessment of all of the immovables contemplated in the first paragraph of section 208 of the said Act;

(g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act on the basis of the data provided in the budget of the preceding fiscal period;”;

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

“standard-
ized
assessment” “For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for that roll under the Act respecting municipal taxation.”

c. C-37.2, s.
253, am. **84.** Section 253 of the said Act is amended by replacing the word “to” after the figure “113” in the first line of the first paragraph by the following figures: “, 114, 115,”.

c. C-37.2, s.
279, am. **85.** Section 279 of the said Act is amended

(1) by replacing the third and fourth paragraphs by the following paragraphs:

Difference
between the
amount of
the
certificate
and actual
expenses “The sum representing the difference, for a given fiscal period, between the amount mentioned in the certificate contemplated in section 278 and the actual expenses of the city of Montréal, is, as the case may be,

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

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

Difference
between
estimate and
actual
amount of
deficit The sum representing the difference, for a given fiscal period, between the estimate and the actual amount of the portion of the deficit contemplated in the first paragraph is paid to the Commission by the Community, if the estimate is less than the actual amount, within thirty days of receipt by the treasurer of the Community of a certificate of the treasurer of the Commission attesting the difference. If the actual amount is less than the estimate, the Commission shall keep the excess

amount which is considered to be a revenue for the subsequent fiscal period.

Apportion-
ment of
excess
amount

If the Community is required, under the third and fourth paragraphs, to pay a sum greater than the sum it was reimbursed, the treasurer of the Community shall, not later than 21 December of the current fiscal period and subject to the seventh paragraph, apportion the excess amount among the municipalities. The aliquot share is payable by each municipality on 1 March of the following fiscal period.”;

(2) by replacing the word “fourth” in the second line of the fifth paragraph by the word “fifth”;

(3) by replacing the word “fourth” in the fourth line of the sixth paragraph by the word “fifth”;

(4) by replacing the seventh and eighth paragraphs by the following paragraphs:

Reimburse-
ment of
excess
amount

“If the Community is, under the third and fourth paragraphs, reimbursed for a sum greater than the sum it is required to pay, the excess amount is reimbursed to the municipalities within thirty days of receipt, by the treasurer of the Community, of the last of the certificates contemplated in those paragraphs.

Fiscal
potential

The apportionment contemplated in the fifth paragraph or the reimbursement contemplated in the eighth paragraph is effected in proportion to the fiscal potential of each municipality for the fiscal period contemplated in the third and fourth paragraphs.”;

(5) by replacing the word “third” in the tenth line of the fourteenth paragraph by the word “fourth”.

DIVISION VII

AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3, s.
13, am.

36. Section 13 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing paragraph *i* by the following paragraph:

“(i) alienate, upon a report of the head of the assessment department in the case of an immovable or of the head of the department concerned in the case of a movable property, any property belonging to the Community the value of which does not exceed \$10 000;”.

c. C-37.3, s.
29, am.

37. Section 29 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

Vote “For the purposes of Title II, only the representatives of the municipalities mentioned in Schedule B shall vote, for the purposes of sections 126 to 137, only the representatives of the municipalities mentioned in Schedule D shall vote and for the purposes of section 94.2, only the representatives of the municipalities governed by the Municipal Code shall vote. For all other purposes, only the representatives of the municipalities mentioned in Schedule A shall vote.”

c. C-37.3, s. 71, am. **88.** Section 71 of the said Act is amended by replacing the first paragraph by the following paragraph:

Appoint-ments “**71.** The Council shall appoint a director general, a secretary and a treasurer. It shall also appoint, in accordance with the Act respecting municipal taxation (R.S.Q., chapter F-2.1), an assessor who is the head of the assessment department.”

c. C-37.3, ss. 74, 75, replaced **89.** Sections 74 and 75 of the said Act are replaced by the following sections:

Required majority “**74.** The vote of the absolute majority of the members of the Council shall be required in order to remove, suspend without pay or reduce the salary of the secretary, treasurer, director general or head of a department.

Required majority “**75.** The vote of the absolute majority of the members of the executive committee is required to remove, suspend without pay or reduce the salary of any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for at least six months.”

c. C-37.3, s. 76, am. **90.** Section 76 of the said Act is amended by replacing the first paragraph by the following paragraph:

Service of resolution “**76.** The resolution removing an officer or employee contemplated in section 74 or 75 or suspending him without pay or reducing his salary shall be served by handing a copy thereof to him in person; the person so removed or suspended or whose salary was so reduced may appeal from such decision to the Commission municipale du Québec, which shall decide finally, after inquiry.”

c. C-37.3, s. 77.1, added **91.** The said Act is amended by inserting, after section 77, the following section:

Suspension “**77.1** Sections 74 to 77 do not apply to a suspension without pay unless

(1) the suspension is for more than twenty working days, or

(2) the suspension, whatever its duration, occurs within twelve months after the expiry of a suspension without pay for more than twenty working days.”

c. C-37.3, s.
82, am.

92. Section 82 of the said Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) as mandatary of the executive committee, to exercise authority over the heads of departments, with the exception of the secretary;”.

c. C-37.3, s.
86.1, added

93. The said Act is amended by inserting, after section 86, the following section:

Twinning

“86.1 The Community may make an agreement for the purposes of twinning with another supramunicipal body situated in Québec or elsewhere.”

c. C-37.3, s.
91, replaced

94. Section 91 of the said Act is replaced by the following section:

Alienation of
property

“91. The Community may in no case alienate any movable or immovable property the value of which exceeds \$10 000, except by auction, by public tenders or in any other manner approved by the Commission municipale du Québec.”

c. C-37.3, ss.
92.1-92.4,
added

95. The said Act is amended by inserting, after section 92, the following sections:

“turn-key
contract”

“92.1 The executive committee may enter into a convention with the Minister of Municipal Affairs and the Minister of the Environment under which it is authorized by them to negotiate, including with the Société québécoise d’assainissement des eaux, a contract of the kind known as a “turn-key contract”, in exercising the competence of the Community in matters of waste water purification.

Conditions

The committee and the Ministers may agree upon conditions respecting the contract, the contracting partner or the manner of selecting the contracting partner.

Content of
the contract

“92.2 The turn-key contract must state the objectives contemplated by the Community and, as the case may be, the cost limits and other general conditions with which the purification facilities must conform.

Obligations

The contract confers on the contracting partner the responsibility of designing purification facilities that meet the objectives and conform with the limits and conditions, of building the facilities and operating them for a period fixed in the contract, which may in no case be less than five years.

Financing The contract may also confer on the contracting partner the responsibility of ensuring long-term financing of the facilities.

Call for tenders “**92.3** Following a convention made with the Ministers, the executive committee may negotiate a turn-key contract without being required to make a call for tenders, notwithstanding sections 19 and 92.

Approval “**92.4** The executive committee shall submit to the Ministers the draft turn-key contract it has negotiated following the convention.

Approval Where the draft contract provides for long-term financing of the facilities by the contracting partner, the financing must be submitted to the Commission municipale du Québec.

Approval If the Ministers and, as the case may be, the Commission municipale du Québec give their approval, the executive committee may make the contract, which requires no other approval.”

c. C-37.3, s. 94.2, added **96.** The said Act is amended by inserting, after section 94.1, the following section:

Competence of the Community “**94.2** The Community has, in respect of those municipalities of its territory that are governed by the Municipal Code, the competence conferred by law on county corporations.

County corporation For the purposes of this section, the Community constitutes a municipal county corporation within the meaning of the Municipal Code and the territory of municipalities governed by the Code constitutes a county municipality within the meaning of the Code.

Apportionment of expenditures The expenditures incurred by the Community to exercise the competence provided in this section are apportioned according to the rules provided in the Municipal Code or, as the case may be, by or under the Act which assigns the competence to the county corporation.”

c. C-37.3, s. 96.2, am. **97.** Section 96.2 of the said Act is amended

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

Inter-municipal management “**96.2** The municipalities which enter into an agreement may provide therein, with the consent of the Community, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.”;

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

Powers and obligations “If the agreement is approved, the Community has the powers and obligations of an intermunicipal committee or of an intermunicipal management board, as the case may be.”

c. C-37.3, s.
96.4, am.

98. Section 96.4 of the said Act is amended by replacing the first paragraph by the following paragraph:

Vote

“96.4 Except for the passing of a by-law under which the Community agrees to act as an intermunicipal committee or an intermunicipal management board, as the case may be, or of a by-law authorizing the making of an agreement under section 96.3, only the representatives of the municipalities that are parties to the agreement are entitled to vote in the Council on any matter relating to the carrying out of the agreement.”

c. C-37.3
Title I, Div.
VII, subdiv. 1,
ss. 97-98,
repealed

99. The heading of subdivision 1 of Division VII of Title I and sections 97 and 98 of the said Act are repealed.

c. C-37.3, s.
114, am.

100. Section 114 of the said Act is amended by striking out, in the first and second lines of the second paragraph, the following: “, other than those of the Community,”.

c. C-37.3,
s. 118, am.

101. Section 118 of the said Act is amended by replacing the second paragraph by the following paragraph:

Industrial
promotion
department

“It may, by by-law, establish an industrial promotion department and appoint, by resolution, the officers of that department. It must do so where it has not reached an agreement under the first paragraph.”

c. C-37.3, s.
129, am.

102. Section 129 of the said Act is amended

(1) by replacing paragraph 1 of the third paragraph by the following paragraph:

“(1) the total of the following assessments:

(a) the standardized taxable assessment of all the immovables;

(b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(d) the standardized nontaxable assessment of all farmland and woodlots;

(e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the

proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;

(f) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;

(g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this section, the standardized aggregate taxation rate is that computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act on the basis of the data provided in the budget of the preceding fiscal period;”;

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

“standard-
ized
assessment”

“For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for that roll under the Act respecting municipal taxation.”

c. C-37.3, s.
161, am.

103. Section 161 of the said Act is amended by replacing the third, fourth and fifth paragraphs by the following paragraphs:

Bonds,
notes,
securities

“The Community, with the authorization of the Commission municipale du Québec, may issue and sell, in its own name, bonds, notes or other securities either for its own account or for that of one or several municipalities referred to in Schedule A or in part for its own account and in part for that of one or several of the municipalities.

Obligations
of the
Community

Bonds, notes or other securities issued by the Community constitute, for their holders, direct and general obligations of the Community. Moreover, the bonds, notes or other securities issued by the Community for the account of a municipality, or, as the case may be, any part thereof issued for the account of the latter, constitute, for their holders, direct and general obligations of that municipality.”

c. C-37.3, s.
164,
replaced

104. Section 164 of the said Act is replaced by the following section:

Joint and
several
liability

“164. The municipalities of the territory of the Community are jointly and severally liable towards the holders of bonds, notes or other securities issued by the Community for the account of the Community, for the repayment of such bonds, notes and other securities, in principal, interest, costs and other accessories, and for all other obligations contracted by the Community towards such holders.

Liability of
the
municipality

The municipality for the account of which the Community issued bonds, notes or other securities is alone liable towards the Community for the repayment of such bonds, notes and other securities or any part thereof issued for its account, in principal, interest, costs and other accessories, and for all other obligations contracted by the Community towards such holders for the account of the municipality if the Community makes the repayment to the holders and executes its other obligations towards them. Any amount owing to the Community by the municipality under this paragraph is added to and forms part of its share of the expenses.”

DIVISION VIII

AMENDMENTS TO THE ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

c. D-7, s. 2,
am.

105. Section 2 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is amended

(1) by replacing the words “the balance due on” in the sixth and seventh lines of the first paragraph by the words “all or part of the balance of”;

(2) by inserting the words “all or part of” after the word “pay” in the second line of the second paragraph.

c. D-7, ss.
27-29,
replaced

106. Sections 27 to 29 of the said Act are replaced by the following sections:

Transfer by
delivery

“27. Any debenture payable to bearer may be transferred by delivery.

Endorsement
or delivery

Any debenture payable to any person designated therein, or to any person or order, may be transferred by endorsement or delivery.

Condition of
transfer

“28. Where a debenture is registered in the name of a person under Division IX, it may be transferred only if the registration is corrected so that the name of the transferee is specified thereon or so that it is indicated that the debenture is payable to bearer.

Transfer
procedure

That condition is added to the transfer procedure mentioned in section 27.

Property of
debenture

“29. Any transfer carried out in accordance with section 27, or section 28 where such is the case, shall vest the property of the debenture in the transferee and entitle him to take an action thereupon in his own name.

Suit upon
debenture

In any such action, it is not necessary to set forth or to prove the mode by which a person became the holder of the debenture, or to set forth or to prove the notices, by-laws, or other proceedings under or by virtue of which the debenture was issued. It shall be sufficient to describe the plaintiff or applicant as the holder of the debenture alleging the general endorsement or the registration required by sections 27 and 28, if any, and shortly to state its legal effect and purport, and to make proof accordingly.”

DIVISION IX

AMENDMENT TO THE JAMES BAY REGION DEVELOPMENT ACT

c. D-8, s. 37,
replaced

107. Section 37 of the James Bay Region Development Act (R.S.Q., chapter D-8) is replaced by the following section:

Powers
exercised by
order

“37. The board of directors shall exercise the powers of the municipal council by order. An order may apply to a part only of the municipality indicated therein.

Approval

Every order respecting a budget or a program of capital expenditures, the imposition of a tax or a compensation, or a land use planning and development by-law or any other by-law establishing standards of conduct for the citizens of the territory must be submitted to the Government for approval. It must be published in the *Gazette officielle du Québec* after its approval. It comes into force on the date of the publication or the later date fixed therein.

Copy to the
Minister

Every order that is subject to the approval of the Government must be forwarded to the Minister responsible for the administration of this part.”

DIVISION X

AMENDMENT TO THE ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

c. E-2.1, s.
13, am.

108. Section 13 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is amended by adding, at the end, the following paragraph:

Costs

“Where the division of a municipality into electoral districts is made by the Commission, the costs related to the division are at the charge of the municipality.”

DIVISION XI

AMENDMENTS TO THE ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1, s. 18, replaced **109.** Section 18 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is replaced by the following section:

Information “**18.** Every owner or occupant of a property or his mandatary must produce or make available to the assessor or his representative, any information respecting the property that he requires for the performance of his duties, according as he requests him to produce it by means of a questionnaire or otherwise, or to make it available.

Offence and penalty If the owner or occupant or his mandatary refuses, without legitimate reason, to produce the information or, as the case may be, to make it available, or if he produces or makes available false information, he is guilty of an offence and liable, on summary proceedings, in addition to costs, to the penalty provided in section 16.”

c. F-2.1, s. 42, am. **110.** Section 42 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Proportion of the actual value “The values entered on the roll of a municipal corporation must, on the whole, tend to represent the same proportion of the actual value of the units of assessment.

Restriction No motion or action to quash or set aside the roll or any entries on the roll may be brought on the ground of a contravention of the second paragraph.”

c. F-2.1, s. 71, am. **111.** Section 71 of the said Act is amended by replacing the figure “15” in the second line by the figure “16”.

c. F-2.1, s. 78, am. **112.** Section 78 of the said Act is amended by adding, at the end, the following paragraph:

“document” “For the purposes of this chapter, the word “document” includes a track, a tape, a disk, a cassette or other data carrier and the data it contains. The ownership or the custody of such a document entails for the municipal corporation or the municipality the right to obtain, without cost, from the assessor and any other person who has entered data therein, all the information necessary to have access to the data and to be able to transcribe it on a conventional document; that right does not, however, include the right to obtain the software without cost.”

c. F-2.1, s. 80.1, added **113.** The said Act is amended by inserting, after section 80, the following section:

Right of the Minister “**80.1** In the case of a document contemplated in the third paragraph of section 78, the right of the Minister or his mandatary

to obtain a copy of it without cost does not apply to the data carrier itself, but to the transcription onto a conventional document of the data it contains and that are the object of the request of the Minister or his mandatary. The right of the Minister or his mandatary to consult such a document applies, at his option, to the data carrier or to the transcription; in the first case, the Minister is entitled to obtain without cost all the information necessary to have access to the data contained on the data carrier; that right does not, however, include the right to obtain the software without cost.

Right of owner or occupant

The right of the owner or occupant of an immovable or a complainant to consult such a document applies only to the transcription of the data contained on the data carrier and that are contemplated in the second paragraph of section 79.”

c. F-2.1, s. 131, am.

114. Section 131 of the said Act is amended by striking out the words “or the municipal real estate tax account” in the second line.

c. F-2.1, s. 133, am.

115. Section 133 of the said Act is amended by striking out the words “or the municipal real estate tax account” in the fourth and fifth lines.

c. F-2.1, s. 147, am.

116. Section 147 of the said Act is amended by replacing the first paragraph by the following paragraph:

Value of unit of assessment

“**147.** Where the board, on deciding a complaint regarding the value entered on the roll of a unit of assessment, considers that the value must be changed to prevent actual prejudice, it shall fix the value to be entered by dividing the actual value of the unit of assessment that it has established in accordance with sections 43 to 46 by the factor of the roll determined under section 264, subject to sections 47 to 54.”

c. F-2.1, s. 223, am.

117. Section 223 of the said Act is amended by adding, at the end, the following paragraph:

Rules of computation

“The Minister may, however, amend the rules for computing the tax in a case where the total taxation revenues are reduced or increased by the constitution of a new municipal corporation, regrouping, annexation or other change in the territory of the municipal corporation. The Minister shall then give a written notice of the new rules of computation to the municipal corporation.”

c. F-2.1, s. 228, am.

118. Section 228 of the said Act is amended by replacing item i of subparagraph c of paragraph 2 by the following item:

“i. the amount of gross revenue derived from the sale of electric power for consumption in Québec, less the amount of gross revenue derived from the sale of power contemplated in the second paragraph

of section 222, and less the amount of purchases of electric power for resale, if that power is produced in Québec, and”.

c. F-2.1, s.
230, am.

119. Section 230 of the said Act is amended by replacing the third sentence of the second paragraph by the following: “Notwithstanding sections 99 and 101 of the Real Estate Assessment Act, the amounts shall be paid even if the immovables contemplated in the said sections cease to exist. However, the amount computed under section 101 of the said Act shall cease to be paid from the fiscal period 2003. The person contemplated in the first paragraph, instead of annually paying to a municipal corporation the amount owing to it, may pay to it in a single payment an amount that, increased by the interest that it would yield at a rate fixed by the person who makes the payment, is equal to the sum of the annual amounts owing to the municipal corporation. The amounts paid by the person contemplated in the first paragraph are taken out of the revenues referred to in that paragraph.”

c. F-2.1, s.
237, am.

120. Section 237 of the said Act is amended by replacing the first paragraph by the following paragraph:

Reduction

“237. Where the rate of the business tax exceeds fifteen per cent, the municipal corporation may order that the amount of tax payable for a place of business be reduced by an amount which may in no case exceed twice the difference computed in accordance with the second paragraph.”

c. F-2.1, s.
238,
repealed
c. F. 2.1,
ss. 260, 260.1,
repealed
c. F-2.1, s.
262, am.

121. Section 238 of the said Act is repealed.

122. Sections 260 and 260.1 of the said Act are repealed.

123. Section 262 of the said Act is amended

(1) by replacing subparagraph *f* of paragraph 2 by the following subparagraph:

“(f) prescribe the payment and mode of computation of interest in cases of late payment of the amount referred to in section 254, including the payment or refund contemplated in subparagraph *e*, or in cases where a decision of the board or a court judgment gives rise to a payment or a refund contemplated in the said subparagraph;”;

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

“(5.1) prescribe rules of payment or refunding applicable to the amount payable under section 259 in cases of changes made to the roll or when a new roll is prepared to replace a roll that has been quashed or declared null; prescribe the payment and the mode of computation of interest in cases where a decision of the board or a court judgment gives rise to such a payment or refund;”;

(3) by striking out paragraph 6.

c. F-2.1, s.
263, am.

124. Section 263 of the said Act is amended

(1) by adding, at the end of paragraph 1, the following: “require the assessor to transmit to him, free of charge, a copy of the summary of the roll in the cases and according to the rules determined by him; require the assessor to obtain the approval of the Minister for any computer-drawn equivalent of a prescribed form and establish the conditions of the approval; prescribe the computer-drawn equivalent of any form or part thereof; refer to a manual containing matters contemplated by this Act, as it exists at the time that the assessor must apply it, provided that the Minister gives notice in the *Gazette officielle du Québec* of each updating of the manual made after the coming into force of the regulations under this paragraph;”;

(2) by inserting, after the word “completed”, in the fourteenth line of paragraph 5, the words “within the time limit he fixes”.

c. F-2.1, s.
264, am.

125. Section 264 of the said Act is amended

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

Median
proportion
and
comparative
factor

“264. Within the time limit prescribed in the regulations under paragraph 5 of section 263, the assessor shall indicate the median proportion of the actual real estate value of the units of assessment, or the actual rental value of places of business or premises, to which the values entered on the roll of the municipal corporation correspond. The assessor shall also indicate the comparative factor of the roll, which is the inverse of the median proportion.”;

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

Median
proportion
and factor

“The median proportion and the factor must be entered on the notice of assessment or, as the case may be, on the account in respect of a tax, compensation or tariff based on the rental value of a place of business or premises.”

c. F-2.1, s.
505.1, added

126. The said Act is amended by inserting, after section 505, the following section:

First new
roll

“505.1 In the case of a municipal corporation to which the general order referred to in section 503 applies but whose roll applicable for the fiscal period 1984 is not a new roll, the last fiscal period for which its first new roll must be made is 1986.

Applicability

Sections 504 and 505 apply in the case contemplated in the first paragraph, *mutatis mutandis*.

“New roll” “New roll” means a real estate assessment roll made in accordance with an order contemplated in section 503 and in the regulations made under paragraph 2 of section 7 of the Real Estate Assessment Act or paragraph 1 of section 263 of this Act.”

c. F-2.1, s. 506, am. **127.** Section 506 of the said Act is amended

(1) by replacing the words “an annual roll must be prepared” in the second and third lines by the following words “a roll must be prepared in accordance with the regulations made under paragraph 1 of section 263”;

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

New roll “The roll is a new roll.”

c. F-2.1, s. 507, replaced **128.** Section 507 of the said Act is replaced by the following section:

Provisions applicable “**507.** The provisions of this Act relating to the assessment roll apply to a roll preceding the first new roll of a municipal corporation, except for sections 33, 34 and 62. For the purposes of the application of this Act or a regulation to that preceding roll, the words “unit of assessment” mean the aggregate of the immovables grouped under the same entry on the roll.

Regulations applicable The regulations made under paragraph 1 of section 263 do not apply to a roll preceding the first new roll of a municipal corporation, but the assessor must, in preparing that previous roll

(1) establish neighbouring units in conformity with the procedure prescribed in that regulation, for the purposes of the assessment of the immovables contemplated in sections 47 to 54, as the case may be, and

(2) comply with the rules prescribed in the regulation respecting acts requiring a mandate of the municipality.”

c. F-2.1, s. 584, am. **129.** Section 584 of the said Act is amended by replacing the year “1984” in the fourth line of the first paragraph by the year “1986”.

DIVISION XII

AMENDMENTS TO THE MINING ACT

c. M-13, s. 125, am. **130.** Section 125 of the Mining Act (R.S.Q., chapter M-13) is amended

(1) by replacing the beginning of subsection 1 by the following:

Authori-
zation

“125. (1) The holder of a mining lease or mining concession may obtain from the Minister, upon such conditions as he fixes, the authorization:”;

(2) by replacing subsection 3 by the following subsection:

Certificate

“(3) Such authorization shall be given to him in the form of a certificate signed by an officer empowered for such purpose by the Minister.”

c. M-13, s.
130,
replaced

131. Section 130 of the said Act is replaced by the following section:

Disposal of
lots

“130. When the Minister authorizes the holder of a mining lease or mining concession to dispose of lots, he may compel him to pay a portion of the price into the consolidated revenue fund and a portion into the municipal fund provided for in section 131.”

DIVISION XIII

AMENDMENT TO THE ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

c. R-19, s.
10, am.

132. Section 10 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended by replacing the third paragraph of subsection 1 by the following paragraphs:

“total
taxable
values”

“For the purposes of the second paragraph, “total taxable values” means the total of the following assessments:

(1) the standardized taxable assessment of all the immovables;

(2) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(3) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(4) the standardized nontaxable assessment of all farmland and woodlots;

(5) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those

immovables if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of the immovable are paid-up;

(6) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;

(7) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the period considered; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act on the basis of the data provided in the budget of the preceding fiscal period.

“standard-
ized
assessment”

For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for the roll under the Act respecting municipal taxation.”

DIVISION XIV

AMENDMENTS TO THE ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

c. S-18.21, s.
18, am.

133. Section 18 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21) is amended by replacing paragraph 1 by the following paragraph:

“(1) to design, construct, improve, enlarge, put into operation, finance or operate water purification works for the needs of the municipalities or to carry out rehabilitation work on the municipal sewerage systems;”.

c. S-18.21, s.
21, am.

134. Section 21 of the said Act is amended

(1) by replacing the word “Government”, in the fourth line of the first paragraph, by the words “Minister of the Environment”;

(2) by inserting, in the fifth line of the third paragraph, after the word “paragraph”, the following: “; the agreement must indicate which of the objects contemplated in paragraph 1 of section 18 are to be carried out by the corporation”.

c. S-18.21, s. 25, am. **135.** Section 25 of the said Act is amended by replacing the first paragraph by the following paragraph:

Studies **“25.** The corporation shall carry out the studies provided for in paragraphs 2 and 3 of section 18 only if the Government requests it to do so and undertakes to defray the cost. The corporation may finance the cost of the studies.”

c. S-18.21, s. 26, repealed **136.** Section 26 of the said Act is repealed.

c. S-18.21, s. 27, replaced **137.** Section 27 of the said Act is replaced by the following section:

Contract **“27.** In the case contemplated in section 24, the Minister of the Environment shall make a contract with the corporation indicating, in particular, which of the objects contemplated in paragraph 1 of section 18 are to be carried out by the corporation, the financial obligations of the Government and the terms and conditions respecting the transfer by the corporation of the works and lands acquired for such purposes.”

DIVISION XV

AMENDMENTS TO THE ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

c. V-6.1, s. 16, am. **138.** Section 16 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the words “NUNALIT GAVAMAPINGA CORPORASANGA” in the second line of the second paragraph by the words “KUAPURISANGA TARQRAMI NUNALINGATA”.

c. V-6.1, Title IX, heading replaced **139.** The heading of Title IX of the said Act is replaced by the following heading:

“PUBLIC WORKS OF THE CORPORATION AND AWARDING OF ITS CONTRACTS”.

c. V-6.1, s. 204, am. **140.** Section 204 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

Public tenders **“204.** (1) Unless it involves an expenditure of less than \$25 000, no insurance contract and no contract for the execution of works or the supply of equipment or materials or for the supply of services other than professional services shall be awarded except after a call for public tenders by advertisement in a newspaper.

Option to purchase For the purposes of this subsection, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.”;

(2) by replacing subsection 9 by the following subsections:

Awarding contract “(9) If, however, to meet the conditions to qualify for a government subsidy the contract must be awarded to a person other than the person who made the lowest tender within the prescribed time, the municipal corporation may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders meeting such conditions, if the tender was made within the prescribed time.

Resolution “(10) The contract shall be awarded by resolution.

Disqualified member “(11) A member of the council may be declared disqualified to hold a municipal office for two years and held personally liable to the municipal corporation for any loss or damage it may suffer, whenever, by his vote or otherwise, he knowingly authorizes or effects

(a) the awarding or the making, without public tender, of a contract which, according to subsection 1, is subject to such formality;

(b) the awarding or the making of a contract in contravention of the requirements of subsections 8 and 9.

Joint and several liability The liability mentioned in this subsection is joint and several, and it also applies to every officer or employee of the municipal corporation and every person who knowingly becomes party to the illegal act.

Procedure Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure; an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.”

c. V-6.1, ss. 204.1-204.3, added **141.** The said Act is amended by inserting, after section 204, the following sections:

Call for tenders “**204.1** No insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services and involving an expenditure exceeding \$5 000 and less than \$25 000 may be awarded except after a call for tenders has been issued and is made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

Awarding contract No municipal corporation may, without the previous authorization of the Minister, award the contract to a person other than the person who has submitted the lowest tender.

Option to purchase For the purposes of this section, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.

Irresistible
force

“204.2 In case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the municipality, the mayor may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such a case, the mayor must make a report of such action and the reasons therefor to the council at its next sitting. However, in the case of the Regional Government acting under section 244 and if the executive committee sits before the council, the chairman of the committee shall make a report to the committee and table it before the council at its next sitting.

Applicability

“204.3 Sections 204 and 204.1 do not apply to any contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof.”

c. V-6.1, s.
265, am.

142. Section 265 of the said Act is amended

(1) by inserting, before the word “meeting” in the fourth line of the first paragraph, the word “regular”;

(2) by striking out subparagraph *d* of the second paragraph;

(3) by inserting, before the word “meeting” in the first line of the third paragraph, the word “regular”.

c. V-6.1, s.
265.1, added

143. The said Act is amended by inserting, after section 265, the following section:

Deliberation
by telephone

“265.1 If the circumstances so justify, a regional councillor may participate, deliberate and vote at a special meeting of the council by telephone or other means of communication.

Conditions

A regional councillor may avail himself of such right only if each of the following conditions is met:

(1) not less than three members of the council, including the chairman and vice-chairman of the executive committee, and the secretary are present at the same place;

(2) if neither the speaker of the council nor his deputy is present at the same place as the secretary, the meeting is presided by the chairman of the executive committee or, in his absence, by the vice-chairman;

(3) the telephone or other means of communication used permits all persons participating or present at the meeting to hear each other;

(4) the secretary attempted to communicate, by telephone or other means, with each member of the council who is not present at the same

place as he or who is not already in communication with him, before the beginning of the meeting.

Minutes The secretary shall, during the meeting, attest the fact that he has fulfilled the condition mentioned in subparagraph 4 of the second paragraph; the attestation shall be recorded in the minutes. The minutes shall also indicate the names of the regional councillors who participate in the meeting by telephone or other means of communication. The minutes shall be ratified by the council at the next regular meeting.

Presumption A regional councillor who participates, deliberates and votes at a meeting by telephone or other means of communication in accordance with this section shall be deemed to be present at that meeting, including for the purposes of determining whether there is a quorum.”

c. V-6.1, s. 286, am. **144.** Section 286 of the said Act is amended by replacing the figure “10,000” in the third line of the second paragraph by the figure “25 000”.

c. V-6.1, s. 358, am. **145.** Section 358 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

Public tenders **“358. (1)** Unless it involves an expenditure of less than \$25 000, no insurance contract and no contract for the execution of works or the supply of equipment or materials or for the supply of services other than professional services shall be awarded except after a call for public tenders by advertisement in a newspaper.

Option to purchase For the purposes of this subsection, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.”;

(2) by replacing subsection 9 by the following subsections:

Awarding contract **“(9)** If, however, to meet the conditions to qualify for a government subsidy, the contract must be awarded to a person other than the person who made the lowest tender within the prescribed time, the Regional Government may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders meeting such conditions, if the tender was made within the prescribed time.

Resolution **“(10)** The contract shall be awarded by resolution and made in the name of the Regional Government.

Disqualified member **“(11)** A member of the council may be declared disqualified to hold a municipal or regional office for two years and held personally liable to the Regional Government for any loss or damage it may suffer, whenever, by his vote or otherwise, he knowingly authorizes or effects

(a) the awarding or the making, without public tender, of a contract which, according to subsection 1, is subject to such formality;

(b) the awarding or the making of a contract in contravention of the requirements of subsections 8 and 9.

Joint and
several
liability

The liability mentioned in this subsection is joint and several, and it also applies to every officer or employee of the Regional Government and every other person who knowingly becomes party to the illegal act.

Procedure

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure; an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.”

c. V-6.1, ss.
358.1-358.3,
added

146. The said Act is amended by inserting, after section 358, the following sections:

Call for
tenders

“358.1 No insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services and involving an expenditure exceeding \$5 000 and less than \$25 000 may be awarded except after a call for tenders has been issued and is made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

Lowest
tender

The Regional Government shall not, without the previous authorization of the Minister, award the contract to a person other than the person who has submitted the lowest tender.

Option to
purchase

For the purposes of this section, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.

Irresistible
force

“358.2 In case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the Regional Government, the chairman of the executive committee may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such a case, the chairman must make a report of such action and the reasons therefor to the council at its next sitting. However, if the committee sits before the council, the chairman shall make his report to the committee and table it before the council at its next sitting.

Applicability

“358.3 Sections 358 and 358.1 do not apply to any contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof.”

c. V. 6.1,
s. 411, am. **147.** Section 411 of the said Act is amended by adding, at the end, the following paragraphs:

Unseizability “The grants paid for the repayment of any sum borrowed by a northern village or the Regional Government, and any interest they yield, are unseizable except in execution of a final judgment rendered by a court in favour of the lender or the holder of bonds, notes or any other security issued to finance the loan.

Allocation of grant Any grant seized must be allocated proportionately among all the interested lenders or holders.”

DIVISION XVI

AMENDMENT TO THE CHARTER OF
THE CITY OF MONTRÉAL

1959-60, c.
102, a. 787c, added **148.** The Charter of the city of Montréal (1959-60, chapter 102) is amended by inserting, after article 787*b*, the following article:

Applicability “**787c.** Articles 787*a* and 787*b* apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

DIVISION XVII

AMENDMENT TO THE CHARTER OF THE CITY OF LAVAL

1965, 1st
sess., c. 89,
s. 58,
replaced **149.** Section 58 of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 25 of chapter 99 of the statutes of 1971, is replaced by the following section:

Remuneration of commissioners “**58.** The Council shall fix by by-law the remuneration and expense allowance of the commissioners. The remuneration and allowance shall be paid by the Commission out of its revenues.

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

Commissioners' pension The Council shall fix by by-law the rules respecting the commissioners' pension which shall be contributory. The pension shall be paid by the Commission out of its revenues.”

DIVISION XVIII

AMENDMENTS TO THE ACT TO INCORPORATE THE
MONTREAL SOUTH SHORE TRANSIT COMMISSION

1971, c. 98,
s. 14, am. **150.** Section 14 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98) is amended by replacing the first paragraph by the following paragraph:

Remuneration of members **“14.** The Council shall fix by by-law the remuneration of its members. The by-law may be retroactive to 1 January preceding its coming into force.”

1971, c. 98,
s. 30,
replaced

151. Section 30 of the said Act is replaced by the following section:

Remuneration of commissioners

“30. The Council shall fix by by-law the remuneration and expense allowance of the commissioners. The remuneration and allowance shall be paid by the Commission out of its revenues.

Effect

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

Commissioners' pension

The Council shall fix by by-law the rules respecting the commissioners' pension which shall be contributory. The pension shall be paid by the Commission out of its revenues. This paragraph does not apply to a person who avails himself of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).”

DIVISION XIX

TRANSITIONAL AND FINAL PROVISIONS

Effect

152. Section 3, 44 and 75 do not have the effect of rendering section 115 of chapter 16 of the statutes of 1980 or section 156 of chapter 18 of the statutes of 1982 void.

Applicability

153. Sections 22, 37, 38, 74, 83, 102 and 132 apply for the purposes of any municipal fiscal period from that of 1985.

Effect

154. Sections 63 and 64 have effect from 1 April 1979.

Applicability

155. Section 85 applies to a difference contemplated in section 279 of the Act respecting the Communauté urbaine de Montréal for any municipal fiscal period from that of 1984.

Applicability

Section 85 applies to such a difference for the municipal fiscal period of 1983 if the Commission de transport de la Communauté urbaine de Montréal passes a resolution ordering that it shall retain the excess of the estimated amount over the actual amount of the portion of its operating deficit that is payable by the municipalities for that fiscal period, and if the resolution is approved by the Community.

Resolution

In no case may the resolution contemplated in the second paragraph be passed after the thirtieth day following the signing, by the treasurer of the Commission, of the certificate attesting the difference.

Decision

The Council of the Community shall make a decision on the resolution within thirty days of receiving it.

- Treasurer's certificate** The treasurer of the Commission may forward his certificate to the treasurer of the Community after the expiry of the time limit indicated in the third paragraph if the Commission fails to pass the resolution. If the Commission passes the resolution, the treasurer of the Commission may forward his certificate to the treasurer of the Community from the day a decision is made by the Council of the latter or after the expiry of the time limit indicated in the fourth paragraph if the Council has made no decision.
- Time limits** The Council of the Community may, by by-law, amend the time limits indicated in the third and fourth paragraphs.
- Applicability** **156.** Section 112 applies in respect of every data carrier produced after 22 December 1983.
- Applicability** **157.** Section 118 applies for the purposes of computing the tax contemplated in section 221 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) payable for every municipal fiscal period from that of 1980.
- Applicability** **158.** Sections 120 to 122 and paragraph 3 of section 123 apply for the purposes of every municipal fiscal period from that of 1985.
- Applicability** For the purposes of the municipal fiscal period of 1984, the first paragraph of section 237 of the Act respecting municipal taxation is deemed to read as follows:
- Reduction of tax** **"237.** Where the rate of the business tax exceeds fifteen per cent, the amount of the tax payable for a place of business is reduced by an amount equal to one-half of the difference computed in accordance with the second paragraph."
- Fiscal period 1984** For the purposes of the municipal fiscal period of 1984, section 238 of the Act respecting municipal taxation is deemed to read as follows:
- Additional reduction** **"238.** The municipal corporation may, for each business place in respect of which the amount of business tax payable is reduced under section 237, grant an additional reduction not exceeding three times the amount of reduction computed in accordance with the said section."
- Effect** **159.** Paragraph 1 of section 124 has effect from 12 October 1983.
- Applicability** **160.** Paragraph 2 of section 124 and section 125 apply as regards the real estate assessment roll or roll of rental values made for the purposes of every municipal taxation period from that of 1985.
- Interpretation** **161.** For the purposes of sections 162 to 165,

“Act” (1) “Act” means the charter of the City of Laval or the Act to incorporate the Montreal South Shore Transit Commission, as the case may be, as amended by this Act;

“existing Act” (2) “existing Act” means the charter of the City of Laval or the Act to incorporate the Montreal South Shore Transit Commission, as the case may be, as it existed before 22 December 1983;

“Council” (3) “Council” means the council of the city of Laval or the council of the representatives of the municipalities of the Montreal south shore referred to in section 3 of the Act to incorporate the Montreal South Shore Transit Commission, as the case may be;

“Commission” (4) “Commission” means the transit commission of the city of Laval or the Montreal South Shore Transit Commission, as the case may be.

Remuneration and allowance continued **162.** Until the Council fixes, by by-law, the remuneration of its members or the remuneration and expense allowance of the members of the Commission, pursuant to the Act, the remuneration and allowance fixed by the Government under the existing Act shall continue to be paid.

Restriction In the case of a member of the council of a municipality, account shall, however, be taken of articles 77*j* and 77*k* of the Municipal Code or sections 65.12 and 65.13 of the Cities and Towns Act and of sections 114 and 115 of chapter 16 of the statutes of 1980.

Retroactive effect **163.** A by-law of the Council fixing the remuneration and expense allowance of the members of the Commission made and put into force in 1984, pursuant to the Act, may have retroactive effect from 1 January 1983 or from 1 January 1984.

Minimum remuneration **164.** No member of the Commission in office on 22 December 1983 may receive under the by-law made under the Act a remuneration and expense allowance lower than the remuneration and allowance he is entitled to receive in accordance with the order of the Government made under the existing Act.

Pension **165.** Any person who was a member of the Commission before 22 December 1983 continues to be entitled to the pension fixed in his respect by the Government under the existing Act.

Applicability The first paragraph applies also to any person who ceases to be a member of the Commission after the date mentioned in that paragraph and before the coming into force of the by-law of the Council fixing the pension under the Act.

Conditions The by-law referred to in the second paragraph must provide, in respect of any person who is a member of the Commission on the date mentioned in the first paragraph and to whom the by-law applies, for

a pension the conditions of which are at least as advantageous as those fixed for him by the Government under the existing Act.

Regulation
in force

166. Every regulation, by-law, resolution or order in force on 22 December 1983 made or passed under a provision replaced or repealed by this Act remains in force to the extent that the regulation, by-law, resolution or order is consistent with the Act contemplated in the replacing or repealing provision.

Deeds
performed
before 22
December
1983

167. Every deed performed before 22 December 1983 under a provision replaced or repealed by this Act, retains its effects to the extent that it is consistent with the Act contemplated in the replacing or repealing provision.

Continuance
in office

Any person in office on that date and appointed under a provision replaced by this Act shall continue to perform his duties until the expiry of the term for which he was appointed or until he is replaced or otherwise ceases to hold office in accordance with the law. This paragraph does not have the effect of preventing a person from performing his duties notwithstanding the expiry of the term for which he was appointed until he is replaced or reappointed, if so provided by law.

“director
general”

168. In any Act, regulation, by-law, order, resolution or other document of or concerning a municipality, the word “manager” is replaced by the words “director general”.

“head of the
assessment
department”

169. In any Act, regulation, by-law, order, resolution or other document of or concerning the Communauté urbaine de Québec, the expression “evaluation commissioner” is replaced by the expression “head of the assessment department”.

Jurisdiction
of county
corporation

170. For the application of sections 132 to 136 of chapter 2 of the statutes of 1982, every urban or regional community having the jurisdiction of a county corporation in respect of a municipality of its territory governed by the Municipal Code is deemed a regional county municipality which succeeds to the county corporation of which the municipality is a part and the latter is deemed to become part of the regional county municipality.

Cancellation
of debt

171. Any amount payable by the Société d’aménagement de l’Outaouais to the Minister of Finance, on 22 December 1983, under subparagraph *b* of the first paragraph of section 227 of the Act respecting the Communauté régionale de l’Outaouais (R.S.Q., chapter C-37.1), is cancelled by transfer to the net debt account of the Government. The amount so cancelled is equivalent to a contributed surplus to be entered in the books and accounts of the Corporation.

Amendment
of budget

172. A municipal corporation or an urban or regional community may amend its budget for the fiscal year 1984 to take account of this Act, even if the budget has come into force automatically.

Amendment
of budget

The budget of a body adopted or approved by the corporation or a community mentioned in the first paragraph may be amended for the same reason.

Rules of
adoption

The amendment may at all times be submitted to the council of the corporation or of the Community. From the submission, the rules relating to the adoption, transmission, contestation and automatic coming into force of the budget, where such is the case, apply to the amendment, *mutatis mutandis*. However, if the council so decides by a two-thirds majority of votes, the time limits provided in the rules may be shortened as it determines.

Applicability

The first three paragraphs apply, where such is the case, to the by-laws, resolutions or orders that must accompany the budget and to the apportionments resulting therefrom.

Amendment
of by-law or
resolution

For the purposes of taking this Act into account, a municipal corporation may adopt or amend any by-law, resolution or order relating to the imposition or payment of a tax or surtax for the fiscal year 1984 even after the beginning of that fiscal year.

Effect

The by-law, resolution or order has effect from 1 January 1984.

Increase of
tax

Where, after the adoption or amendment of a by-law, resolution or order contemplated by this section, the amount of taxes of a ratepayer for the year 1984 is increased, the municipal corporation may

(1) send to the ratepayer a supplementary tax account, if he pays his municipal taxes in a single instalment;

(2) if the ratepayer pays his taxes in two instalments, increase the second instalment by the additional amount and notify the ratepayer thereof;

(3) if the ratepayer pays his taxes in more than two instalments, apportion the additional amount among the remaining instalments and notify the ratepayer thereof; or

(4) carry the additional amount over to the tax account of the year 1985, in which case it is deemed imposed for that year.

Reduction of
tax

Where, on the contrary, the amount of taxes of the ratepayer is reduced, the municipal corporation may

(1) send him a refund;

(2) apply to the tax payments subsequent to the first one, for the year 1984, a credit equal to the amount due to the ratepayer; or

(3) apply the credit to the tax account for the year 1985.

Provisions
applicable

Sections 246 and 247 of the Act respecting municipal taxation apply, *mutatis mutandis*, to the supplementary tax account contemplated in the seventh paragraph and to the refund contemplated in the eighth paragraph. For the purposes of the application of section 247, the period of thirty days mentioned therein begins to run on the day of the coming into force of the by-law, resolution or order contemplated by this section, or its amendment.

Retroactive
effect

173. The retroactive effect of any provision of this Act does not affect a judgment rendered before 15 November 1983 or a case pending on that date.

Exception

174. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

175. This Act comes into force on 22 December 1983.