

1982, chapter 63

AN ACT TO AMEND VARIOUS LEGISLATION RESPECTING MUNICIPALITIES

Bill No. 92

Introduced by Mr Jacques Léonard, Minister of Municipal Affairs

First reading: 30 November 1982

Second reading: 9 December 1982

Third reading: 18 December 1982

Assented to: 18 December 1982

Coming into force: 18 December 1982

Acts amended:

Municipal Code

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

Cadastre Act (R.S.Q., chapter C-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)

Municipal Officers Dismissal Act (R.S.Q., chapter D-6)

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

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

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

Act respecting municipal organization of certain territories (R.S.Q., chapter O-8)

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)

Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16)

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

Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8)

Act respecting sales of municipal public utilities (R.S.Q., chapter V-4)

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

(Cont'd on next page)

Act amended (Cont'd)

Charter of the city of Québec (1929, chapter 95)

Charter of the city of Montréal (1959-1960, chapter 102)

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

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

Act to amend the Québec Urban Community Act and other legislation (1978, chapter 103)

Act to amend various legislative provisions respecting municipalities (1982, chapter 2)



CHAPTER 63

An Act to amend various legislation
respecting municipalities

[Assented to 18 December 1982]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

DIVISION I

AMENDMENTS TO THE MUNICIPAL CODE

M.C., a. 5,
am.

1. Article 5 of the Municipal Code, amended by section 1 of chapter 86 of the statutes of 1968 and by section 1 of chapter 36 of the statutes of 1979, is again amended by adding at the end the following paragraph:

“Notwithstanding paragraph 1 of the first paragraph, the corporation may dispose by onerous title, without formality or special authorization, of moveable property of a value of less than \$1 000 if the secretary-treasurer has given prior public notice thereof of at least ten days.”

M.C., a.
10a, am.

2. Article 10a of the said Code, enacted by section 36 of chapter 16 of the statutes of 1980, is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this article, the expression “supramunicipal body” has the meaning given to it by sections 41.2 and 41.3 of the Act respecting retirement plans for mayors and councillors of municipalities (R.S.Q., chapter R-16).”

M.C., a.
42,
replaced.

3. Article 42 of the said Code, amended by section 3 of chapter 69 of the statutes of 1941 and by section 1 of chapter 74 of the statutes of 1950 and replaced by section 7 of chapter 53 of the statutes of 1977, is again replaced by the following article:

“42. At the expiration of such time, the Government or, as the case may be, the Minister of Municipal Affairs, if it or he approves of it, orders the erection, division, annexation, or alteration applied for, by a proclamation published in the *Gazette officielle du Québec*.

The proclamation ordering erection, division or alteration comes into force on 1 January immediately following its publication.

The proclamation ordering annexation comes into force on the day it is published or on any later date fixed therein. It may state the conditions of the annexation, which have effect notwithstanding any inconsistent legislative provision governing the municipal corporations or territories contemplated.”

M.C., a.
44, am.

4. Article 44 of the said Code, amended by section 1 of chapter 82 of the statutes of 1975, is again amended by replacing the fourth paragraph by the following paragraph:

“The remainder of the municipality, in case of the erection or annexation of part of its territory, continues to form a separate municipality under its own name, or under another name, in conformity with article 48, if it conforms to the conditions required for constituting such a municipality. The members of the council and the officers and employees of the corporation then in office continue to perform their duties as such, subject to the other provisions of this Code and any other law applicable.”

M.C., a.
45,
replaced.

5. Article 45 of the said Code, amended by section 2 of chapter 74 of the statutes of 1950, is replaced by the following article:

“45. The by-laws, *procès-verbaux*, orders, lists, rolls or other municipal acts which governed the territory before its annexation, the alteration of its boundaries, or its organization as a new municipality, continue in force for such territory until repealed or amended, subject to chapter three of this title; those which governed the municipality before the annexation do not apply to the annexed territory until they have been declared applicable to it.”

M.C., a.
49f,
replaced.

6. Article 49f of the said Code, enacted by section 5 of chapter 36 of the statutes of 1979, is replaced by the following article:

“49f. For the purposes of articles 49c to 49e and article 49g, the persons concerned are the persons who, on the day of the passing of the by-law contemplated in article 49a, are the proprietors or tenants of immoveables comprised in the territory it is proposed to annex, or are domiciled in the territory. Every proprietor or tenant who is a natural person must also be of full age and be a Canadian citizen.

The proprietors must be among those entered on the assessment roll and the tenants among those entered on the schedule to the electoral list, after it has been revised as provided for by the Cities and Towns Act. The persons domiciled must be among those entered on the electoral list used for the last election held on the territory concerned, after it has been revised as provided for by the said Act for the purposes of the approval of the annexation by-law."

M.C., aa.
61a, 61b,
added.

7. The said Code is amended by inserting, after article 61, the following articles:

"61a. Where a municipality is annexed to another, the values entered on the real estate assessment roll or roll of rental values then in force in the municipalities are multiplied by the factor established for the roll under the Act respecting municipal taxation, from the date of the coming into force of the annexation.

Where part only of a municipality, or the whole or part of a territory not organized into a municipality, is annexed, the first paragraph applies to the value of the immoveables or places of business situated in the territory annexed and in the municipality to which it is annexed.

This article applies to the rolls for the fiscal year during which the annexation comes into force. It applies also to the rolls for the next fiscal year, if, after the coming into force of the annexation, any real estate assessment roll or roll of rental values taking account of such annexation, as the case may be, is not deposited according to law, for the purposes of such fiscal year, with the corporation whose territory has been thus enlarged.

"61b. The aggregate of the rolls or parts of rolls amended in conformity with article 61a constitutes the roll of the corporation whose territory has been enlarged, for the fiscal year concerned.

The median proportion and the factor of such roll are one hundred per cent and one, respectively."

M.C., a.
80, am.

8. Article 80 of the said Code, amended by section 1 of chapter 100 of the statutes of 1922 (1st session), by section 1 of chapter 84 of the statutes of 1922 (2nd session) and by section 10 of chapter 53 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

"80. The local council is composed of a mayor and six councillors elected by the electors of the municipality or, as the case may be, elected or appointed in accordance with Division VIII of Chapter VI of Part I of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1)."

M.C., a.
85, am.

9. Article 85 of the said Code, amended by section 2 of chapter 74 of the statutes of 1927, by section 3 of chapter 50 of the statutes of 1954-1955, by section 11 of chapter 53 of the statutes of 1977 and by section 40 of chapter 16 of the statutes of 1980, is again amended by replacing the second paragraph by the following paragraph:

“The mayor elected at the first general election held under article 246, or elected or appointed under Division VIII of Chapter VI of Part I of the Act respecting elections in certain municipalities, holds office only until the time fixed by article 82 for the general election of the mayor, subject to articles 249*a* to 249*j*.”

M.C., a.
88,
replaced.

10. Article 88 of the said Code, replaced by section 248 of chapter 51 of the statutes of 1979 and amended by section 7 of chapter 2 of the statutes of 1982, is replaced by the following article:

“88. The council of a county corporation and the council of a regional county municipality to which letters patent have been issued under section 166 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) are composed of the mayor of each local corporation whose territory is comprised in their respective territories and governed by this Code, and where such is the case, of the other representatives provided for in the letters patent for such local corporation. In addition, the council of such a regional county municipality is composed of the mayor of each city or town corporation whose territory forms part of that regional county municipality and, where such is the case, of the other representatives provided for in the letters patent for such city or town corporation.

These representatives bear, at the county council, the name of “county councillors”.

If the mayor of a corporation whose territory is comprised in the territory of a county corporation or regional county municipality is absent, refuses to act or is unable to act, or if the office is vacant, the acting mayor may represent that corporation at the sittings of the council.”

M.C., a.
90, am.

11. Article 90 of the said Code, amended by section 1 of chapter 114 of the statutes of 1930-1931 and by section 4 of chapter 81 of the statutes of 1974, is again amended by replacing the first paragraph by the following paragraph:

“90. Subject to the Act respecting land use planning and development, the warden is appointed by the members of the county council in the month of November in each year.”

M.C., a.
95, am.

12. Article 95 of the said Code, amended by section 9 of chapter 82 of the statutes of 1975, is again amended by replacing the second paragraph by the following paragraph:

“The other two delegates are appointed by the council, from among its members, at the sitting held in the month of November. They remain in office until their successors are duly installed even if they have ceased to form part of the council, unless, in the latter case, they have been replaced under the provisions of article 96.”

M.C., a.
108, am.

13. Article 108 of the said Code, amended by section 20 of chapter 20 of the statutes of 1917-1918 and by section 12 of chapter 53 of the statutes of 1977, is again amended by replacing the fifth paragraph by the following paragraph:

“If the mayor or any councillor has been elected or appointed in accordance with Division VIII of Chapter VI of Part I of the Act respecting elections in certain municipalities, such first sitting is held at the time and place fixed by the person to whom the letter was addressed announcing the appointment of such mayor or councillor.”

M.C., a.
112, am.

14. Article 112 of the said Code, amended by section 1 of chapter 81 of the statutes of 1934, replaced by section 13 of chapter 53 of the statutes of 1977 and amended by section 42 of chapter 16 of the statutes of 1980 and by section 8 of chapter 2 of the statutes of 1982, is again amended by replacing the third paragraph by the following paragraphs:

“The Minister of Municipal Affairs may, of his own initiative, permit the county councils or a category of them to make the estimates provided for by article 681*a* at a sitting subsequent to the regular sitting of November, held not later than the date he fixes.

On sufficient proof that the county council was unable to make the estimates provided for in article 681*a* at the regular sitting of November or, if such is the case, within the time fixed by the Minister under the third paragraph, the Minister may grant therefor such additional time as he may fix.”

M.C., aa.
238, 238*a*,
repealed.

15. Articles 238 and 238*a* of the said Code are repealed.

M.C., a.
248, am.

16. Article 248 of the said Code, replaced by section 18 of chapter 53 of the statutes of 1977, is amended by replacing what precedes paragraph 1 by the following:

“**248.** Of the six councillors elected on such occasion, or elected or appointed in accordance with Division VIII of Chapter VI of Part I of the Act respecting elections in certain municipalities:”

M.C., a.
249, am.

17. Article 249 of the said Code, amended by section 27 of chapter 20 of the statutes of 1917-1918, by section 2 of chapter 61 of the statutes of 1951-1952 and by section 19 of chapter 53 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

“249. The councillors mentioned in paragraph 1 of article 248 must be selected by lot, by the council, at a sitting thereof, in the month preceding that during which the next general election is to be held. In default thereof, the retiring councillors are selected by lot, by the officer presiding at the election, in the presence of the electors, or, as the case may be, elected or appointed in accordance with Division VIII of Chapter VI of Part I of the Act respecting elections in certain municipalities.”

M.C., a.
258,
replaced.

18. Article 258 of the said Code, amended by section 3 of chapter 68 of the statutes of 1926 and by section 5 of chapter 83 of the statutes of 1934 and replaced by section 28 of chapter 86 of the statutes of 1968, is again replaced by the following article:

“258. The nomination for an election contemplated in article 245 shall be held from twelve noon to two o'clock in the afternoon, on the Sunday before the last Sunday of October or, if the poll is to be held on the first Monday of November, on the Monday before the last Monday of October.”

M.C., a.
318, am.

19. Article 318 of the said Code, amended by section 3 of chapter 84 of the statutes of 1925 and by section 2 of chapter 118 of the statutes of 1933, is again amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“An appeal lies from the judgment to the Court of Appeal.

The appeal must be brought within fifteen days after the date of the judgment and be heard by preference over any other appeal, at the first term of the Court following the inscription.

Notwithstanding article 29 of the Code of Civil Procedure, the interlocutory judgments rendered in a suit to contest an election under this Code are not subject to appeal; the party may, however, plead such judgments, which may then be reviewed at the same time as the judgment on the suit itself, if the latter judgment is appealed.

Where the judgment is based on the ground that the defendant has been found guilty of committing an indictable offence, it is executory immediately and notwithstanding the appeal. Nevertheless, the office is deemed vacant only from the day the judgment becomes

final, unless the vacancy occurs sooner for another reason provided for by law, but the defendant is not entitled, in the meantime, to any indemnity, allowance, salary or remuneration attached to the office.

The judgment of the Court of Appeal is without appeal.”

M.C., a.
319, am.

20. Article 319 of the said Code, amended by section 11 of chapter 69 of the statutes of 1941, is again amended by replacing the third and fourth paragraphs by the following paragraph:

“If, by the final judgment, the election of the defendant is annulled and another candidate is declared elected, the latter must be recognized by the council. If the final judgment merely annuls the election without assigning the office to another person, the office is deemed vacant from the service of the judgment on the secretary-treasurer.”

M.C., a.
347,
replaced.

21. Article 347 of the said Code, replaced by section 10 of chapter 103 of the statutes of 1930, is again replaced by the following article:

“**347.** When a local municipality is adjacent to another local municipality or a city or town municipality, one of the localities fixed by the council of the local municipality for the posting of public notices may be situated in that adjacent municipality.”

M.C., a.
360, am.

22. Article 360 of the said Code, amended by section 9 of chapter 77 of the statutes of 1947, is again amended by replacing the second paragraph by the following paragraph:

“In no case where this Code or any other general law or special Act provides that a by-law must receive an approval may the by-law be published or come into force until it has received that approval. In such a case, a certificate signed by the head of the council and by the secretary-treasurer, certifying the date of each of the required approvals, must accompany and forms part of the original of such by-law.”

M.C., a.
364,
replaced.

23. Article 364 of the said Code is replaced by the following article:

“**364.** Except where otherwise provided by law, every by-law comes into force and is effective as law, if not otherwise provided for therein, on the day of its publication.”

M.C., a.
365,
repealed.

24. Article 365 of the said Code is repealed.

M.C., a.
366, am.

25. Article 366 of the said Code, replaced by section 11 of chapter 77 of the statutes of 1947, is amended

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

“**366.** Every by-law is published after it has been passed or received its final approval if it has been submitted to one or several of the approvals mentioned in the second paragraph of article 360, by a public notice mentioning the object of the by-law, the date of the passing thereof, and the place where communication thereof may be had.”;

(2) by striking out the fourth paragraph.

M.C., a.
367,
repealed.

26. Article 367 of the said Code is repealed.

M.C., Tit.
XV, Chap.
I, Sec. IV,
aa. 388-
389b,
replaced.

27. Section IV of Chapter I of Title XV of the said Code, including articles 388 to 389b, is replaced by the following section:

“SECTION IV

“APPROVAL OTHER THAN THAT OF THE ELECTORS

“**388.** Where this Code or any other general law or special Act provides that a by-law must receive an approval other than that of the electors, the secretary-treasurer, after the by-law has been approved by the electors, if their approval is required, must forward a certified copy of all documents tending to inform the person or body concerned of the fulfilment of the provisions of the law and of the advisability of passing the by-law to

(1) the Minister of Municipal Affairs, if his approval or that of the Government or of the Commission municipale du Québec is required, or

(2) the minister, body or person whose approval is required, in other cases.

The Government or the minister, body or person whose approval is required must not grant the approval until satisfied that the formalities required for the passing of the by-law have been fulfilled.

“**389.** The Government or the minister, body or person whose approval is required may exact from the council which has passed the by-law all the documents and information it or he deems necessary to satisfy itself or himself of the advisability of the by-law or the provisions of the by-law submitted to it or to him for approval.

“389a. The Government or the minister, body or person whose approval is required may approve the by-law in part only.

Notwithstanding article 369, a council having passed a by-law requiring the approval of the Government, the Minister of Municipal Affairs or the Commission municipale du Québec may, by resolution, amend the by-law before it is so approved, without its being necessary to obtain any other approval, provided that the amendments do not result in increasing the charges upon the ratepayers or in changing the object of the by-law. The Government, the Minister or the Commission may then approve the by-law so amended.

“389b. The approval of a by-law or other proceeding of a council by the Government or the minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory, according to law, from its coming into force. That may be done with the same effect in the form of an authorization.”

M.C., a.
390, am.

28. Article 390 of the said Code, amended by section 13 of chapter 103 of the statutes of 1930 and by section 3 of chapter 31 of the statutes of 1953-1954, is again amended by striking out the second paragraph.

M.C., a.
399, am.

29. Article 399 of the said Code, amended by section 259 of chapter 51 of the statutes of 1979 and by section 14 of chapter 2 of the statutes of 1982, is again amended by striking out the second paragraph of paragraph 3.

M.C., a.
403, am.

30. Article 403 of the said Code, amended by section 1 of chapter 85 of the statutes of 1919, by section 10 of chapter 74 of the statutes of 1927, by section 19 of chapter 88 of the statutes of 1929, by section 3 of chapter 98 of the statutes of 1939, by section 17 of chapter 77 of the statutes of 1947, by section 4 of chapter 61 of the statutes of 1951-1952 and by section 14 of chapter 60 of the statutes of 1969, is again amended by inserting after paragraph 4 the following paragraph:

“5. To license, regulate or prohibit pin-ball machines, billiards, pool, pidgeon-hole tables, bowling alleys, bagatelle boards, shooting galleries, electronic games and electronic games arcades;”.

M.C., a.
404, am.

31. Article 404 of the said Code, amended by section 1 of chapter 106 of the statutes of 1921, by section 1 of chapter 90 of the statutes of 1929, by section 28 of chapter 36 of the statutes of 1979 and by section 15 of chapter 2 of the statutes of 1982, is again amended by replacing paragraph 3 by the following paragraph:

“3. To regulate or prohibit the construction of slaughter-houses, gas-works, tanneries, candle or soap factories, distilleries and other manufactories which may become public nuisances or remove the slaughter-houses already existing in the municipality;”.

M.C., a.
404c, am.

32. Article 404c of the said Code, enacted by section 31 of chapter 53 of the statutes of 1977 and replaced by section 30 of chapter 36 of the statutes of 1979, is amended, by adding after paragraph 8, the following paragraph:

“(9) The parties to an agreement contemplated in article 404b or in this article may provide therein that any other local corporation, city or town corporation or, as the case may be, county corporation may join the agreement.

An agreement which provides that it may be joined must determine, or provide a mechanism for determining, all or part of the conditions of joining. Such conditions are effective notwithstanding any inconsistent provision of any general or special Act.

A local corporation, city or town corporation or, as the case may be, county corporation, by resolution of its council, may join an agreement which provides therefor, on the conditions determined by or pursuant to the agreement.

A corporation which joins an agreement made under article 404b must send to the Minister of the Environment, for approval, a copy of the resolution and, where such is the case, a statement of the conditions of joining not determined in the agreement. A corporation which forms an agreement made under this article must send the information to such Minister and the Commission municipale du Québec for approval.

Not less than thirty days before sending the information as provided in the fourth paragraph, the corporation shall send the same documents to each party to the agreement.

The corporation becomes a party to the agreement once the resolution and, where such is the case, the conditions of joining not determined in the agreement have received every required approval. The agreement is then deemed amended accordingly.”

M.C., a.
407, am.

33. Article 407 of the said Code, amended by section 1 of chapter 85 of the statutes of 1923-1924, by section 90 of chapter 38 of the statutes of 1973 and by section 31 chapter 36 of the statutes of 1979, is again amended by replacing paragraph 5 by the following paragraph:

“5. (a) To require the owner of a dwelling to instal therein one or several of the following apparatuses or devices: a smoke detector, a heat detector, an alarm system, an automatic sprinkler, a fire extinguisher, a fire hose, any other fire warning, fire extinguishing or fire fighting apparatus or device, or a fire escape;

(b) To require a level of quality for any apparatus or device it requires to be installed, particularly by reference to standards prescribed or approval given by a third person;

(c) To prescribe the place in a dwelling where each apparatus or device must be installed;

(d) To grant to the owner of a dwelling a subsidy to cover the whole or part of the cost of installing an apparatus or a device, on such conditions as it may determine;

(e) To require the owner, lessee or occupant of a dwelling to keep the apparatus or device in good working order;

(f) To prescribe upkeep or installation standards for the apparatus or devices, particularly by reference to standards prescribed by a third person;

(g) To establish categories of dwellings, apparatuses or devices and to prescribe different rules for each category.”

M.C., a.
410a, am.

34. Article 410a of the said Code, enacted by section 2 of chapter 18 of the statutes of 1977 and amended by section 34 of chapter 36 of the statutes of 1979, is again amended by replacing the fourth paragraph by the following paragraph:

“The person in possession of a notice of summons may avoid the filing of a complaint against him by appearing at the place fixed by-law and indicated in the notice of summons and by paying as a fine the sum fixed in the by-law. That sum must not exceed ten dollars for a parking infraction or twenty-five dollars for the infraction of any other by-law contemplated in this article, except in the case of an infraction of a provision passed pursuant to paragraph 3,4 or 7 of section 512 of the Highway Safety Code (R.S.Q., chapter C-24.1), in which case the sum must be equal to the minimum provided for in the Code for a fine relating to a contravention of a provision thereof bearing on the same matter. The payment of the fine and the receipt given by the person designated by the council free the offender of any other penalty in connection with that infraction.”

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

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

“In this section, the word “services” includes services designed for carrying on the management of a corporation, for the administration of its by-laws and the law, and for carrying out its decisions, and particularly includes the services of inspection and control.

Where several corporations, by means of an agreement, share the services of an officer whom each corporation must have or appoint according to law, each party to the agreement is deemed to comply with that obligation.”

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

36. Article 412aa of the said Code, enacted by section 2 of chapter 83 of the statutes of 1979, is amended by replacing the second paragraph by the following paragraph:

“The board of directors may, by by-law, establish a tariff applicable to expenses occasioned by an act or a category of acts performed in Québec, the purpose of which is not travel outside Québec. The payment of the amount provided for in the tariff for an expense incurred by a member of the board of directors on behalf of the management board is approved by the board of directors on presentation of a statement with the vouchers prescribed by by-law.

The board of directors may provide sufficient appropriations in the budget of the management board to ensure repayment of a category of expenses which the members of the board of directors may make on behalf of the management board during the fiscal period, whether as actually made or as provided in the tariff. The board of directors is not required to give prior authorization for an expense included in such a category, if it does not exceed the balance of the appropriations, after subtracting the amounts already used or committed for the repayment of previous expenses.”

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

37. Article 412ag of the said Code, enacted by section 2 of chapter 83 of the statutes of 1979, is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding subparagraph 2 of the first paragraph, it may dispose by onerous title, without formality or special authorization, of moveable property of a value of less than \$ 1 000, if the secretary has given prior public notice thereof of at least ten days.”

M.C., a.
412az,
replaced.

38. Article 412az of the said Code, enacted by section 2 of chapter 83 of the statutes of 1979, is replaced by the following section:

“**412az.** Sections 22 to 27, 85 and 86 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), sections 1, 2, 4 to 8, 12 to 44, 50 and 51 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) and sections 71 and 72,

paragraphs 8 and 10 of section 464, sections 473, 477.1, 564 and 565, paragraphs 1 to 8 of section 573 and sections 573.1 to 573.3 of the Cities and Towns Act (R.S.Q., chapter C-19) apply to the management board, *mutatis mutandis*.”

M.C., a.
412*bd*,
added.

39. The said Code is amended by inserting, after article 412*bc*, the following article:

“**412*bd*.** The parties to an agreement contemplated by this section may provide therein that any other corporation may join the agreement.

An agreement which provides that it may be joined must determine, or provide a mechanism for determining, all or part of the conditions of joining. Such conditions are effective notwithstanding any inconsistent provision of any general or special Act.

A corporation, by resolution of its council, may join an agreement which provides therefor, on the conditions determined by or pursuant to the agreement.

A corporation which joins an agreement must transmit, for approval, a copy of the resolution and, where such is the case, a statement of the conditions not determined in the agreement, to the Minister of Municipal Affairs and to any other Minister or any body that must approve the agreement.

Not less than thirty days before sending the documents provided for in the fourth paragraph, the corporation must send the same documents to each party to the agreement.

The corporation becomes a party to the agreement once the resolution and, where such is the case, the conditions of joining not determined in the agreement have received every required approval. The agreement is then deemed amended accordingly and the Minister of Municipal Affairs may, if necessary, amend the order establishing the management board which he issued in accordance with article 412*l*.”

M.C., a.
412*bd*,
renumbered.

40. Article 412*bd* of the said Code, enacted by section 8 of chapter 81 of the statutes of 1974 and renumbered by section 3 of chapter 83 of the statutes of 1979, is again renumbered 412*be*.

M.C., a.
414*a*, am.

41. Article 414*a* of the said Code, enacted by section 15 of chapter 94 of the statutes of 1928 and amended by section 17 of chapter 2 of the statutes of 1982, is again amended by replacing what precedes paragraph 1 by the following:

“**414*a*.** A local corporation may make, amend or repeal by-laws”.

M.C., Tit.
XV, Chap.,
III, head-
ing,
replaced.

42. The title of Chapter Third of Title XV of the said Code, replaced by section 18 of chapter 2 of the statutes of 1982, is again replaced by the following title:

“OTHER BY-LAWS WITHIN THE JURISDICTION
OF LOCAL CORPORATIONS”.

M.C., Tit.
XV, Chap.
III, Sec. I,
a. 415,
repealed.
M.C., a.
416, am.

43. Section I of Chapter Third of Title XV of the said Code, including article 415, is repealed.

44. Article 416 of the said Code, amended by section 20 of chapter 2 of the statutes of 1982, is again amended by replacing what precedes paragraph 1 by the following:

“**416.** A local corporation may make, amend or repeal by-laws”.

M.C., a.
417, am.

45. Article 417 of the said Code, amended by section 21 of chapter 22 of the statutes of 1982, is again amended

(1) by replacing what precedes paragraph 1 by the following:

“**417.** A local corporation may make, amend or repeal by-laws”;

(2) by replacing the period at the end of paragraph 7 by a semicolon;

(3) by adding, after paragraph 7, the following paragraph:

“(8) To acquire, by agreement or by expropriation, perpetual or temporary right of way on any immovable, in favour of a street or public road to which the immovable is adjacent and for the maintenance of which the municipality is responsible, through which access to such street or road from the immovable is prohibited; to order that the servitude applies only to the access of vehicles or a category thereof; to enact that the servitude applies only during certain periods; to establish categories of vehicles and prescribe by-laws for the application of the servitude which differ depending on the categories.

In no case may the corporation acquire a right of way with respect to an immovable under this paragraph if the right of way causes the immovable to be enclosed, or gives access, from that immovable, only to a street or road situated in another municipality.

In no case may the corporation, without the authorization of the Minister of Transport, avail itself of the provisions of this paragraph with respect to an immovable subject to a no-access servitude acquired by the Minister so as to cause it to be inoperative or to reduce its effect.”

M.C., a.
418, am.

46. Article 418 of the said Code, amended by section 22 of chapter 2 of the statutes of 1982, is again amended by replacing what precedes paragraph 1 by the following:

“418. A local corporation may make, amend or repeal by-laws”.

M.C., a.
419, am.

47. Article 419 of the said Code, amended by section 23 of chapter 2 of the statutes of 1982, is again amended by replacing what precedes paragraph 1 by the following:

“419. A local corporation may make, amend or repeal by-laws”.

M.C., a.
422b,
added.

48. The said Code is amended by inserting, after article 422a, the following article:

“422b. The parties to an agreement contemplated in article 422a may provide therein that any other corporation may join the agreement.

An agreement which provides that it may be joined must determine, or provide a mechanism for determining, all or part of the conditions of joining. Such conditions are effective notwithstanding any inconsistent provision of any general or special Act.

A county corporation, by resolution of its council, may join an agreement which provides therefor, on the conditions determined by or pursuant to the agreement.

A county corporation which joins an agreement must transmit, for approval, a copy of the resolution and, where such is the case, a statement of the conditions not determined in the agreement, to the Minister of Municipal Affairs, to the Commission municipale du Québec and to any other minister or any body that must approve the agreement.

Not less than thirty days before sending the documents provided for in the fourth paragraph, the county corporation must send the same documents to each party to the agreement.

The county corporation becomes a party to the agreement once the resolution and, where such is the case, the conditions of joining not determined in the agreement have received every required approval. The agreement is then deemed amended accordingly.”

M.C., a.
428, am.

49. Article 428 of the said Code, replaced by section 40 of chapter 36 of the statutes of 1979 and amended by section 63 of chapter 16 of the statutes of 1980, is again amended by replacing the first paragraph by the following paragraphs:

“428. The county corporation may also make, amend or repeal by-laws to grant and fix the salary of the warden, councillors and delegates of the county and the members of the executive committee.

The notice of motion or the notice contemplated in the fourth paragraph of article 359 relating to a by-law under this article must be accompanied with a draft of the by-law. The notice must be given in due time to allow the third paragraph to be observed.

Public notice of at least twenty-one days shall be given by the secretary-treasurer of the place, date and time of the session at which the draft by-law is to be passed, with a summary of its content. The notice must state the remuneration provided for in the draft by-law. In addition to being posted up, the notice must be published in a newspaper circulated in the county municipality, with the same time limit.

Any contravention of the second or third paragraph renders the by-law null.”

M.C., a.
432, am.

50. Article 432 of the said Code is amended by replacing the second paragraph by the following paragraphs:

“An appeal lies from the judgment to the Court of Appeal.

The appeal must be brought within fifteen days after the date of the judgment and be heard by preference over any other appeal, at the first term of the Court following the inscription.

Notwithstanding article 29 of the Code of Civil Procedure, the interlocutory judgments rendered in a suit to set aside a by-law, minutes, a roll, a resolution or another municipal proceeding under this Code are not subject to appeal; the party may, however, plead such judgments, which may then be reviewed at the same time as the judgment on the suit itself, if the latter judgment is appealed.

The judgment of the Court of Appeal is without appeal.”

M.C., a.
443g,
am.

51. Article 443g of the said Code, enacted by section 42 of chapter 36 of the statutes of 1979, is amended by adding, at the end, the following paragraphs:

“The parties to an agreement contemplated by this section may provide therein that any other local corporation whose territory forms part of that of the county corporation may join the agreement.

An agreement which provides that it may be joined must determine, or provide a mechanism for determining, all or part of the conditions of joining. Such conditions are effective notwithstanding any inconsistent provision of any general or special Act.

A local corporation, by resolution of its council, may join an agreement which provides therefor, on the conditions determined by or pursuant to the agreement.

A corporation which joins an agreement must transmit, for approval, a copy of the resolution and, where such is the case, a statement of the conditions not determined in the agreement, to the Minister of Municipal Affairs, to the Commission municipale du Québec and to the Régie des rentes du Québec if joining the agreement entails an amendment to the by-law contemplated in article 443*a*.

Not less than thirty days before sending the documents provided for in the fifth paragraph, the corporation must send the same documents to each party to the agreement.

The corporation becomes a party to the agreement once the resolution and, where such is the case, the conditions of joining not determined in the agreement have received every required approval. The agreement and, if such is the case, the by-law contemplated in article 443*a*, are then deemed amended accordingly.”

M.C., a.
522, am.

52. Article 522 of the said Code, amended by section 1 of chapter 108 of the statutes of 1921, by section 2 of chapter 86 of the statutes of 1922 (2nd session), by section 11 of chapter 36 of the statutes of 1925, by section 4 of chapter 49 of the statutes of 1948 and by section 1 of chapter 62 of the statutes of 1951-1952, is again amended by replacing the sixth and seventh paragraphs by the following paragraphs:

“No by-law under this article shall come into force until the first day of January following its publication.

However, the Government may, at the request of the council, order the coming into force of the by-law on an earlier date than that fixed by the sixth paragraph but later than the 120th day after its publication.”

M.C., a.
627*a*,
repealed.

53. Article 627*a* of the said Code, enacted by section 25 of chapter 59 of the statutes of 1919 and amended by section 28 of chapter 48 of the statutes of 1921, is repealed.

M.C., a.
681*a*,
replaced.

54. Article 681*a* of the said Code, enacted by section 28 of chapter 82 of the statutes of 1975 and replaced by section 41 of chapter 53 of the statutes of 1977, is again replaced by the following article:

“681a. Every year, at the time fixed under the second, third or fourth paragraph of article 112, the county council must make an estimate of its expenses and income for the next fiscal year, or for the current fiscal year if the council invokes an extension of time after 1 January. The secretary-treasurer must forward a copy of such estimate to the Minister of Municipal Affairs and to every local corporation of the county not later than the fifteenth day following the making of the estimate. Such copy must be accompanied with an estimate of the apportionment which is to be imposed on every local corporation under article 682.”

M.C., a.
682, am.

55. Article 682 of the said Code, amended by section 29 of chapter 82 of the statutes of 1975, is again amended by replacing the first paragraph by the following paragraphs:

“682. Before 1 March every year, the secretary-treasurer of the county corporation, with the approval of the council thereof, must apportion among all the local corporations of the county the sums payable to the county corporation for the current fiscal year under either municipal orders or former apportionments in force. He must, before the same date, transmit a certified true copy of the apportionment to the office of each local corporation.

On sufficient proof that it is impossible to make the apportionment or to transmit copy thereof before 1 March, the Minister of Municipal Affairs may allow the apportionment or transmission to be made before such later date as he may fix.”

M.C., a.
684a, am.

56. Article 684a of the said Code, enacted by section 8 of chapter 65 of the statutes of 1963 (1st session), amended by section 38 of chapter 86 of the statutes of 1968 and replaced by section 49 of chapter 36 of the statutes of 1979, is amended by adding, at the end, the following paragraph:

“The first two paragraphs apply for the purposes of the payment of professional fees related to the works contemplated, whether or not they were carried out.”

M.C., a.
686,
repealed.

57. Article 686 of the said Code, replaced by section 28 of chapter 2 of the statutes of 1982, is repealed.

M.C., a.
687, am.

58. Article 687 of the said Code, amended by section 2 of chapter 59 of the statutes of 1937, by section 9 of chapter 74 of the statutes of 1950, by section 2 of chapter 85 of the statutes of 1968, by section 39 of chapter 86 of the statutes of 1968 and by section 30 of chapter 82 of the statutes of 1975, is again amended by replacing the second and third paragraphs by the following paragraphs:

“However, any time before the tax accounts begin to be sent out, the council, as often as it considers it expedient, may, by resolution, enact a rate of interest different from the rate provided in the first paragraph. Subject to the third paragraph, the decision of the council shall be effective only in respect of taxes shown in an account clearly stating the rate thus enacted. The resolution of the council shall remain in force until it is revoked.

Once only in each fiscal period, the council may by resolution order the rate of interest fixed by it pursuant to the second paragraph applied also to the principal of taxes unpaid before the beginning of that fiscal period, for the duration of that period and every subsequent period for which the council does not fix a different rate by virtue of this paragraph. However, it does not apply to the whole or any part of the principal of a tax paid between the beginning of the fiscal period and the date of passage of the resolution. The secretary-treasurer shall give public notice of the passage of the resolution.

When the Council has passed a resolution allowing a discount, under article 716, the interest shall run only from the expiration of the term fixed for benefitting from such discount.”

M.C., a.
698,
added.

59. The said Code is amended by inserting, after article 697*a*, the following article:

“**698.** Any local corporation may impose, in accordance with article 684*a*, a special tax for the purposes of paying:

(1) sums the payment of which is imposed on it by an order made under section 35 or 61 of the Environment Quality Act (R.S.Q., chapter Q-2);

(2) sums claimed under section 113 of the said Act; or

(3) sums that it owes the Société québécoise d’assainissement des eaux under the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.21).”

M.C., a.
716*a*,
added.

60. The said Code is amended by inserting, after article 716, the following article:

“**716*a*.** A local corporation may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant, for buildings or parts of buildings that have been rebuilt, renovated, restored, enlarged or converted in conformity with a revitalization program, subsidies designed to compensate for the

increase in real estate taxes that may result from the reassessment of such buildings after completion of the work.

The revitalization program contained in the by-law contemplated in the first paragraph may be aimed, in the whole or any part of the municipality, at promoting the renovation, restoration or enlargement of buildings, the construction or reconstruction of residential buildings or the conversion of buildings into residential buildings.

In no case may the amount of the subsidies contemplated in the first paragraph exceed the following amounts:

(1) for the fiscal period in which the work was completed and the following fiscal period, that amount must not exceed the difference between the amount of the real estate taxes that would be due had the assessment of the building not been altered and the amount of the taxes actually due; and

(2) for the second fiscal period following the fiscal period in which the work was completed, that amount must not exceed fifty per cent of the difference between the amount of the real estate taxes that would be due had the assessment of the building not been altered and the amount of the taxes actually due.

Where the assessment of a building eligible for a subsidy under this article is contested, the subsidy is paid only when a final decision has been rendered on the contestation.

In the case of a residential building, no subsidy is payable unless the owner demonstrates, in the manner prescribed in the by-law, that the price charged to his lessees for rent has not been increased as a result of the increase in the real estate taxes."

M.C., a.
730, am.

61. Article 730 of the said Code, amended by section 12 of chapter 103 of the statutes of 1938, by section 28 of chapter 77 of the statutes of 1947 and by section 12 of chapter 74 of the statutes of 1950, is again amended

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

"730. The list and the notice accompanying it must be published in the ordinary manner in the municipalities in which the immoveables advertised for sale are situated, and also twice in a newspaper circulated in those municipalities during the second month preceding the month fixed for the sale.'";

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

“The secretary-treasurer shall, within thirty days from the second publication, cause a notice to be published in the *Gazette officielle du Québec* indicating in which newspaper and on what dates the publications provided for in the first paragraph were made.”

M.C., a.
732,
replaced.

62. Article 732 of the said Code, amended by section 300 of chapter 72 of the statutes of 1979, is replaced by the following article:

“**732.** An immovable is adjudged to the highest bidder at a public auction.

The proceeds of the sale are remitted by the secretary-treasurer to the prothonotary of the Superior Court of the district, to be distributed according to law.

After the money is distributed, the prothonotary is bound to file in the registry office a certified true copy of the judgment of distribution for full or partial cancellation of the registration of debts, privileges or hypothecs which have been paid, in whole or in part.”

M.C., a.
734, am.

63. Article 734 of the said Code is amended by replacing the first paragraph by the following paragraph:

“**734.** The purchaser of an immovable must pay the amount of his purchase money immediately upon the adjudication.”

M.C., a.
737, am.

64. Article 737 of the said Code, replaced by section 10 of chapter 108 of the statutes of 1935, is amended by replacing the second paragraph by the following paragraph:

“The bid of the municipality must not exceed the amount of the taxes, in principal, interest and costs, plus a sufficient sum to satisfy every privileged claim of a prior or equal rank to that of municipal taxes.”

M.C., a.
737b,
added.

65. The said Code is amended by inserting, after article 737a, the following article:

“**737b.** The immovables so acquired by the municipality which have not been redeemed must be sold at public auction, by public tender or in any other manner approved by the Commission municipale du Québec, within one year after the expiry of the time in which withdrawal could be effected. The Minister of Municipal Affairs may, however, at the request of the council, grant additional time for reasons he considers satisfactory.

With the authorization of the Minister of Municipal Affairs, the municipality may definitively retain immoveables so acquired that it needs for its objects.”

M.C., a.
739, am.

66. Article 739 of the said Code is amended by replacing the second paragraph by the following paragraph:

“For the performance of such duty, he is entitled to twenty cents for each immoveable mentioned in the list furnished by him, of which one-half is transmitted by him to the registrar with the list, to cover the fees of the latter for the deposit and entry, and for the cancellation thereof.”

M.C., a.
771, am.

67. Article 771 of the said Code, replaced by section 22 of chapter 60 of the statutes of 1918, amended by section 8 of chapter 34 of the statutes of 1926, by section 21 of chapter 94 of the statutes of 1928, by section 9 of chapter 51 of the statutes of 1937 and by section 11 of chapter 69 of the statutes of 1942, replaced by section 31 of chapter 77 of the statutes of 1947 and amended by section 29 of chapter 2 of the statutes of 1982, is again amended by replacing the first paragraph by the following paragraph:

“**771.** Whenever the debts of a local corporation, including what it may owe to the county corporation, have reached fifteen per cent of the value of the taxable immoveable property, any other loan or obligation contracted by such corporation must, in order to be valid, be enacted by by-law approved by the ratepayers, in accordance with the second paragraph, by the Minister of Municipal Affairs and by the Commission municipale du Québec.”

M.C., a.
789, am.

68. Article 789 of the said Code is amended by replacing what precedes paragraph 1 by the following:

“**789.** No local or county corporation may, without the written consent of the proprietor,”.

DIVISION II

AMENDMENTS TO THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

R.S.Q., c.
A-19.1,
s. 1.1,
added.

69. The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting, after section 1, the following section:

Applica-
bility.

“**1.1** In addition to Chapter II of Title I and the other provisions of this Act which are specifically applicable to a territory contemplated in article 27 of the Municipal Code, the other provisions of this Act apply, *mutatis mutandis*, to such a territory as if it

constituted the territory of a municipality and as if the county corporation or the regional county municipality having jurisdiction in that territory constituted the municipality, notwithstanding paragraph 5 of section 1.

Adaptations.

The adaptations provided for in the first paragraph include, in particular,

(1) the county corporation or the regional county municipality does not have the power or the obligation to adopt a planning program in respect of that territory;

(2) where the regional county municipality has jurisdiction in that territory, any document that must be sent by a third person to the municipality and to the regional county municipality may be sent validly once, within the time and according to the procedure that are more demanding in respect of the third person if the prescribed time and procedure for the transmission of documents to the municipality and to the regional county municipality differ;

(3) where the regional county municipality has jurisdiction in the territory, any provision requiring that the by-law of a municipality be approved or certified true by the regional county municipality does not apply; in such a case, the by-law is deemed approved and certified true on being passed;

(4) the first paragraph of section 123 does not apply to a by-law passed in respect of the territory if the by-law is a by-law in respect of which the application of the said paragraph is excluded by section 80.

Deliberations and vote.

Where the council of the regional county municipality acts as the council of a municipality in respect of a territory contemplated in article 27 of the Municipal Code, in accordance with this section, only the representatives of municipalities governed by the Municipal Code are empowered to take part in the deliberations and vote, except where no representative of such a municipality has a seat on the council, in which case all the members of the council are thus empowered. Where the council exercises the powers mentioned in Chapter II of Title I or in any other provision of this Act applying specifically to a territory contemplated in this section, every member of the council is authorized to participate in the deliberations and to vote.

Financing.

The ratepayers of the territory are alone required to contribute to the financing of the expenditures of the county corporation or regional county municipality incurred for the exercise of the functions

contemplated in the third paragraph, in accordance with the Municipal Code.”

R.S.Q., c.
A-19.1,
s. 5, am.

70. Section 5 of the said Act is amended by replacing the second paragraph by the following paragraph:

Comple-
mentary
document.

“The plan must also include a complementary document dealing with the minimum standards to be respected by municipal by-laws adopted in accordance with subparagraphs 16 and 17 of the second paragraph of section 113 and subparagraphs 3 and 4 of the second paragraph of section 115.”

R.S.Q., c.
A-19.1, ss.
33, 34,
replaced.

71. Sections 33 and 34 of the said Act are replaced by the following sections:

Program,
plan and
by-laws.

“**33.** Every municipality in the regional county municipality is required, within twenty-four months of the coming into force of the development plan, to adopt, for the whole of its territory, a planning program, a zoning by-law, a subdivision by-law, a building by-law and, if required by the complementary document, the by-law contemplated in section 116, and to send a copy thereof to the council of the regional county municipality, and to the Commission, for registration. That program and those by-laws must be in conformity with the objectives of the development plan and with the complementary document.

Amend-
ment.

“**34.** A municipality having a master plan, a planning program, a zoning by-law, a subdivision by-law, a building by-law or a by-law contemplated in section 116 or a by-law to the same effect, is required to amend it, if necessary, to bring it into conformity with the objectives of the development plan and with the complementary document and to send a copy, whether or not it has been amended, to the council of the regional county municipality, and to the Commission, for registration, within twenty-four months of the coming into force of the development plan.”

R.S.Q., c.
A-19.1,
s. 45, re-
placed.

72. Section 45 of the said Act is replaced by the following section:

Effect of
certificate.

“**45.** From the date of issuance of the certificate of conformity, the planning program, the zoning by-law, the subdivision by-law, the building by-law or the by-law contemplated in section 116 is deemed to be in conformity with the objectives of the development plan and with the complementary document.”

R.S.Q., c.
A-19.1, s.
46, am.

73. Section 46 of the said Act is amended

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

Loan
by-law.

“46. From the date of issuance of the last certificate of conformity in respect of the planning program and the zoning, subdivision and building by-laws, and, as the case may be, the by-law contemplated in section 116 of a municipality, every loan by-law of the municipality concerning the execution of public works, other than rebuilding, corrective or repair works on immoveables already in place, must, upon its approval, be sent to the council of the regional county municipality to obtain its opinion on the by-law. Upon receiving the by-law, the secretary-treasurer must inform in writing the municipality of the date of the reception.”;

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

Opinion.

“The council of the regional county municipality must send the opinion to the municipality within thirty days of receiving the loan by-law. When submitted for approval to the Minister and to the Commission municipale du Québec, the loan by-law must be accompanied with the opinion of the council of the regional county municipality, except if the council fails to comply within thirty days.

Opinion.

The executive committee of the regional county municipality may give the opinion in the place of the council if, as the case may be, the council delegates that responsibility to it.”

R.S.Q., c.
A-19.1, s.
48, am.

74. Section 48 of the said Act is amended by replacing the second paragraph by the following paragraph:

Content of
the reso-
lution.

“The resolution must indicate whether the amendment envisaged will affect the objectives of the plan or the complementary document and, where necessary, identify each municipality whose planning program, zoning by-law, subdivision by-law or building by-law is likely to require amendment, or which would be required to adopt or amend, as the case may be, the by-law contemplated in section 116.”

R.S.Q., c.
A-19.1, s.
57, am.

75. Section 57 of the said Act is amended

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

Amend-
ment
required.

“57. Where an amendment to or the review of the development plan requires that the planning program or the zoning, subdivision or building by-law of a municipality be amended, or that the by-law contemplated in section 116 be adopted or amended, to bring it into conformity with the objectives of the development plan and with the complementary document, the council of the regional county municipality shall require the municipality to amend, or, as the case may be, adopt it and to send a copy of it to the council of the regional county municipality and, for registration, to the Commission, within ninety days.”;

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

Applicable
provisions.

“Sections 36 to 45 apply, *mutatis mutandis*, to amendments or, as the case may be, adoptions, under this section.”

R.S.Q., c.
A-19.1, s.
59, re-
placed.
Copies.

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

“**59.** A copy of a municipal by-law amending a planning program or a zoning, subdivision or building by-law or the by-law contemplated in section 116, or as the case may be, a copy of this by-law shall be sent to the council of the regional county municipality and, for registration, to the Commission, within fifteen days of its date of adoption or, where such is the case, of its approval where its approval is required by this Act.

Applicable
provisions.

Sections 36 to 39, 44 and 45 apply, *mutatis mutandis*, to amending by-laws or, as the case may be, original by-laws sent under this section.”

R.S.Q., c.
A-19.1, s.
60, am.

77. Section 60 of the said Act is amended

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

Presump-
tion of
non-confor-
mity.

“**60.** If, at the expiration of the fifteen days provided for in the second paragraph of section 37, the municipality has not applied to the Commission for an assessment or if the Commission’s assessment is that the amending by-law or, as the case may be, the original by-law contemplated in section 59 is not in conformity with the objectives of the development plan and with the complementary document, the amending by-law or, as the case may be, the original by-law is deemed to be not in conformity with the objectives of the plan nor with the complementary document.”;

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

Second
by-law.

“If the council of the regional county municipality does not amend the plan, the municipality may adopt a second amending by-law, or, as the case may be, an original by-law, submit it for approval and send it to the council of the regional county municipality.”

R.S.Q., c.
A-19.1, s.
61, re-
placed.

78. Section 61 of the said Act is replaced by the following section:

Prohibited
practices.

“**61.** From the passing of a resolution provided for in section 4, until the coming into force of an interim control by-law or until the date of issuance of the last certificate of conformity in respect of the planning program, the zoning, subdivision and building by-laws and, as the case may be, the by-law contemplated in section 116,

of a municipality, the following practices, except for agricultural purposes on land under cultivation, for the purposes of implementing a water and sewer service in an existing public street made by the municipality in execution of an order issued under the Environment Quality Act (R.S.Q., chapter Q-2) or for the purposes of electricity, gas or telecommunication networks or for cable distribution networks, are prohibited within the territory of the municipality:

(1) any new use of the land or new structure;

(2) any new cadastral operation or the parcelling out of a lot by alienation, except a cadastral operation required by a declaration of co-ownership made pursuant to article 441*b* of the Civil Code or the alienation of part of a building requiring the partitioning of the land on which it is situated.”

R.S.Q., c.
A-19.1, s.
62, am.

79. Section 62 of the said Act is amended by adding, at the end, the following paragraph:

Lift of
prohibition.

“Notwithstanding section 61, the prohibition against effecting a new cadastral operation in the territory of a municipality is lifted with the issuance of a permit by an officer designated by the municipality, if the intended cadastral operation has already received, before the coming into force of the resolution provided for in section 4, all the authorizations required by the municipality, as the case may be, and if the operation is effected within six months of the coming into force of that resolution, or if the following two conditions are met:

(1) the waterworks and sewer services are, on the date of the coming into force of the resolution provided for in section 4, already installed along the street where a parcel of land in respect of which a cadastral operation is intended is situated;

(2) the parcel of land is adjacent to a public street.”

R.S.Q., c.
A-19.1, s.
63, am.

80. Section 63 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

Applica-
bility.

“The by-law applies to every municipality in the territory of the regional county municipality and remains in force in the territory of a municipality until the date of issuance of the last certificate of conformity in respect of the planning program and the zoning, subdivision and building by-laws, and, as the case may be, the by-law contemplated in section 116 of that municipality.

Authoriza-
tions.

No building or subdivision permit and no certificate of authorization or occupancy may be issued pursuant to a municipal by-law unless the activity that is the object of the application has received all the authorizations required by the interim control by-law.

Interim
control
by-law.

An interim control by-law may be adopted at any time. In no case, however, notwithstanding sections 68 to 71.2, may the by-law come into force before the date the interim control measures provided under section 61 become applicable.”

R.S.Q., c.
A-19.1, s.
64, am.

81. Section 64 of the said Act, amended by section 60 of chapter 2 of the statutes of 1982, is again amended by replacing the second paragraph by the following paragraph:

Amend-
ment.

“In the case provided for in the first paragraph, the municipality may amend its zoning, subdivision or building by-law or, as the case may be, its planning program, during the interim control period. The amendment is subject to either the second or the third paragraph of section 123, as the case may be, but comes into force only from the date of its approval by the council of the regional county municipality.”

R.S.Q., c.
A-19.1, s.
65, am.

82. Section 65 of the said Act, amended by section 61 of chapter 2 of the statutes of 1982, is again amended by adding, at the end, the following paragraph:

Designated
officer.

“For the purposes of the issuance of a permit or certificate contemplated in subparagraph 3 or 4 of the first paragraph, the council of the regional county municipality may designate, for the territory of a municipality, an officer of that municipality. The council of the regional county municipality must obtain the consent of the municipality to make a valid designation.”

R.S.Q., c.
A-19.1, s.
72, re-
placed.

83. Section 72 of the said Act is replaced by the following section:

Applicable
provisions.

“**72.** In the case of a by-law amending an interim control by-law, sections 67 to 71.2 apply, *mutatis mutandis*.”

R.S.Q., c.
A-19.1, s.
74, am.

84. Section 74 of the said Act is amended

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

Loan
by-law.

“**74.** From the passing of a resolution provided for in section 4 until the date of issuance of the last certificate of conformity in respect of the planning program and the zoning, subdivision and building by-laws and, as the case may be, the by-law contemplated in section 116, of a municipality, every loan by-law of the municipality concerning the execution of public works other than rebuilding, corrective or repair works on immoveables already in place must, upon its approval, be sent to the council of the regional county municipality to obtain its opinion on the by-law. Upon receiving the by-law, the secretary-treasurer must inform in writing the municipality of the date of reception.”;

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

Opinion.

“The council of the regional county municipality must send the opinion to the municipality within thirty days of receiving the loan by-law. When submitted for approval to the Minister and to the Commission municipale du Québec, the loan by-law must be accompanied with the opinion of the council of the regional county municipality, except if the council fails to comply within thirty days.

Opinion.

The executive committee of the regional county municipality may give the opinion in the place of the council if, as the case may be, the council delegates that responsibility to it.”

R.S.Q., c.
A-19.1, s.
75, re-
placed.
Applica-
bility.

85. Section 75 of the said Act is replaced by the following section:

“**75.** The interim control measures provided for in sections 61 to 74 apply in the territory of a municipality from the date of the passing by the council of the regional county municipality of a resolution which includes the clause provided for in the third paragraph of section 48, until the date of issuance of the last certificate of conformity in respect of the planning program and the zoning, subdivision and building by-laws and, as the case may be, the by-law contemplated in section 116 of that municipality.”

R.S.Q., c.
A-19.1, s.
76, am.

86. Section 76 of the said Act is amended by replacing the first paragraph by the following paragraph:

Obligatory
by-laws.

“**76.** Within twenty-four months of the coming into force of the development plan, the council of the regional county municipality shall adopt, in respect of the territories contemplated in article 27 of the Municipal Code, a zoning by-law, a subdivision by-law, a building by-law and, if required by the plan’s complementary document, a by-law contemplated in section 116 in accordance with Chapter IV.”

R.S.Q., c.
A-19.1, s.
77, re-
placed.
Amend-
ment.

87. Section 77 of the said Act is replaced by the following section:

“**77.** If a zoning by-law, a subdivision by-law, a building by-law or a by-law contemplated in section 116 of a regional county municipality is in force in respect of the territories contemplated in article 27 of the Municipal Code at the coming into force of the development plan or of its amendment, the council of the regional county municipality shall, within twenty-four months, amend that by-law, where necessary, to bring it into conformity with the objectives of the development plan and with the complementary document.

Time
limit.

Where an amendment to the complementary document imposes on the council of the regional county municipality the obligation to adopt the by-law contemplated in section 116 in respect of all or part of the territories contemplated in the first paragraph, the council must adopt the by-law within twenty-four months of the coming into force of the amendment."

R.S.Q., c.
A-19.1, s.
81, am.

88. Section 81 of the said Act, amended by section 67 of chapter 2 of the statutes of 1982, is again amended by replacing the fourth paragraph by the following paragraph:

Copy.

"In the case provided for in section 111, a copy of the resolution, together with a notice of the date of its passing, shall also be sent to the Minister of Energy and Resources for the purposes of the cadastre."

R.S.Q., c.
A-19.1, s.
98, am.

89. Section 98 of the said Act is amended by replacing the second paragraph by the following paragraph:

Coming
into force.

"In any other case, the planning program comes into force on the date of the publication of the by-law contemplated in section 97 in conformity with the Act governing the municipality, or on the later date provided therein."

R.S.Q., c.
A-19.1, s.
102, am.

90. Section 102 of the said Act, amended by section 69 of chapter 2 of the statutes of 1982, is again amended by replacing the fourth paragraph by the following paragraph:

Exception.

"The first three paragraphs do not apply to a municipality in the territory of a regional county municipality in which a development plan is in force."

R.S.Q., c.
A-19.1, s.
105, am.

91. Section 105 of the said Act, replaced by section 71 of chapter 2 of the statutes of 1982, is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) from the issuance of a favourable assessment by the Commission."

R.S.Q., c.
A-19.1, s.
106, am.

92. Section 106 of the said Act is amended by replacing the first paragraph by the following paragraph:

Amend-
ment.

106. If the assessment of the Commission is that a zoning, subdivision or building by-law is not in conformity with the planning program, the municipality shall, within ninety days, amend it to bring it into conformity with the planning program. Copy of the amending by-law must be sent to the Commission for registration."

R.S.Q., c.
A-19.1, s.
110, am.

93. Section 110 of the said Act, amended by section 73 of chapter 2 of the statutes of 1982, is again amended by replacing the third paragraph by the following paragraph:

Coming
into force.

“In any other case, the amendment comes into force on the date of publication of the amending by-law in conformity with the Act governing the municipality, or on a later date provided therein.”

R.S.Q., c.
A-19.1, s.
111, re-
placed.

94. Section 111 of the said Act is replaced by the following section:

Applica-
bility.

“**111.** The interim control measures provided for in sections 61 to 73 apply, *mutatis mutandis*, to the territory of a municipality, and the municipality then has the powers provided by those sections, except a municipality whose territory is affected by a resolution passed under section 4 or the third paragraph of section 48, from the passing of a resolution of the municipal council authorizing the preparation of a planning program or from the issue of an order under section 82 until the coming into force of all the by-laws the municipality is required to adopt pursuant to section 102.”

R.S.Q., c.
A-19.1, s.
116, am.

95. Section 116 of the said Act is amended

(1) by replacing what precedes subparagraph 1 of the first paragraph by the following:

Conditions
for
granting
permit.

“**116.** The council of a municipality may, by by-law, prescribe that no building permit may be granted in its whole territory or any part thereof, unless one or more of the following conditions, which may differ according to various parts of the territory, are complied with:”;

(2) by replacing the period at the end of subparagraph 4 of the first paragraph by a semicolon;

(3) by adding, after subparagraph 4 of the first paragraph, the following subparagraph:

“(5) the land on which a structure is to be erected is adjacent to a public street.”;

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

Exemp-
tion.

“The by-law may also exempt structures for agricultural purposes on lands under cultivation from any of the provisions of subparagraphs 1, 3, 4 and 5 of the first paragraph.”

R.S.Q., c.
A-19.1, s.
118, am.

96. Section 118 of the said Act is amended by adding, at the end, the following paragraph:

Building
code.

“The council may order in the building by-law that all or part of an existing code of building standards constitutes all or part of the by-law. It may also prescribe that amendments to that code or a relevant part of it made after the coming into force of the by-law is also part of it without having to pass a by-law to prescribe the applicability of every amendment made. Such an amendment comes into force in the municipality on the date fixed by a resolution of the council; the secretary-treasurer of the municipality shall give public notice of the passing of such a resolution in conformity with the Act governing the municipality. The code or the applicable part of it is attached to the by-law and is part of it.”

R.S.Q., c.
A-19.1, s.
122, am.

97. Section 122 of the said Act is amended by adding, at the end, the following paragraph:

Partial
certificate.

“Any holder of a building permit may, on proof that the location of the foundations of the immovable being built is in conformity with the requirements of the zoning and building by-laws or with the duly approved plans and documents, and for payment of the prescribed fees, obtain from the office a partial certificate of occupancy establishing the conformity and the location of the foundations.”

R.S.Q., c.
A-19.1, s.
179, re-
placed.
Con-
sultation.

98. Section 179 of the said Act is replaced by the following section:

“**179.** The by-law contemplated in section 178 requires approval by consultation of the persons concerned, within the meaning of section 41 of the Cities and Towns Act.”

R.S.Q., c.
A-19.1, s.
187, am.

99. Section 187 of the said Act, amended by section 80 of chapter 2 of the statutes of 1982, is again amended by striking out the third paragraph.

R.S.Q., c.
A-19.1, s.
221, am.

100. Section 221 of the said Act is amended by adding, at the end, the following paragraph:

Assess-
ment of
conformity.

“If required, the Commission shall also give assessments respecting the conformity of a by-law contemplated in section 116 with the complementary document.”

R.S.Q., c.
A-19.1, s.
240, am.

101. Section 240 of the said Act is amended by adding, at the end, the following paragraphs:

Assess-
ment of
confor-
mity.

“If required, the Minister may, within the time provided for in this Act, apply to the Commission for an assessment of the conformity of a by-law contemplated in section 116 with the complementary document.

Applica-
tion.

Any application for an assessment made under this section has the same effect as a similar application made by a municipality or by the required number of property-owners or tenants, as the case may be.”

R.S.Q., c.
A-19.1, s.
241, am.

102. Section 241 of the said Act is amended

(1) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) prescribe the maximum tariff of fees exigible for the issuance of the permits and certificates contemplated in section 119 which may differ according to such categories of permits or certificates as may be determined by the Government, according to the value of the immovable, the intended structure or works or according to the area of the land;”;

(2) by replacing the second paragraph by the following paragraphs:

Remuner-
ation.

“The rules on remuneration contemplated in subparagraph 6 of the first paragraph may provide that the members of the council, including the warden, who represent municipalities governed by the Municipal Code be remunerated in accordance with a by-law adopted by them pursuant to article 428 of the said Code for the exercise of such of their functions as relate to the powers contemplated in the second paragraph of section 188 including, where such is the case, the functions devolved on them pursuant to the Act respecting municipal organization of certain territories (R.S.Q., chapter O-8) and the exercise of their functions under section 1.1, where such is the case.

Remuner-
ation.

The rules may provide that all the members of the council, including the warden, be remunerated in accordance with a by-law adopted by them pursuant to article 428 of the Municipal Code for the exercise of such of their functions as are contemplated in the second paragraph where the council includes no representative of a municipality governed by the Municipal Code and where the territory of the regional county municipality includes a territory contemplated in article 27 of the said Code.

Remuner-
ation.

Such rules may also provide for the remuneration of the warden and other members of the council for the exercise of functions other than those contemplated in the second paragraph.”

R.S.Q., c.
A-19.1, s.
256.1,
added.

103. The said Act is amended by inserting, after section 256, the following section:

Grounds
for
refusal.

“**256.1** No permit authorizing a cadastral operation may be refused in respect of a tract of land that, on 30 November 1982, does

not form one or several separate lots on the official plans of the cadastre and the metes and bounds of which are described in one or several acts registered to that date, on the sole ground that the area or the dimensions of the land do not allow it to satisfy the pertinent requirements of an interim control by-law or of a subdivision by-law, if the following conditions are observed:

(1) on the date mentioned above, the area and the dimensions of the land allow it to satisfy, where such is the case, the pertinent requirements of the regulation on cadastral operations applicable on that date in the territory where the land is situated, and

(2) a single lot results from the cadastral operation, except where the tract of land is comprised in several original lots, in which case a single lot for each original lot results from the cadastral operation.”

R.S.Q., c.
A-19.1, s.
264, am.

104. Section 264 of the said Act is amended by inserting, after subparagraph *b* of paragraph 2 of the second paragraph, the following subparagraph:

“(b.1) for the purposes of sections 125 and 129, the chairman of the council shall replace the mayor if the latter is absent or refuses or is unable to act or if the office of mayor is vacant;”.

R.S.Q., c.
A-19.1, s.
264.1, am.

105. Section 264.1 of the said Act, enacted by section 146 of chapter 18 of the statutes of 1982, is amended

(1) by replacing subparagraph 11 of the second paragraph by the following subparagraph:

“(11) the opinion provided for in section 46 or 74, respecting the advisability of a loan by-law of a municipality is given by the executive committee of the Community and must be transmitted to the municipality within sixty days from reception of the by-law by the Community;”;

(2) by replacing subparagraph 13 of the second paragraph by the following subparagraph:

“(13) government regulations made under subparagraph 6 of the first paragraph of section 241 and the second, third and fourth paragraphs of that section do not apply to the members of the Council of the Community.”

R.S.Q., c.
A-19.1, s.
264.2,
added.

106. The said Act is amended by inserting, after section 264.1, the following section:

Applica-
bility to
Q.U.C.

“**264.2** The Preliminary Title, Division II of Chapter I of Title I, sections 30 and 31, Divisions V to VII of Chapter I of Title I, Chapters VI and VII of Title I, Division II of Chapter II of Title II, Title III and Chapter I of Title IV apply to the Communauté urbaine

de Québec and to municipalities mentioned in Schedule A to the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), including the city of Québec as if the Community were a regional county municipality. Division III of Chapter I of Title I and sections 25 to 29 also apply to it to the sole extent that the other provisions mentioned in this paragraph refer to it.

Adapta-
tions.

The provisions mentioned in the first paragraph apply with the following adaptations:

(1) the secretary of the Community is deemed to be the secretary-treasurer of the regional county municipality;

(2) in addition to the items mentioned in section 5, the development plan of the Community must also include the following:

(a) the approximate density of occupation permissible in the various parts of its territory, including those parts within the urbanization perimeters;

(b) the approximate layout and the types of the main thoroughfares;

(c) the other items provided for in section 100 of the Act respecting the Communauté urbaine de Québec as it existed on (*insert here the date of the day preceding the effective date of this section*);

(3) within six months of receiving the resolution adopting a revised development plan proposal provided for in section 55, the Minister shall give the notice contemplated in section 16 to the Council of the Community;

(4) the opinion of the Council of the Community provided for in section 46 or 74, respecting the advisability of a loan by-law of a municipality, must be transmitted to the municipality within sixty days of receiving the by-law;

(5) notwithstanding section 61, the prohibition of any new land use, structure or cadastral operation or any parcelling out of a lot by alienation in the territory of a municipality included in that of the Community is lifted with the issuance of a permit by an officer designated by the municipality

(a) either when the intended land use, structure, cadastral operation or parcelling out has already received before (*insert here the date of the effective date of this section*), all the authorizations required by the municipality and by the Act and when the land use or the structure is begun not later than (*insert here the date coming six months after the coming into force of this section*) or when the cadastral operation or parcelling out is carried out within the same period,

(b) or when the two following conditions are met:

i. the waterworks and sewer services for which an authorization was received or a permit issued under the Act are already installed along the street where the land use, structure, cadastral operation or parcelling out is intended, or the by-law ordering their installation is in force;

ii. the landsite on which or in respect of which the land use, structure, cadastral operation or parcelling out is to be carried out is adjacent to a public street;

(6) government regulations made under subparagraph 6 of the first paragraph of section 241 and the second, third and fourth paragraphs of that section do not apply to the members of the Council of the Community.

Exemptions for the city of Québec.

Notwithstanding the first paragraph, the city of Québec is not bound to adopt a planning program or any by-law that its charter does not give it the power to adopt. If by the application of a provision mentioned in the first paragraph, the said city must adopt or amend a by-law that its charter gives it the power to adopt or amend, such adoption or amendment shall be made in accordance with the said charter and in accordance with the provisions mentioned in the first paragraph. In those provisions, any reference to another provision of this Act is deemed to be, for the said city, a reference to the corresponding provision of its charter. For the purposes of section 51, in the case of the said city, an owner is a person entered as such on its real estate assessment roll on the day of the adoption of the resolution mentioned in that section, and a lessee is a person entered, on the same date, as a lessee on the electoral list; in the case of a natural person, he must be of full age and a Canadian citizen.

Exemption for the city of Québec.

Only to the extent necessary for the application of the provisions mentioned in the first paragraph, and not in view of the procedure for consultation or approval provided for by Chapter IV of Title I, must the city of Québec send copies of its resolutions and by-laws and send and publish notices respecting them in accordance with this Act."

DIVISION III

AMENDMENT TO THE CADASTRE ACT

R.S.Q., c.
C-1, s. 20,
repealed.

107. Section 20 of the Cadastre Act (R.S.Q., chapter C-1) is repealed.

DIVISION IV

AMENDMENTS TO THE CITIES AND TOWNS ACT

R.S.Q., c.
C-19, s. 2,
am.

108. Section 2 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the first four paragraphs by the following paragraphs:

Applica-
bility of
sections
36-45,
46.2, 46.3.

“2. Sections 36 to 45, 46.2 and 46.3 of this Act apply to all city and town municipalities, by whatever law governed, even to those not contemplated by section 1, or whose charters repeal, replace or amend the said sections directly or indirectly.

Applica-
bility of
sections
49-64.

Sections 49 to 64 of this Act apply to all city and town municipalities, by whatever law governed, even to those not contemplated by section 1 or whose charters repeal, replace or amend the said sections directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal; but, section 52 does not apply to the city of Hull and sections 52 and 63 do not apply to the city of Laval.

Applica-
bility of
sections
112-114.

Sections 112 to 114 of this Act apply to all city and town municipalities, by whatever law governed, even to those not contemplated by section 1 or whose charters repeal, replace or amend the said sections directly or indirectly, except the cities of Québec, Montréal, Hull and Laval.

Applica-
bility of
sections
115-316.

Sections 115 to 316 of this Act apply to all city and town municipalities, by whatever law governed, even to those not contemplated by section 1 or whose charters repeal, replace or amend the said sections directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal; such sections apply also to the city of Laval, subject to section 20 of chapter 89 of the statutes of 1965 (1st session).”

R.S.Q., c.
C-19, s.
14.1, am.

109. Section 14.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

“supra-
municipal
body”.

“For the purposes of this section, the expression “supramunicipal body” has the meaning given to it by sections 41.2 and 41.3 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).”

R.S.Q., c.
C-19, s.
28, am.

110. Section 28 of the said Act is amended by adding, after subsection 3, the following subsection:

Moveable
property.

“(4) Notwithstanding paragraph 2 of subsection 1, the corporation may dispose by onerous title, without formality or special authorization, of moveable property of a value of less than \$1 000, if the clerk has posted at the office of the corporation prior public notice thereof of at least ten days.”.

R.S.Q., c.
C-19, s.
41, re-
placed.

Persons
concerned.

111. Section 41 of the said Act is replaced by the following section:

“41. For the purposes of sections 38 to 40 and section 42, the persons concerned are the persons who, on the day of the passing of the by-law contemplated in section 36, are the owners or tenants of immoveables comprised in the territory it is proposed to annex, or are domiciled in the territory. Every owner or tenant who is a natural person must also be of full age and a Canadian citizen.

Qualifi-
cations.

The owners must be among those entered on the assessment roll and the tenants among those entered on the schedule to the electoral list or the schedule to the assessment roll, after it has been revised as provided for by this Act or the Municipal Code, as the case may be. The persons domiciled must be among those entered on the electoral list, or the schedule to the assessment roll, as the case may be, used for the last election held in the territory concerned, after it has been revised in conformity with sections 148.4 to 148.7 of this Act, or article 257*i* of the Municipal Code, as the case may be.”

R.S.Q., c.
C-19, s.
44, am.

112. Section 44 of the said Act is amended by replacing the second paragraph by the following paragraph:

Period for
deter-
mining
right
conferred.

“For the purpose of determining a right conferred by sections 115 and 121, any period during which a person meets the requirements of such sections in the annexed territory before the annexation, is considered a period spent in the annexing municipality from the beginning, if it is still running at the time of the annexation and as long as it continues in such annexing municipality.”

R.S.Q., c.
C-19, ss.
46.2, 46.3,
added.

Annexa-
tion.

113. The said Act is amended by inserting, after section 46.1, the following sections:

“46.2 Where a municipality is annexed to another, the value entered on the real estate assessment roll or roll of rental values then in force in such municipalities are multiplied by the factor established for the roll under the Act respecting municipal taxation, from the date of the coming into force of the annexation.

Partial
annexa-
tion.

Where part only of a municipality, or the whole or part of a territory not organized into a municipality, is annexed, the first paragraph applies to the value of the immoveables or places of business situated in the territory annexed and in the municipality to which it is annexed.

Applica-
bility.

This section applies to the rolls for the fiscal year during which the annexation comes into force. It applies also to the rolls for the next fiscal year, if, after the coming into force of the annexation,

any real estate assessment roll or roll of rental value taking account of such annexation, as the case may be, is not deposited according to law, for the purposes of such fiscal year, with the corporation the territory of which has been thus enlarged.

Roll of a corporation.

“46.3 The aggregate of the rolls or parts of rolls amended in conformity with section 46.2 constitutes the roll of the corporation whose territory has been enlarged, for the fiscal year concerned.

Median proportion and factor.

The median proportion and the factor of such roll are one hundred per cent and one, respectively.”

R.S.Q., c. C-19, ss. 61, 62, repealed.
R.S.Q., c. C-19, s. 64, am.

114. Sections 61 and 62 of the said Act are repealed.

115. Section 64 of the said Act is amended by replacing the first paragraph by the following paragraph:

Failure to take oath.

“64. Failure by the mayor or a councillor to take his oath of office within the fifteen days following the date of signification of the special notice contemplated in section 166, of publication of the public notice contemplated in section 239, or from the date when he was appointed or elected pursuant to Division VIII of Chapter VI of Part I of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) renders the office vacant by the mere expiry of the prescribed time.”

R.S.Q., c. C-19, s. 115, am.

116. Section 115 of the said Act is amended by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

“(a) if he has been domiciled in such municipality for at least twenty-four months before the date of the nomination or of the appointment by the council or by the Minister of Municipal Affairs, or

“(b) if he has resided in the municipality and if he or his consort has been entered on the assessment roll in the municipality as owner for at least twenty-four months before the date of the nomination or of the appointment by the council or by the Minister of Municipal Affairs.”

R.S.Q., c. C-19, s. 116, am.

117. Section 116 of the said Act is amended by replacing paragraph 5 by the following paragraph:

Arrears.

“(5) Whosoever has not paid all his municipal dues, with the exception of such amounts as remain to be paid owing to involuntary error or omission; nevertheless, the holder of a municipal office, whichever it be, does not become disqualified to occupy it on account of not having, during his term of office, paid all his municipal dues or, if such was the case, paid the instalments within the

prescribed time, provided he pays all his dues or, if such is the case, any balance owing within thirty days of the expiry of the prescribed time;”.

R.S.Q., c.
C-19, s.
122,
repealed.
R.S.Q., c.
C-19, s.
124, re-
placed.
Entry on
the list.

118. Section 122 of the said Act is repealed.

119. Section 124 of the said Act is replaced by the following section:

“**124.** An elector who has not been domiciled in the municipality for at least twelve months before 1 September of the year in which the election is held shall be entered on the list for the ward where the immovable having, among those of which he is the owner, the greatest value entered on the real estate assessment roll is situated; if such elector has not been the owner of an immovable in the municipality, for at least the above period, he shall be entered on the list for the ward where the office or place of business having, among those where he is a tenant, the greatest value entered on the roll of rental values or, failing any such entry, for which he pays the highest rent.”

R.S.Q., c.
C-19, s.
135, am.

120. Section 135 of the said Act is amended by replacing subsection 2 by the following subsection:

Decision.

“(2) The board of revision, by its decision on each application, may confirm or revise the list; if necessary, it shall redivide the list according to polling-subdivisions, maintaining, as far as possible, an equal number of electors in each subdivision.”

R.S.Q., c.
C-19, s.
137, am.

121. Section 137 of the said Act is amended by striking out the third paragraph.

R.S.Q., c.
C-19, s.
148.3, am.

122. Section 148.3 of the said Act, amended by section 33 of chapter 2 of the statutes of 1982, is again amended by inserting, after the third paragraph, the following paragraph:

Designated
represent-
ative.

“The board of revision shall take cognizance of the resolutions filed in accordance with section 385 and add on the schedule to the list, after the name of the corporation, commercial partnership or association, the name of the representative designated in the resolution.”

R.S.Q., c.
C-19, Sub-
div. 6, ss.
148.4-
148.7,
added.

123. The said Act is amended by inserting, after section 148.3, the following:

*“§ 6.—Revision of the electoral list
for consultation purposes on a regrouping
or annexation plan*

Revision of
the list.

“148.4 Where a by-law is passed ordering the annexation of the whole or part of the territory of a municipality, or a by-law is passed to submit a joint petition for a regrouping affecting the territory of the municipality, or where the Minister of Municipal Affairs orders, in conformity with section 12 of the Act to promote the regrouping of municipalities, consultation of the persons interested in a plan for regrouping which has not been the object of a joint petition and affects the territory of the municipality, the electoral list or any part thereof used for the last election held in the territory of the municipality, or, if such is the case, in that part of the territory contemplated in the by-law for the annexation of part of the territory, shall be revised in conformity with this subdivision.

Applicable
provisions.

“148.5 Sections 129 and 132 to 145 apply, *mutadis mutandis*, to the revision, except that:

(1) every application mentioned in section 133 must be filed within five days of publication of the notice contemplated in section 129;

(2) the revision of the list or of part of the list shall be made between the sixth and the thirteenth days after publication of the notice.

Day of
deposit.

“148.6 For the purposes of the application of section 129,

(1) in the case of an annexation plan, the date on which the by-law ordering the annexation is received by the clerk of the municipality,

(2) in the case of a regrouping plan having been the object of a joint petition, the date on which the notice contemplated in section 6 of the Act to promote the regrouping of municipalities was published,

(3) in the case of a regrouping plan, if there was no joint petition, the date of the order of the Minister of Municipal Affairs contemplated in section 12 of the said Act,

is considered as the day of deposit of the list.

Qualifica-
tions.

“148.7 A natural person of full age who is a Canadian citizen may apply to be entered on the electoral list if he is domiciled in the territory of the municipality or, if such is the case, in that part of the municipality affected by the plan to annex part thereof on the date

(1) of the passing of the by-law ordering the annexation, in the case contemplated in paragraph 1 of section 148.6;

(2) of the passing of the by-law respecting the deposit of a joint petition, in the case contemplated in paragraph 2 of the said section; or

(3) of the order mentioned in paragraph 3 of the said section, in the case contemplated in the said paragraph.”

R.S.Q., c.
C-19, s.
158, re-
placed.

124. Section 158 of the said Act is replaced by the following section:

Date of
nomina-
tion.

“**158.** The nomination of candidates for an election contemplated in section 149 shall be held from twelve noon to two o’clock in the afternoon on the Sunday before the last Sunday of October or, if the polling is to take place on the first Monday of November, on the Monday before the last Monday of October.”

R.S.Q., c.
C-19, s.
170, am.

125. Section 170 of the said Act is amended by replacing subsection 3 by the following subsection:

Restric-
tion.

“(3) The returning-officer shall not recommence the election proceedings under subsection 1 more than once, and if any of the eventualities contemplated therein then occurs, Division VIII of Chapter VI of Part I of the Act respecting elections in certain municipalities apply.”

R.S.Q., c.
C-19, s.
314, re-
placed.

126. Section 314 of the said Act is replaced by the following section:

Effect of
judgment.

“**314.** If, by the final judgment, the election of the defendant is annulled and another candidate is declared elected, the latter must be recognized by the council. If the final judgment merely annuls the election without assigning the office to another person, the office is deemed vacant from the service of the judgment on the clerk.”

R.S.Q., c.
C-19, s.
357, am.

127. Section 357 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Approval.

“In no case where this Act or any general law or special Act provides that a by-law must receive an approval may the by-law be published or come into force until it has received that approval. This paragraph applies, *mutatis mutandis*, to every city or town municipality, even to those not contemplated in section 1, including the cities of Montréal and Québec.

Certificate
of
approval.

In such a case, a certificate signed by the mayor and the clerk, attesting the date of each of the required approvals, must accompany and forms part of the original of such by-law.”

R.S.Q., c.
C-19, s.
358, am.

128. Section 358 of the said Act is amended by replacing the first paragraph by the following paragraph:

Effect of
approval.

“358. The approval of a by-law or other proceeding of the council by the Government or the minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory, according to law, from its coming into force. That may be done with the same effect in the form of an authorization.”

R.S.Q., c.
C-19, s.
364, re-
placed.

129. Section 364 of the said Act is replaced by the following section:

Validity.

“364. Every by-law is executory and remains in force until replaced, repealed or annulled by competent authority, or until the expiration of the period for which it has been made.”

R.S.Q., c.
C-19, s.
365, am.

130. Section 365 of the said Act is amended by replacing the second paragraph by the following paragraph:

Exception.

“However, a council having passed a by-law requiring the approval of the Government, the Minister of Municipal Affairs or the Commission municipale du Québec may, by resolution, amend the by-law before it is so approved, without its being necessary to obtain any other approval, provided that the amendments do not result in increasing the charges upon the ratepayers or in changing the object of the by-law. The Government, the Minister or the Commission may then approve the by-law so amended.”

R.S.Q., c.
C-19, s.
385, am.

131. Section 385 of the said Act, amended by section 148 of chapter 31 of the statutes of 1982, is again amended by replacing subsection 3 by the following subsection:

One vote.

“(3) A corporation, commercial partnership or association is entitled to only one vote; when the by-law is submitted for the sole approval of the persons who are entered as property-owners, such corporation, commercial partnership or association is not entitled to vote if the immovable which it owns is exempt from municipal taxes; if the tax exemption is partial, the value is calculated in proportion to the share of real estate taxes payable with respect to such immovable.

Authorized
representative.

A corporation, commercial partnership or association shall vote through a representative authorized by it for that purpose by a resolution, a copy of which must be filed with the clerk. To vote, the representative must be of full age, be a Canadian citizen and an employee, director or member of the corporation, commercial partnership or association in whose name he votes. The above resolution is valid until it is replaced by another resolution for the same purposes.”

R.S.Q., c. C-19, Div. XI, subdiv. 2, heading VI, s. 409, repealed.

132. Heading VI of subdivision 2 of Division XI of the said Act, consisting of section 409, is repealed.

R.S.Q., c. C-19, s. 412, am.

133. Section 412 of the said Act is amended

(1) by replacing the fourth paragraph of paragraph 20 by the following paragraph:

Payment
of fine.

“The person in possession of a notice of summons may avoid the filing of a complaint against him by appearing at the place fixed by by-law and indicated in the notice of summons and by paying as a fine the sum fixed in the by-law which must not exceed ten dollars for a parking infraction or twenty-five dollars for the infraction of any other by-law contemplated in this paragraph except an infraction to any provision adopted under paragraph 3,4 or 7 of section 512 of the Highway Safety Code (R.S.Q., chapter C-24.1), in which case the sum must be equal to the minimum provided for in the said Code for a fine relating to an infraction to any provision thereof respecting the same matter. The payment of the fine and the receipt given by the person designated by the council free the offender of any other penalty in connection with that infraction.”;

(2) by replacing paragraph 23.1 by the following paragraph:

Fire
prevention;

“(23.1) (a) To require the owner of a dwelling to instal therein one or several of the following apparatuses or devices: a smoke detector, a heat detector, an alarm system, an automatic sprinkler, a fire extinguisher, a fire hose, any other fire warning, fire extinguishing or fire fighting apparatus or device, or a fire escape;

Standards;

(b) To require a level of quality for any apparatus or device it requires to be installed, particularly be reference to standards prescribed or approval given by a third person;

Location;

(c) To prescribe the place in a dwelling where each apparatus or device must be installed;

Subsidy;

(d) To grant to the owner of a dwelling a subsidy to cover the whole or part of the cost of installing an apparatus or a device, on such conditions as it may determine;

Good
working
order;

(e) To require the owner, lessee or occupant of a dwelling to keep the apparatus or device in good working order;

Standards;

(f) To prescribe upkeep or installation standards for the apparatus or equipment, particularly by reference to standards prescribed by a third person;

Categories.

(g) To establish categories of dwellings, apparatuses or devices and to prescribe different rules for each category.”

R.S.Q., c.
C-19, s.
415, am.

134. Section 415 of the said Act is amended

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

Streets.

“(1) Subject to the provisions of the Public Streets Act (R.S.Q., chapter R-27), to order the opening of new streets, the closing, widening, extension or changing of existing streets, and to prescribe the manner of making and maintaining the streets of the municipality wholly or partly at the expense thereof or of the owners of adjoining lots, as the council may deem expedient, according to such plans and on such conditions as it may deem advisable; however, the by-law ordering the closing of one or of several streets must provide for the indemnity, if there be occasion therefor.”;

(2) by inserting after paragraph 12 the following paragraph:

Servitudes.

“(13) To acquire, by agreement or by expropriation, perpetual or temporary right of way on any immovable, in favour of a street or public road to which the immovable is adjacent and for the maintenance of which the municipality is responsible, through which access to such street or road from the immovable is prohibited; to order that the servitude applies only to the access of vehicles or a category thereof; to enact that the servitude applies only during certain periods; to establish categories of vehicles and prescribe by-laws for the application of the servitude which differ depending on the categories.

Restriction.

In no case may the council acquire a right of way with respect to an immovable under this paragraph if the right of way causes the immovable to be enclosed, or gives access, from that immovable, only to a street or road situated in another municipality.

Authorization.

In no case may the council, without the authorization of the Minister of Transport, avail itself of this paragraph in respect of an immovable subject to a no-access servitude acquired by the Minister so as to cause it to be inoperative or to reduce its effect.”

R.S.Q., c.
C-19, s.
460, am.

135. Section 460 of the said Act is amended by replacing paragraph 3 by the following paragraph:

Arcades.

“(3) To license, regulate or prohibit pin-ball machines, billiards, pool, pigeon-hole tables, bowling alleys, bagatelle boards, shooting galleries, electronic games and electronic games arcades;”.

R.S.Q., c.
C-19, s.
468, am.

136. Section 468 of the said Act is amended by adding, at the end, the following paragraphs:

“services”.

“In this subdivision, the word “services” includes services designed for carrying on the management of a municipality, for the

administration of its by-laws and the law, and for carrying out its decisions, and particularly includes the services of inspection and control.

Sharing of
services.

Where several municipalities, by means of an agreement, share the services of an officer whom each municipality must have or appoint according to law, each party to the agreement is deemed to comply with that obligation.”

R.S.Q., c.
C-19, s.
468.26,
am.
Tariffs.

137. Section 468.26 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“The board of directors may, by by-law, establish a tariff applicable to expenses occasioned by an act or a category of acts performed in Québec, the purpose of which is not travel outside Québec. The payment of the amount provided for in the tariff for an expense incurred by a member of the board of directors on behalf of the management board is approved by the board of directors on presentation of a statement with the vouchers prescribed by by-law.

Appropriations.

The board of directors may provide sufficient appropriations in the budget of the management board for the reimbursement of a category of expenses which the members of the board of directors may incur on behalf of the management board during the fiscal period, whether such expenses are actually incurred or provided for in the tariff. The board of directors is not required to give prior authorization for an expense included in such a category, if it does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.”

R.S.Q., c.
C-19, s.
468.32,
am.

138. Section 468.32 of the said Act is amended by replacing the second paragraph by the following paragraph:

Moveable
property.

“Notwithstanding subparagraph 2 of the first paragraph, it may dispose by onerous title, without formality or special authorization, of moveable property of a value of less than \$ 1 000, if the secretary has posted at the office of each interested corporation prior public notice thereof of at least ten days.”

R.S.Q., c.
C-19, s.
468.51,
am.

139. Section 468.51 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) sections 473, 477.1, 564 and 565, subsections 1 to 8 of section 573 and sections 573.1 to 573.3;”.

R.S.Q., c.
C-19, s.
469.1,
added

Joining of
agreement.

140. The said Act is amended by inserting, after section 469, the following section:

“**469.1** The parties to an agreement contemplated in this subsection and in subparagraph *b* of paragraph 10 of section 413

may provide therein that any other municipality may join the agreement.

Conditions. An agreement which provides that it may be joined must determine, or provide a mechanism for determining, all or part of the conditions of joining. Such conditions are effective notwithstanding any inconsistent provision of any general or special Act.

Resolution. A municipality, by resolution of its council, may join an agreement which provides therefor, on the conditions determined by or pursuant to the agreement.

Approval. A municipality which joins an agreement must transmit, for approval, a copy of the resolution and, where such is the case, a statement of the conditions not determined in the agreement, to the Minister of Municipal Affairs and to any other minister or any body that must approve the agreement.

Sending of documents. Not less than thirty days before sending the documents provided for in the fourth paragraph, the municipality must send the same documents to each party to the agreement.

Party to the agreement. The municipality becomes a party to the agreement once the resolution and, where such is the case, the conditions of joining not determined in the agreement have received every required approval. The agreement is then deemed amended accordingly and the Minister of Municipal Affairs may, if necessary, amend the order establishing the management board which he issued in accordance with section 468.11."

R.S.Q., c. C-19, s. 475, repealed.
R.S.Q., c. C-19, s. 481.1, added.
Interest on unpaid taxes.

141. Section 475 of the said Act is repealed.

142. The said Act is amended by inserting, after section 481, the following section:

"481.1 Once only in each fiscal period, the council may by resolution order the rate of interest fixed by it pursuant to the third paragraph of section 481 applied also to the principal of taxes unpaid before the beginning of that fiscal period, for the duration of that period and every subsequent period for which the council does not fix a different rate by virtue of this section. However, it does not apply to the whole or any part of the principal of a tax paid between the beginning of the fiscal period and the date of passage of the resolution. The clerk shall give public notice of the passage of the resolution."

R.S.Q., c. C-19, s. 487, am.

143. Section 487 of the said Act is amended by adding, at the end, the following paragraph:

Profes-
sional
fees.

“The first two paragraphs apply for the purposes of the payment of professional fees related to the works contemplated, whether or not they were carried out.”

R.S.Q., c.
C-19, s.
489,
added.
Special
tax.

144. The said Act is amended by inserting, after section 488, the following section:

“**489.** Any municipality may impose, in accordance with section 487, a special tax for the purposes of paying:

(1) sums the payment of which is imposed on it by an order made under section 35 or 61 of the Environment Quality Act (R.S.Q., chapter Q-2);

(2) sums claimed under section 113 of the said Act; or

(3) sums that it owes the Société québécoise d’assainissement des eaux under the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.21).”

R.S.Q., c.
C-19, s.
514, am.

145. Section 514 of the said Act is amended

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

Publica-
tion.

“**514.** Such notice shall also be published twice in a newspaper circulated in the district. The sale cannot be held before the expiration of fifteen days from the second publication.”;

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

Notice.

“The clerk shall, within fifteen days from the second publication, cause a notice to be published in the *Gazette officielle du Québec* indicating in which newspaper and on what dates the publications provided for in the first paragraph were made.”

R.S.Q., c.
C-19, s.
542.1,
added.
Renovation
subsidies.

146. The said Act is amended by inserting, after section 542, the following section:

“**542.1** The council may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant, for buildings or parts of buildings that have been rebuilt, renovated, restored, enlarged or converted in conformity with a revitalization program, subsidies designed to compensate for the increase in real estate taxes that may result from the reassessment of such buildings after completion of the work.

Revitaliza-
tion pro-
gram.

The revitalization program contained in the by-law contemplated in the first paragraph may be aimed, in the whole or any part of the municipality, at promoting the renovation, restoration or enlargement

of buildings, the construction or reconstruction of residential buildings or the conversion of buildings into residential buildings.

Limits. In no case may the amount of the subsidies contemplated in the first paragraph exceed the following amounts:

(1) for the fiscal period in which the work was completed and the following fiscal period, that amount must not exceed the difference between the amount of the real estate taxes that would be due had the assessment of the building not been altered and the amount of the taxes actually due; and

(2) for the second fiscal period following the fiscal period in which the work was completed, that amount must not exceed fifty per cent of the difference between the amount of the real estate taxes that would be due had the assessment of the building not been altered and the amount of the taxes actually due.

Contestation. Where any entry on the roll relating to the assessment of a building eligible for a subsidy under this section is contested, the subsidy is paid only when a final decision has been rendered on the contestation.

Residential building. In the case of a residential building, no subsidy is payable unless the owner demonstrates, in the manner prescribed in the by-law, that the price charged to his lessees for rent has not been increased as a result of the increase in the real estate taxes."

R.S.Q., c. C-19, s. 567, am. **147.** Section 567 of the said Act is amended by adding, after subsection 2, the following subsection:

Loan by-law. "(3) A municipality which causes works subsidized in whole or in part by the Government or one of its ministers or agencies to be carried out may, by by-law requiring the approval of only the Minister of Municipal Affairs and the Commission municipale du Québec, order a loan by note or by an issue of bonds for an amount not exceeding the amount of the subsidy and for a term corresponding to the period fixed for the payment of the subsidy."

DIVISION V

AMENDMENTS TO THE ACT RESPECTING THE COMMISSION MUNICIPALE

R.S.Q., c. C-35, s. 63, am. **148.** Section 63 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing the first paragraph by the following paragraph:

Notice. **"63.** Within fifteen days of the order, the person designated shall give public notice of the day, hour and place of the sale. Such

notice shall contain a description, according to the provisions of article 2168 of the Civil Code, of the immoveables the sale whereof is so ordered, stating the name of the owner according to the real estate assessment roll, and it shall be posted up at the places where municipal notices are posted up. The notice must also, within the same period, be published twice in a newspaper circulated in the municipality.”

R.S.Q., c.
C-35, s.
64, am.

149. Section 64 of the said Act is amended

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

Date of
sale.

“**64.** The sale cannot be held before the expiration of the fifteen days following the date of the second publication provided for in section 63.”;

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

Notice.

“The person in charge of the sale shall, within fifteen days from the second publication, cause a notice to be published, free of charge, in the *Gazette officielle du Québec* indicating in which newspaper and on what dates the publications provided for in section 63 were made.”

DIVISION VI

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

R.S.Q., c.
C-37.1, s.
40.1,
added.

150. The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 40, the following section:

Approval.

“**40.1** In no case where this Act or any other general law or special Act provides that a by-law must receive an approval may the by-law be published or come into force until it has received that approval.

Certificate
of
approval.

In such a case, a certificate signed by the chairman of the council and the secretary, attesting the date of each of the required approvals, must accompany and forms part of the original of such by-law.”

R.S.Q., c.
C-37.1, s.
41, am.

151. Section 41 of the said Act is amended by replacing the first paragraph by the following paragraph:

Effect of
approval.

“**41.** The approval of a by-law or other proceeding of the Council by the Government or the minister, body or person whose approval is required has no other effect than that of rendering such

by-law or proceeding executory, according to law, from its coming into force. Such approval may be replaced by an authorization.”

R.S.Q., c.
C-37.1, s.
46,
replaced.

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

Validity.

“**46.** Every by-law shall be executory and remain in force until replaced, repealed or annulled by competent authority, or until the expiry of the period for which it has been passed.”

R.S.Q., c.
C-37.1, s.
61,
repealed.

153. Section 61 of the said Act is repealed.

DIVISION VII

AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

R.S.Q., c.
C-37.2, s.
59.1,
added.

154. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 59, the following section:

Approval.

“**59.1** In no case where this Act or any other general law or special Act provides that a by-law must receive an approval may the by-law be published or come into force until it has received that approval.

Certificate
of
approval.

In such a case, a certificate signed by the chairman of the Council and the secretary, attesting the date of each of the required approvals, must accompany and forms part of the original of such by-law.”

R.S.Q., c.
C-37.2, s.
60, am.

155. Section 60 of the said Act is amended by replacing the first paragraph by the following paragraph:

Effect of
approval.

“**60.** The approval of a by-law or other proceeding of the Council by the Government or the minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory, according to law, from its coming into force. Such approval may be replaced by an authorization.”

R.S.Q., c.
C-37.2, s.
65,
replaced.
Validity.

156. Section 65 of the said Act is replaced by the following section:

“**65.** Every by-law shall be executory and remain in force until replaced, repealed or annulled by competent authority, or until the expiry of the period for which it has been passed.”

R.S.Q., c.
C-37.2, s.
81,
repealed.

157. Section 81 of the said Act is repealed.

R.S.Q., c.
C-37.2, s.
209, am.

158. Section 209 of the said Act, amended by section 82 of chapter 18 of the statutes of 1982, is again amended

(1) by adding, at the end of the second paragraph, the following: “The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies if the appropriations mentioned therein have not been adopted by the Council. The treasurer shall file the amendment in the office of the secretary. The secretary shall notify the Council thereof at the first meeting held after the filing.”;

(2) by adding, at the end of the sixth paragraph, the following: “The same applies to amendments made to the certificate.”

DIVISION VIII

AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

R.S.Q., c.
C-37.3, s.
11, re-
placed, ss.
11.1-11.3,
added.
Remunera-
tion and
pension.

159. Section 11 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is replaced by the following sections:

“**11.** The chairman, the vice-chairman and the other members of the executive committee are entitled to the remuneration, allowance and contributory pension, fixed by by-law of the Council and paid by the Community.

Effect of
by-law.

The by-law fixing the remuneration or allowance may have effect retroactively to 1 January preceding its coming into force.

Applica-
bility.

The by-law fixing the pension does not apply to any 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).

Authoriza-
tion of
expenses.

“**11.1** The expenses actually incurred by any member of the executive committee on behalf of the Community must, in each case, have been previously authorized by the committee. The latter shall approve payment thereof upon receipt of a statement with vouchers annexed.

Tariff.

“**11.2** The executive committee may establish a tariff applicable where expenses are incurred by any of its members on behalf of the Community.

Approval.

Payment of an amount provided for in the tariff for an expense referred to in the first paragraph shall be approved by the committee upon receipt of a statement with the voucher required by the committee.

Appropriations.

“11.3 The Council may provide sufficient appropriations in the budget of the Community for the reimbursement of a category of expenses which the members of the executive committee may incur on behalf of the Community during the fiscal year, whether such expenses are actually incurred or provided for in the tariff.

Authorization
unrequired.

The executive committee is not required to give prior authorization for an expense included in such a category, if it does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

Unforeseen
expenses.

If all the appropriations for a fiscal year have been used, the executive committee may appropriate, for the purposes provided in this section, all or part of the balance of the sums provided for in the budget to cover unforeseen administrative expenses.”

R.S.Q., c.
C-37.3, s.
37, am.

160. Section 37 of the said Act is amended

(1) by replacing the seventh paragraph of subsection 1 by the following paragraphs:

Remuneration.

“The chairman and the vice-chairman of the Council are entitled to the remuneration and additional allowance fixed by by-law of the Council and paid by the Community.

Effect of
by-law.

The by-law may have effect retroactively to 1 January preceding its coming into force.”;

(2) by adding, at the end of subsection 3, the following paragraphs:

Question
period.

“Every meeting of the Council must include a period during which the persons attending may put oral questions to the members of the Council.

Internal
by-laws.

The Council may make by-laws respecting its administration and internal management.

Procedure.

The by-laws may, in particular, prescribe the length and time of the question period at meetings of the Council, and the procedure to be followed to put a question.”

R.S.Q., c.
C-37.3, s.
41, am.

161. Section 41 of the said Act is amended

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

Remuneration.

“41. The Council, by by-law, shall fix the remuneration and allowance of its members. Such remuneration and allowance are paid by the Community.

Effect of
by-law. The by-law may have effect retroactively to 1 January preceding
its coming into force.

Applicable
provisions. Sections 11.1 to 11.3 apply in respect of members of the Coun-
cil who are not members of the executive committee.”;

(2) by striking out the fourth paragraph.

R.S.Q., c.
C-37.3, s.
46.1,
added. **162.** The said Act is amended by inserting, after section 46,
the following section:

Approval. “**46.1** In no case where this Act or any other general law or
special Act provides that a by-law must receive an approval may
the by-law be published or come into force until it has received that
approval.

Certificate
of
approval. In such a case, a certificate signed by the chairman of the Council
and the secretary, attesting the date of each of the required approvals,
must accompany and forms part of the original of such by-law.”

R.S.Q., c.
C-37.3, s.
47, am. **163.** Section 47 of the said Act is amended by replacing the
first paragraph by the following paragraph:

Effect of
approval. “**47.** The approval of a by-law or other proceeding of the Coun-
cil by the Government or the minister, body or person whose appro-
val is required has no other effect than that of rendering the by-law
or proceeding executory, according to law, from its coming into force.
Such approval may be replaced by an authorization.”

R.S.Q., c.
C-37.3, s.
52,
replaced. **164.** Section 52 of the said Act is replaced by the following
section:

Validity. “**52.** Every by-law shall be executory and remain in force until
replaced, repealed or annulled by competent authority, or until the
expiry of the period for which it has been passed.”

R.S.Q., c.
C-37.2, s.
68, re-
pealed. **165.** Section 68 of the said Act is repealed.

R.S.Q., c.
C-37.3, s.
70.1,
added. **166.** The said Act is amended by inserting, after section 70,
the following section:

Meetings
open to the
public. “**70.1** Every meeting of any committee shall be open to the
public.

Question
period. It must include a period during which the persons attending may
put oral questions to the members of the committee.

Procedure. The Council may make by-laws respecting the administration
and internal management of a committee. It may, in particular, by
such by-laws, prescribe the length and time of the question period,
and the procedure to be followed to put a question.”

R.S.Q., c.
C-37.3, s.
86, am.

167. Section 86 of the said Act is amended by adding, at the end, the following paragraph:

Municipal
agree-
ments.

“However, in order to make an agreement with a municipality in its territory, the Community shall proceed according to sections 96.2 to 96.4.”

R.S.Q., c.
C-37.3, s.
93, am.

168. Section 93 of the said Act is amended

(1) by replacing what precedes subparagraph *a* of the first paragraph by the following:

Compe-
tence of
the Com-
munity.

“**93.** The Community has such competence as is provided by this Act in the following matters:”;

(2) by striking out subparagraph *b* of the first paragraph;

(3) by striking out subparagraph *g* of the first paragraph.

R.S.Q., c.
C-37.3, s.
94.1,
added.

169. The said Act is amended by inserting, after section 94, the following section:

Compe-
tence of
the Com-
munity.

“**94.1** The Community also has such competence as may be conferred on it by another Act, in particular,

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

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

R.S.Q., c.
C-37.3, ss.
96.1-96.4,
added.

170. The said Act is amended by inserting, after section 96, the following sections:

Delegation
of powers.

“**96.1** The Government or one of its ministers or agencies may delegate non-discretionary powers to the Community.

Accept-
ance.

The Community may accept such delegation and exercise such powers.

Carrying
out of the
agreement.

“**96.2** Municipalities which enter into an agreement may, with the consent of the Community, provide therein that the Community is liable for the carrying out of the agreement instead of an inter-municipal committee or board, as the case may be. The agreement must not only contain such components as are required by the Act under which it is entered into, but it must also specify in detail the powers and obligations of the Community.

Consent.

The consent of the Community is given by by-law of the Council. The by-law is included in the by-laws of the municipalities that are forwarded to the Minister with the agreement for his approval.

Powers
and obliga-
tions.

If the agreement is approved, the Community has the powers and obligations necessary for its carrying out and specified therein.

Agree-
ment.

"96.3 The Community and a municipality may enter into an agreement, in accordance with the Act governing the latter, in which the Community undertakes to supply the municipality with a service or receives from the latter a delegation of jurisdiction.

Presump-
tion.

In such a case, the Community is deemed to be a municipal corporation for the purposes of the provisions of the said Act concerning intermunicipal agreements on the supply of services or the delegation of jurisdiction.

Carrying
out of the
agreement.

"96.4 Except for the vote on the by-law by which the Community agrees to be liable for the carrying out of an agreement or authorizes it to be made under sections 96.2 and 96.3, respectively, only the parties representing the municipalities taking part in the agreement are entitled to vote in the Council on a question relating to its carrying out.

Division of
the votes.

The rules regarding the division of the votes among such representatives and the other rules on the decision to be taken by the Council are provided in the agreement."

R.S.Q., c.
C-37.3,
Tit. I, Div.
VII, Sub-
div. 2, ss.
100-113,
repealed.
R.S.Q., c.
C-37.3, s.
117, am.
Sale of
sites in
industrial
park.

171. Subdivision 2 of Division VII of Title I of the said Act, comprising sections 100 to 113, is repealed.

172. Section 117 of the said Act is amended by replacing subsection 6 by the following subsection:

"(6) Notwithstanding any legislative provision to the contrary, the Community is authorized to sell any site in an industrial park, for a fixed price, with the authorization of the Minister and of the Minister of Industry, Commerce and Tourism, providing for an eventual adjustment with any purchaser if the cost price, once established, is lower or higher than such fixed price. The Community may waive any privilege or hypothec on sites thus sold in the event that the cost price of such sites is higher than the fixed price, and the claim of the Community then becomes an unsecured claim."

R.S.Q., c.
C-37.3,
Tit. I, Div.
VII, Sub-
div. 7, ss.
124, 125,
repealed.
R.S.Q., c.
C-37.3, s.
147, am.
R.S.Q., c.
C-37.3, ss.
147.1-
147.3,
added.

173. Subdivision 7 of Division VII of Title I of the said Act, comprising sections 124 and 125, is repealed.

174. Section 147 of the said Act is amended by striking out the second paragraph.

175. The said Act is amended by inserting, after section 147, the following sections:

Report. “**147.1** Not later than the day the budget of the Community is submitted to the Council, the chairman shall report on the financial situation of the Community, at a meeting of the Council.

Content. The chairman shall deal with the latest financial statements, the latest report of the auditor and the latest three-year fixed assets program, with preliminary instructions regarding the financial statements for the fiscal year preceding that for which the next budget is made, and with the general direction of the next budget and the next three-year fixed assets program.

Distribution. The text of the chairman’s report is distributed free of charge to each address in the territory of the Community. In addition to or instead of the distribution, the Council may order that the text be published in a newspaper circulated in the territory.

Notice. “**147.2** The secretary shall give public notice of the meeting at which the budget or the three-year fixed assets program must be submitted to the Council, not later than eight days before it takes place.

Agenda. At that meeting, the deliberations of the Council and the question period deal exclusively with the budget or the three-year program.

Distribution. “**147.3** The adopted budget or three-year program, or any explanatory document therefor, is distributed free of charge to each address in the territory of the Community. In addition to or instead of the distribution, the Council may order that the budget, the three year program or the explanatory document be published in a newspaper circulated in the territory.”

R.S.Q., c. C-37.3, ss. 148, 149, replaced. **Budgets.** **176.** Sections 148 and 149 of the said Act are replaced by the following sections:

“**148.** The executive committee shall draw up the budget of the Community. It shall file the budget in the office of the secretary of the Community, with its recommendations on that budget and the budget of the Commission de transport. The secretary shall send a copy of each document so filed and of the budget of the Commission de transport to each municipality and member of the Council, not later than 15 October.

Appropriations. Not later than 15 September each year, the treasurer shall determine in a certificate the appropriations he considers necessary for the next fiscal year for payment of the interest on securities issued or to be issued by the Community, for repayment or redemption of such securities and for the requirements of their sinking funds and any other charge related to the debt of the Community except,

however, the amounts required in principal, interest and accessories in relation to the issue of treasury bills, loans contracted in anticipation of revenue and renewable loans falling due during the fiscal year covered by the budget. The treasurer shall also determine in such certificate the appropriations necessary to meet, during the next fiscal year, the obligations undertaken by the Community during previous fiscal years. The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies if the appropriations mentioned therein have not been adopted by the Council. The treasurer shall file the amendment in the office of the secretary. The secretary shall notify the Council thereof at the first meeting held after the filing.

Appropriations.

The treasurer shall also include in the certificate contemplated in the second paragraph the appropriations necessary, during the next fiscal year, to pay the obligations of the Community under the collective agreements then in force, or under legislative or regulatory provisions adopted by the Gouvernement du Québec or the Government of Canada or one of its ministers or bodies.

Amounts included.

The amounts shown in the certificate shall be included in the budget of the Community for the fiscal year covered by the budget.

Unforeseen expenses.

The budget shall also appropriate an amount of at least 1.5% of the expenses of the Community to cover expenditures not provided for in the budget, the settlement of claims and the payment entailed by court sentences.

Applicability.

The second, third, fourth and fifth paragraphs apply, *mutatis mutandis*, in respect of the budget of the Commission de transport. However, in respect of the budget, the certificate contemplated in the second paragraph or an amendment to it shall be transmitted to the office of the secretary of the Community by the treasurer of the Commission de transport within the time prescribed in that paragraph.

Submission of budgets.

“149. The budget of the Community and the budget of the Commission de transport shall be submitted to the Council not later than 15 November at a special meeting called for such purpose.

Adoption of the budgets.

Such meeting shall be adjourned as often as necessary and shall not be closed until the budgets have been adopted. If there is not a quorum, the meeting shall be automatically adjourned to eight o'clock in the evening on the following juridical day.

Amendment.

The Council may, on its own motion, amend the budgets.

Separate adoption.

The Council is not bound to adopt simultaneously all the appropriations of the budget and thus may adopt every appropriation separately.

Provisional
adoption.

The Council may also, before 1 January, adopt temporarily, for a period of three months, one-quarter of every appropriation provided for in the budget. The same applies before each period beginning 1 April, 1 July and 1 October. The Council may thus adopt at the same time

(1) three-quarters of every appropriation, if it does so before 1 April, and

(2) two-quarters of every appropriation, if it does so before 1 July.

Presump-
tion of
adoption.

If, on 1 January, the budget of the Community or of the Commission de transport has not been adopted, one-quarter of each of the appropriations provided for in the budget of the preceding fiscal year, with the exception of those mentioned in the seventh paragraph, is deemed adopted and shall come into force. The same applies on 1 April, 1 July and 1 October if on each of those dates the budget has not been adopted.

Excep-
tions.

The presumption of adoption and the coming into force provided for in the sixth paragraph do not apply to the appropriations provided for in the budget for the preceding fiscal year, which correspond

(1) to those mentioned in the certificate of the treasurer contemplated in section 148;

(2) to those then adopted separately under the fourth paragraph; and

(3) to those one-quarter of which has then been adopted under the fifth paragraph for the same period of three months.

Presump-
tion of
adoption.

In the hypothesis mentioned in the sixth paragraph, the appropriations mentioned in the certificate of the treasurer contemplated in section 148 and included in the budget that is being studied are deemed to be adopted on 1 January and shall then come into force.

Retroac-
tive effect.

The adoption, after 1 January, of the budget or one of its appropriations in accordance with the fourth paragraph is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom."

R.S.Q., c.
C-37.3, s.
151, am.

177. Section 151 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Supple-
mentary
budget.

"The supplementary budget is prepared, deposited and forwarded according to the rules applicable to the annual budget, *mutatis*

mutandis. A copy of the budget must be sent to the municipalities and the members of the Council not less than fifteen days before it is submitted to the Council.

Submission
of supple-
mentary
budget.

The supplementary budget is submitted to the Council at a special meeting called for that purpose. Such meeting may close without the budget's being adopted.

Amend-
ment.

The Council may, on its own motion, amend the supplementary budget.

Presump-
tion of
adoption.

If the supplementary budget is not adopted within fifteen days from the day it is submitted, the appropriations mentioned in the certificate of the treasurer contemplated in section 148 and included in the budget are nevertheless deemed to be adopted and shall come into force on the expiry of that period."

R.S.Q., c.
C-37.3, s.
183,
replaced.
Remunera-
tion.

178. Section 183 of the said Act is replaced by the following section:

"**183.** The Council shall fix, by by-law, the remuneration and allowance of the members of the board of management of the Commission de transport other than the director general. The remuneration and allowance shall be paid by the Commission out of its revenue.

Effect of
by-law.

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

Pension.

The Council shall fix, by by-law, the rules concerning the pension of the members of the board of management of the Commission de transport other than the director general. It must be a contributory pension. It is paid by the Commission out of its revenue. 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., c.
C-37.3, s.
206,
repealed.
R.S.Q., c.
C-37.3, s.
207, am.

179. Section 206 of the said Act is repealed.

180. Section 207 of the said Act is amended by replacing the fifth, sixth and seventh paragraphs by the following paragraph:

Applicable
provision.

"Subject to the first four paragraphs, section 151 applies, *mutatis mutandis*, to the supplementary budget."

R.S.Q., c.
C-37.3, s.
209,
replaced.
Applicable
provisions.

181. Section 209 of the said Act is replaced by the following section:

"**209.** Sections 146, 154 and 155 apply, *mutatis mutandis*, to the Commission de transport."

R.S.Q., c.
C-37.3, s.
212,
replaced.

182. Section 212 of the said Act is replaced by the following section:

Share of
municipali-
ties.

“212. The Commission de transport, by by-law approved by the Council, shall establish the rules respecting the terms and conditions of the payment by the municipalities listed in Schedule B of their share of the anticipated deficit for the fiscal period contemplated in the budget.

Payment.

The by-law may, in particular, prescribe for every situation contemplated in section 149 or 207,

(1) the prescribed time for determining each share and informing the municipalities of it;

(2) the prescribed time for payment of the share or the dates when the instalments granted to pay it are due;

(3) the rate of interest payable on each share or any instalment outstanding;

(4) the adjustments that may arise from the deferred adoption of all or part of the budget or the successive use of provisional and final data in the computation of the fiscal potential of a municipality.

Rate of
interest.

Instead of fixing the rate of interest on a share or an instalment outstanding, the by-law may provide that such rate be fixed by resolution of the Commission when its budget is transmitted.”

R.S.Q., c.
C-37.3, s.
248, am.

183. Section 248 of the said Act is amended by replacing the fourth and fifth paragraphs by the following paragraphs:

Payment
of share.

“Each municipality shall pay its share according to the terms and conditions provided by the by-law contemplated in section 212 or 251.

Interest.

Any instalment unpaid when due bears interest, without formal notice, at the rate provided by the by-law or, where such is the case, by the resolution contemplated in section 212 or 251.”

R.S.Q., c.
C-37.3, s.
249,
replaced.

184. Section 249 of the said Act is replaced by the following section:

Adjust-
ment.

“249. Where the Community or the Commission de transport makes an adjustment to the shares of the municipalities, in conformity with the by-law contemplated in section 251 or 212, the tax accounts of the municipalities must take such adjustment into account. If the accounts have been sent before the adjustment, new accounts must be sent which cancel the first. If, by virtue of the first account, a taxpayer has paid a sum greater than the sum he must

pay by virtue of the second account, the municipality shall refund the difference to him within thirty days of the sending of the second account.

Additional
or credited
amount.

Notwithstanding the first paragraph, the municipality may decide to exact the tax supplement by adding it to the account for the ensuing fiscal year or refund any overpayment by giving to the taxpayer an equivalent credit on his account for the ensuing fiscal year.

Interest.

The amount of the supplement bears interest from the date on which it is exigible following the sending of a demand for payment, in accordance with the law governing the municipality. The amount of any overpayment bears interest at the same rate as the tax contemplated, from the date the overpayment was made."

R.S.Q., c.
C-37.3, s.
251, am.

185. Section 251 of the said Act is amended by replacing the first paragraph by the following paragraphs:

Apportion-
ment.

"251. The expenses of the Community, except expenses relating to a service governed by a special tariff, shall be apportioned among the municipalities in proportion to their respective fiscal potentials.

Payment.

The Council shall establish by by-law the rules respecting the terms and conditions of the payment of the share of those expenses for the fiscal period contemplated in the budget.

Terms and
conditions.

The by-law may, in particular, prescribe for every situation contemplated in section 149 or 151

(1) the time limit for determining each share and informing the municipalities of it;

(2) the time limit for payment of the share or the dates when the instalments granted to pay it are due;

(3) the rate of interest payable on each share or instalment outstanding;

(4) the adjustments that may arise from the deferred adoption of all or part of the budget or the successive use of provisional and final data in the computation of the fiscal potential of a municipality.

Interest.

Instead of fixing the rate of interest on a share or an instalment outstanding, the by-law may provide that such rate be fixed by resolution of the Council when its budget is examined."

R.S.Q., c.
C-37.3, s.
252, am.

186. Section 252 of the said Act is amended

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

Shares.

“The Community shall determine by resolution the share payable by each of the municipalities.”

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

Payment.

“Each municipality, within three months of the date of receipt of such notice, shall pay to the Community the amount of its share determined by the resolution adopted in accordance with the fourth paragraph.”

DIVISION IX

REPEAL OF THE MUNICIPAL OFFICERS DISMISSAL ACT

R.S.Q., c.
D-6,
repealed.

187. The Municipal Officers Dismissal Act (R.S.Q., chapter D-6) is repealed.

DIVISION X

AMENDMENTS TO THE ACT RESPECTING
MUNICIPAL AND SCHOOL DEBTS AND LOANS

R.S.Q., c.
D-7, s. 15,
am.

188. Section 15 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is amended by replacing the first paragraph by the following paragraph:

Authoriza-
tion
required.

“**15.** When a municipal or school corporation, howsoever incorporated and by whatever Act governed, or the Conseil scolaire de l’île de Montréal wishes to contract a loan from a money market other than the Canadian market or which is to be repaid in whole or in part in foreign currency, such corporation or Council must previously be authorized to do so by the Government, on the joint recommendation of the Minister of Finance and, as the case may be, the Minister of Municipal Affairs or the Minister of Education. Furthermore, the execution of any registration formality allowing access to a money market other than the Canadian market and any negotiation in respect of a loan contemplated in this paragraph must previously be authorized by the Minister of Finance and, as the case may be, the Minister of Municipal Affairs or the Minister of Education.”

R.S.Q., c.
D-7, ss.
15.1, 15.2,
added.

189. The said Act is amended by inserting, after section 15, the following sections:

Informa-
tion
required.

“**15.1** The Government may, by regulation, determine the nature and the form of the information to be given to the Minister of Finance and, as the case may be, to the Minister of Municipal Affairs or the Minister of Education, for the purposes of the carrying out of the first paragraph of section 15, as well as the time when the information must be given.

Coming
into force.

Such a regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Domicile
in foreign
country.

“15.2 Where a municipal corporation effects a loan in a foreign country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding respecting that loan.

Foreign
legislation.

In the same circumstances, the municipal corporation may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that the statutes of Québec respecting municipal loans are complied with.”

DIVISION XI

AMENDMENTS TO THE ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

R.S.Q., c.
E-2.1, s.
16, am.

190. Section 16 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is amended by striking out the second paragraph.

R.S.Q., c.
E-2.1, s.
112, re-
numbered.

191. Section 112 of the said Act, enacted by section 99 of chapter 31 of the statutes of 1982 is renumbered 111.1.

DIVISION XII

AMENDMENTS TO THE ACT RESPECTING MUNICIPAL TAXATION

R.S.Q., c.
F-2.1, s.
57, am.

192. Section 57 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding, at the end, the following paragraph:

Effect.

“The resolution remains in effect in respect of rolls subsequent to the roll contemplated in the first paragraph until it is repealed by a resolution adopted not later than 31 March preceding the coming into force of the roll on which the identification of the immoveables contemplated in this section is no longer required. The second and third paragraphs apply to the resolution for repeal.”

R.S.Q., c.
F-2.1, s.
74,
replaced.
Complaint.

193. Section 74 of the said Act is replaced by the following section:

“74. The notice provided for in section 73 must also mention that any complaint in respect of the roll must be filed before 1 May, by means of the prescribed form, on pain of being dismissed, at any

place where an application for the recovery of a small claim may be filed in accordance with Book Eight of the Code of Civil Procedure.”

R.S.Q., c.
F-2.1, s.
88,
replaced.
Conflict of
interest.

194. Section 88 of the said Act is replaced by the following section:

“**88.** No councillor, nor any officer, assessor, legal adviser or other professional employed by a municipal corporation or municipality, nor any partner or employee of such an assessor, legal adviser or other professional, may be a member of the board. In no case may a member of the board who is a civil servant hear or decide any matter in which the Government or any of its ministers or agencies is interested.”

R.S.Q., c.
F-2.1, s.
100, am.

195. Section 100 of the said Act is amended by replacing the second paragraph by the following paragraph:

Single
member.

“A division may consist of a single member to decide complaints other than those relating to units of assessment whose real estate value entered on the roll is \$250 000 or over or those complaints relating to a place of business or premises whose rental value entered on the roll is \$25 000 or over. That member must be an advocate, a notary or a person qualified to act as assessor of a municipality pursuant to section 22.”

R.S.Q., c.
F-2.1, s.
108, am.

196. Section 108 of the said Act, replaced by section 87 of chapter 2 of the statutes of 1982, is amended by replacing the first paragraph by the following paragraph:

Place of
hearing.

“**108.** Except for a complaint relating to any assessment unit whose real estate value entered on the roll is \$250 000 or over or to a place of business or premises whose rental value entered on the roll is \$25 000 or over, the board shall sit in the territory of the municipal corporation where the immoveable concerned is situated.”

R.S.Q., c.
F-2.1, s.
110,
replaced.
Minutes.

197. Section 110 of the said Act is replaced by the following section:

“**110.** Where a complaint relates to a unit of assessment whose real estate value entered on the roll is \$250 000 or over or to a place of business or premises whose rental value entered on the roll is \$25 000 or over, the secretary of the section or such person as he may authorize therefor shall prepare and sign the minutes of each hearing and file them in the record of the matter in question.

Minutes.

In other cases, minutes are not required.”

R.S.Q., c.
F-2.1, s.
114,
replaced.

198. Section 114 of the said Act is replaced by the following section:

Deposi-
tions.

“114. Where a complaint relates to a unit of assessment whose real estate value entered on the roll is \$250 000 or over or to a place of business or premises whose rental value entered on the roll is \$25 000 or over, the depositions shall be taken down by stenography, stenotyped or recorded unless the parties waive their right to appeal from the decision. The waiver must be in writing or entered in the minutes.

Deposi-
tions.

In other cases, the depositions shall be taken down by stenography, stenotyped or recorded only if the complainant so requires in writing.”

R.S.Q., c.
F-2.1, s.
118,
replaced.
Costs.

199. Section 118 of the said Act is replaced by the following section:

“118. Except for a complaint relating to a unit of assessment whose real estate value entered on the roll is \$250 000 or over or to a place of business or premises whose rental value entered on the roll is \$25 000 or over, the only costs to which the complainant may be condemned pursuant to section 115 are those of stenography, stenotyping or the recording of the depositions and their transcription, if any.”

R.S.Q., c.
F-2.1, s.
120, am.

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

Substan-
tiated
decision.

“120. Where a complaint relates to a unit of assessment whose real estate value entered on the roll is \$250 000 or over or to a place of business or premises whose rental value entered on the roll is \$25 000 or over, the decision of the board must state the reasons on which it is based, either in writing or verbally at the sitting, and be entered in the minutes.

Substan-
tiated
decision.

In other cases, the decision must state the reasons on which it is based, in writing.”

R.S.Q., c.
F-2.1, s.
129,
replaced.

201. Section 129 of the said Act is replaced by the following section:

Complaint
form.

“129. On pain of being dismissed, complaints must be made on a complaint form prescribed by regulation under paragraph 2 of section 263.”

R.S.Q., c.
F-2.1, s.
135,
replaced.

202. Section 135 of the said Act, amended by section 89 of chapter 2 of the statutes of 1982, is replaced by the following section:

Filing of
complaint.

“135. The complaint is filed by handing in, duly filled out, the complaint form prescribed by regulation made under paragraph 2 of section 263, at any place where an application for recovery of a small claim may be filed in accordance with Book Eight of the Code of Civil Procedure.

Amount
required.

On pain of being dismissed, the amount of money determined by the regulation made by the Government in accordance with paragraph 8 of section 262 must also be sent with the complaint, where applicable. When rendering its decision on the complaint, the board may order that such sum be refunded to the complainant.

Several
units of
assessment

If a complaint concerns several units of assessment, a complaint is deemed to be filed for each unit.

Assistance.

The clerk in office at the place where complaints are filed must give assistance for drawing up a complaint, and for computing any amount of money that must accompany it, to every person who requires it.

Complaint
forwarded.

The clerk shall forward the complaint without delay to the secretary of the section that has jurisdiction in the matter.”

R.S.Q., c.
F-2.1, s.
141, am.

203. Section 141 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Summary
decision.

“However, the board may summarily find for the complainant on the statement of his complaint and give notice of its decision to the parties and, in the case provided for in section 137, to the owner of the property regarding which the complaint is made, if the assessor so recommends with the agreement of the defendant parties and if none of the parties sends a notice of disagreement with the recommendation, upon the expiry of thirty days from the sending of a notice by the secretary to the parties stating the assessor’s recommendation and the proposed decision.

Agreement
or dis-
agreement.

Where such is the case, the executive committee of the defendant party may express such agreement or disagreement.”

R.S.Q., c.
F-2.1, s.
157.1,
added.

204. The said Act is amended by inserting, after section 157, the following section:

Request
for
correction.

“157.1 The assessor shall not submit a request for a correction *ex officio* in order to make an alteration to the roll that he may make pursuant to any paragraph of section 174 other than paragraph 1.”

R.S.Q., c.
F-2.1, s.
160.1,
added.

205. The said Act is amended by inserting, after section 160, the following section:

Appeal.

“160.1 No appeal lies from a decision rendered pursuant to the second paragraph of section 141.”

R.S.Q., c.
F-2.1, s.
167,
replaced.

206. Section 167 of the said Act is replaced by the following section:

Evidence.

“167. Subject to the second paragraph, the Provincial Court has jurisdiction to hear the appeal or evocation in accordance with the evidence adduced before the board, without a new proof.

Hearing of
the case.

If the depositions at the hearing of the complaint which is the subject of the appeal or evocation have not been taken by stenography, stenotyped or recorded, or in the case of the evocation of a complaint, where there has been no hearing, the case shall be heard in accordance with the provisions of the Code of Civil Procedure governing proof before the Provincial Court, *mutatis mutandis*.”

R.S.Q., c.
F-2.1, s.
174, am.

207. Section 174 of the said Act, amended by section 91 of chapter 2 of the statutes of 1982, is again amended by replacing paragraph 9 by the following paragraph:

“(9) to take account of the fact that an immoveable exempt from tax has ceased to be exempt, or vice versa; that an immoveable contemplated in section 255 has ceased to be contemplated, or vice versa; that an immoveable contemplated in any paragraph of that section becomes contemplated in one of the other paragraphs of the same section;”.

R.S.Q., c.
F-2.1, s.
175, am.

208. Section 175 of the said Act is amended by replacing the first paragraph by the following paragraph:

New
assessment.

“175. In the event of an alteration referred to in paragraph 2, 4, 6, 7, 8 or 12 of section 174, the assessor shall make a new assessment of the unit of assessment concerned. He shall do likewise in the event of an alteration referred to in paragraph 1 of that section, if the request for a correction *ex officio* so provides. The same rule applies in the case of an alteration referred to in another paragraph of section 174, where a unit of assessment is changed as a result of such alteration.”

R.S.Q., c.
F-2.1, s.
177, am.

209. Section 177 of the said Act is amended by replacing paragraphs 1 and 2 by the following paragraph:

“(1) those contemplated in paragraphs 1 and 2 of that section take effect from the day the roll comes into force;”.

R.S.Q., c.
F-2.1, s.
185, am.

210. Section 185 of the said Act is amended by adding, at the end, the following paragraph:

Effect.

“The resolution remains effective for the preparation of rolls of rental values for the fiscal periods subsequent to the fiscal period contemplated in the first paragraph until it is repealed by a resolution adopted not later than 31 March before the beginning of the fiscal period for which the preparation of a roll of rental values of the same kind is no longer required. The third and fourth paragraphs apply to the resolution for repeal.”

R.S.Q., c.
F-2.1, s.
186, am.

211. Section 186 of the said Act is amended by replacing the second paragraph by the following paragraph:

Applicable provisions.

“Section 185, with the exception of the second paragraph, applies in respect of the preparation of the roll of rental values of a municipal corporation forming part of the Communauté urbaine de Montréal intended to be used for the purposes of a tax, compensation or tariff other than the business tax. However, for the purposes of the first paragraph, the date 31 March is replaced by the date 1 January.”

R.S.Q., c.
F-2.1, s.
198.1,
added.

212. The said Act is amended by inserting, after section 198, the following section:

Joining of agreement.

“**198.1** The parties to an agreement contemplated in section 195 or 196 may provide therein that any other municipality or municipal corporation, as the case may be, may join the agreement.

Conditions of joining.

An agreement which provides that it may be joined must determine, or provide a mechanism for determining, all or part of the conditions of joining. Such conditions are effective notwithstanding any inconsistent provision of any general or special Act.

Resolution.

A municipality or a municipal corporation, as the case may be, by resolution of its council, may join an agreement which provides therefor, on the conditions determined by or pursuant to the agreement.

Approval.

The municipality or municipal corporation becomes a party to the agreement once the resolution for joining has received every required approval. It immediately sends a copy of the resolution to the other parties. The agreement is then deemed amended accordingly.”

R.S.Q., c.
F-2.1, s.
204.1, am.

213. Section 204.1 of the said Act is amended by adding, at the end, the following paragraph:

“person”.

“For the purposes of this section, the word “person” includes the Crown, a body or an institution without juridical personality.”

R.S.Q., c.
F-2.1, s.
207,
repealed.

214. Section 207 of the said Act is repealed.

R.S.Q., c.
F-2.1, s.
208, am.

215. Section 208 of the said Act is amended by adding, at the end, the following paragraph:

"person".

"For the purposes of this section, the word "person" includes the Crown, a body or an institution without juridical personality."

R.S.Q., c.
F-2.1, s.
236, am.

216. Section 236 of the said Act is amended by replacing paragraph 1 by the following paragraphs:

"(1) an activity mentioned in section 204, except the operation of a cemetery for profit, carried on anywhere by the Crown, a body, an institution or a person contemplated in that section;

"(1.1) an ordinary activity carried on anywhere by the Crown, a body, an institution or a person contemplated in any paragraph of section 204 that does not mention any particular activity, except for the activity of a person operating a system contemplated in section 66, 67 or 68;"

R.S.Q., c.
F-2.1 s.
252, am.

217. Section 252 of the said Act is amended

(1) by striking out the third paragraph;

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

Recourse
in
recovery.

"No recourse in recovery may be exercised against a debtor who pays the instalments in accordance with the maturities prescribed. The balance is due when an instalment is not paid on its maturity. The interest and the prescription period applicable to municipal real estate taxes then apply to the balance.

Rules.

Notwithstanding the fifth paragraph, the council of the municipal corporation may, by by-law, provide rules applicable in case of failure by the debtor to pay any instalment on its maturity."

R.S.Q., c.
F-2.1, s.
254.1,
added.

218. The said Act is amended by inserting, after section 254, the following section:

Demand
for
payment.

"**254.1** In no case may the amount contemplated in section 254 be paid except where the municipal corporation has filed a demand for payment on the form furnished by the Minister and within the time limit prescribed in the regulation made under subparagraph g of paragraph 2 of section 262."

R.S.Q., c.
F-2.1, s.
255, am.

219. Section 255 of the said Act, amended by section 96 of chapter 2 of the statutes of 1982, is again amended by replacing the first paragraph by the following paragraph:

Immove-
ables of the
Crown.

"**255.** With respect to an immoveable contemplated in paragraphs 1 and 2.1 of section 204 and to a place of business where

the Crown in right of Québec or the Société de la Place des Arts de Montréal carries on its ordinary business, the amounts are equal, respectively, to the aggregate of the municipal real estate taxes and to the aggregate of the business taxes that would be exigible if such immoveable were not exempt from real estate tax, and if the activities of the place of business were not exempt from business tax.”

R.S.Q., c.
F-2.1, s.
257, am.

220. Section 257 of the said Act is amended by replacing the second paragraph by the following paragraph:

Compensa-
tion.

“The amount of money paid by the Government in respect of an immoveable contemplated in the second, third and fourth paragraphs of section 255 stands in lieu of municipal real estate taxes and other compensation for municipal services.”

R.S.Q., c.
F-2.1, s.
260.1,
added.

221. The said Act is amended by inserting, after section 260, the following section:

Demand
for
payment.

“**260.1** In no case may the amount contemplated in section 260 be paid except where the municipal corporation files a demand for payment on a form furnished by the Minister covering the periods determined by the regulation made under paragraph 6 of section 262.”

R.S.Q., c.
F-2.1, s.
262, am.

222. Section 262 of the said Act, amended by section 97 of chapter 2 of the statutes of 1982, is again amended

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

“(d) designate the person who pays the amount contemplated in section 254 and prescribe the other terms and conditions of that payment; designate different persons or prescribe different terms and conditions according to such classes of immoveables or places of business as it may determine;

“(e) prescribe rules of payment or refunding applicable to the amount contemplated in section 254 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;

“(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*;

“(g) prescribe the time limit within which the demand for payment contemplated in section 254.1 must be made;”;

(2) by replacing paragraph 6 by the following paragraph:

“(6) prescribe the terms and conditions of payment of the amount contemplated in section 260, including the designation of the person paying it; prescribe the periods that a demand for payment contemplated in section 260.1 must cover;”;

(3) by replacing paragraph 8 by the following paragraphs:

“(8) require the mandatory payment of an amount of money at the same time as the filing of a complaint; provide exceptions to that requirement; in order to determine the amount, prescribe a tariff which may provide for classes of complaints; establish norms, conditions and modalities applicable to the receiving, preserving and refunding of the amount;

“(9) prescribe the enumeration used to determine the population of a municipal corporation for the purposes of a regulation made under this Act and authorize the Minister to determine the population of a municipal corporation for such purposes in the case where an incorporation, a change in a municipal territory, an amalgamation or an annexation has occurred since the enumeration used was made.”

R.S.Q., c.
F-2.1, s.
263, am.

223. Section 263 of the said Act is amended

(1) by replacing paragraph 2 by the following paragraphs:

“(2) prescribe the form or minimum content of the following notices or forms:

(a) notices of assessment;

(b) municipal tax accounts, including accounts in lieu of notices of assessment;

(c) assessor’s certificates;

(d) complaints;

(e) notices contemplated in section 153 or 180;

(f) demands for payment of a tax supplement;

“(2.1) prescribe that the complaint form is or may be combined with the assessment notice or the notice contemplated in section 153 or 180;”;

(2) by replacing paragraph 5 by the following paragraph:

“(5) prescribe rules to determine the median proportion of the actual real estate value of units of assessment or of the actual rental value of places of business or premises that corresponds to the values entered on the real estate roll or roll of rental values, respectively, of a municipal corporation; define categories of municipal

corporations and establish separate rules for each category; prescribe that the assessor must, for the purpose of determining the median proportion, use the list of sales or of leases, as the case may be, furnished by the Minister; provide that the assessor may amend the list for reasons that conform to the rules enacted under this paragraph; prescribe that the operations for computing the median proportion, including, as the case may be, the amendments to the list of sales or leases, must be entered on a form furnished by the Minister, which must be returned to him once it is completed;”.

R.S.Q., c.
F-2.1, s.
264, am.

224. Section 264 of the said Act is amended

(1) by striking out the third paragraph;

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

Approval.

“The Minister, on receiving the median proportion and the factor calculated by the assessor, shall approve them, subject to the fourth paragraph; they are thenceforth deemed established by the Minister.”;

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

Factor and
median
proportion
established
by
Minister.

“If, by 1 November, the assessor has not communicated in writing to the Minister the median proportion and the factor of the roll, the Minister may establish the median proportion and the factor in his stead. However, the assessor may remedy his failure to act as long as the Minister has not complied with the seventh paragraph.”

R.S.Q., c.
F-2.1, s.
515.1,
replaced.
Single
member.

225. Section 515.1 of the said Act, enacted by section 99 of chapter 2 of the statutes of 1982, is replaced by the following section:

“**515.1** Notwithstanding section 100, a person who is a member of the board on 19 December 1981 may form, by himself, a division of the board for rendering decisions on the complaints within the jurisdiction of such division, even if he is not an advocate, a notary or a person entitled to act as assessor for a municipality under section 22.”

DIVISION XIII

AMENDMENTS TO THE ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

R.S.Q., c.
M-22, s.
19.1,
added.

226. The Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22) is amended by inserting, after section 19, the following section:

Statement
of taxation
rate.

“**19.1** A statement of the aggregate taxation rate of the municipal corporation for a particular fiscal year, within the meaning of

paragraphs 2, 4 and 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), must accompany the financial report of the municipal corporation for that fiscal year.

Content. The statement must indicate the data used in computing the aggregate taxation rate. It must be prepared on a form furnished by the Minister if a form is furnished by him.

Authenticity. The statement must be certified true by the treasurer or the secretary-treasurer of the municipality, as the case may be, and by its auditor."

DIVISION XIV

AMENDMENTS TO THE ACT TO AUTHORIZE MUNICIPALITIES TO COLLECT DUTIES ON TRANSFERS OF IMMOVEABLES

R.S.Q., c. M-39, s. 20, am. **227.** Section 20 of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39) is amended by adding, after paragraph *g*, the following paragraph:

"(*h*) the deed relates to the transfer of an immoveable to a housing cooperative and the transferor is a federation of housing cooperatives or a non-profit organization which has acquired the immoveable for the sole purpose of transferring it to the housing cooperative."

DIVISION XV

AMENDMENTS TO THE ACT RESPECTING MUNICIPAL ORGANIZATION OF CERTAIN TERRITORIES

R.S.Q., c. O-8, ss. 6-9, replaced. **228.** Sections 6 to 9 of the Act respecting municipal organization of certain territories (R.S.Q., chapter O-8) are replaced by the following section:

Council, officers and employees. **"6.** The council and the officers and employees of the county corporation or regional county municipality in the territory in which the municipality is located, or would be located if section 18 did not apply, constitute the council and the officers and employees of the municipality, subject to the third paragraph of section 17.

Deliberation and vote. For the purposes of this Act, only the representatives of the municipalities governed by the Municipal Code on the council of the regional county municipality are qualified to take part in the deliberations and to vote, except where no representative of such a municipality has a seat on the council, in which case all the members of the council are so qualified.

Financing. For the purposes of this Act, only the taxpayers of the municipality may be required to contribute to the financing of the expenditures

of the county corporation or the regional county municipality, in accordance with the Municipal Code or the Cities and Towns Act (R.S.Q., chapter C-19), as the case may be.”

R.S.Q., c.
O-8, ss.
11-12,
replaced.

229. Sections 11 and 12 of the said Act are replaced by the following sections:

Delegation.

“**11.** The council may delegate its powers to the local committee, but every decision of the committee requires its approval.

Quorum;
remunera-
tion.

“**12.** A majority of the members of a local committee shall constitute a quorum. The members of a local committee shall receive no remuneration for their services as such. However, the council may authorize payment of travelling expenses and other expenses actually incurred by a member of a local committee in the performance of his duties.”

R.S.Q., c.
O-8, s. 13,
am.

230. Section 13 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

Vacancy.

“The office of member of the local committee shall also become vacant on the date when the secretary-treasurer receives the resignation of the incumbent.

Notice of
vacancy.

The secretary-treasurer shall forthwith notify the Minister of the vacancy.”

R.S.Q., c.
O-8, s. 20,
repealed.

231. Section 20 of the said Act is repealed.

R.S.Q., c.
O-8, s. 21,
am.

232. Section 21 of the said Act is amended by striking out the second paragraph.

DIVISION XVI

AMENDMENT TO THE ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

R.S.Q., c.
R-12, s.
55, am.

233. Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing paragraph 6 by the following paragraph:

“(6) the chairman and vice-chairman of the Commission d’aménagement de Québec, the general manager of the Société des alcools du Québec, the chairman of the Caisse de dépôt et placement du Québec, the president of the Société québécoise d’exploration minière, the members of the Régie des assurances agricoles du Québec who devote their full time to their duties, the president and general manager of the Société de radio-télévision du Québec, the members of the Société d’habitation du Québec, the general manager of the Société du parc industriel du centre du Québec, the president

of the Régie de l'assurance-maladie du Québec, the manager of the Raffinerie de sucre de Québec, the president and the vice-president of the Commission des services juridiques, the president of the Régie des rentes du Québec, the chairman of the board of directors of the Société de récupération, d'exploitation et de développement forestiers du Québec if he is a member of the civil service, the chairman of the Office des professions du Québec, the members of the Bureau de révision de l'évaluation foncière du Québec, except the persons contemplated both in the fourth paragraph of section 65 of chapter 31 of the statutes of 1973 and in sections 100 to 108 of the Courts of Justice Act (R.S.Q., chapter T-16) or in Part VI of the said Act, the chairman of the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);”.

DIVISION XVII

AMENDMENTS TO THE ACT RESPECTING RETIREMENT
PLANS FOR THE MAYORS AND COUNCILLORS OF MUNICIPALITIES

R.S.Q., c.
R-16, s.
33, am.

234. Section 33 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) is amended by replacing the second paragraph by the following paragraph:

Redemp-
tion of
service.

“Such a person may, in addition, redeem any period during which, between 1 January 1972 and the date when his participation in the plan becomes effective, he was a member of the council of the municipality, if, the municipality joined the general plan before 1 January 1984.”

R.S.Q., c.
R-16, s.
37, am.

235. Section 37 of the said Act is amended by replacing the second paragraph by the following paragraph:

Redemp-
tion of
service.

“He may, in addition, redeem any period during which, between 1 January 1972 and the date when his participation becomes effective, he was a member of the council and which was not the subject of a transfer according to section 35, if the municipality joined the general plan before 1 January 1984.”

R.S.Q., c.
R-16, s.
48, am.

236. Section 48 of the said Act is amended by adding, at the end, the following paragraphs:

Applicable
provision.

“Such person may also avail himself of section 46, if a by-law passed under that section is in force in the municipality, notwithstanding the expiry of the period mentioned in the fourth paragraph of that section.

Applicable
provision.

A person who was not a member of the council of the municipality on 1 January 1975 but who was elected at the election

contemplated in the first paragraph may, if he is still a member of the council on 18 December 1982, avail himself of Division VI as though he had been a member of the council of the municipality on 1 January 1975. The second paragraph applies to such person."

DIVISION XVIII

AMENDMENTS TO THE ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

R.S.Q., c.
R-19, s. 1,
am.

237. Section 1 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended by striking out paragraphs *c* and *d*.

R.S.Q., c.
R-19, s. 6,
am.

238. Section 6 of the said Act is amended

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

Publication
of petition.

"**6.** The petitioning municipality having the largest population shall cause to be published once during the same period of thirty consecutive days, in the *Gazette officielle du Québec* and in a newspaper circulated in the territories of the municipalities contemplated by the joint petition, the text of such petition with a notice indicating the place, in each municipality, where such text may be examined, and a copy obtained. Such notice must also state that any interested person may object to the principle of amalgamation or to the terms and conditions of the joint petition within the period and in the manner provided in section 9.";

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

Interested
persons.

"For the purposes of this Act, interested persons are those who, on the date of the adoption of the by-law contemplated in section 5 or, if there is not a joint petition, on the date of the order contemplated in section 12, are property-owners or tenants of an immoveable located in the municipality contemplated in the amalgamation plan or are domiciled in the municipality. In the case of natural persons, they must also be of full age and be Canadian citizens.

Owners
and
tenants.

The property-owners must be entered on the assessment roll and the tenants on the schedule to the electoral list or the schedule to the assessment roll after its revision prescribed by the Cities and Towns Act or the Municipal Code, as the case may be. Domiciled persons must be entered on the electoral list or the schedule to the assessment roll, as the case may be, used at the time of the last election held in the municipality, after its revision in accordance with sections 148.4 to 148.7 of the Cities and Towns Act or article 257*i* of the Municipal Code, as the case may be. In the case of the city of Montréal or Québec, the tenants and domiciled persons must be

entered on the electoral list used at the time of the last election held in the city.”

R.S.Q., c.
R-19, s. 9,
am.

239. Section 9 of the said Act is amended

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

Objections.

“**9.** Every interested person who objects to the principle of amalgamation or to the terms and conditions of the joint petition may, within thirty days after the date that the notice provided for in section 6, is last published, state the grounds of his objection in writing to the Commission.”;

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

Report to
the
Minister.

“After the investigation, the Commission shall report to the Minister and forward a copy of its report to each municipality contemplated in the joint petition. It may also recommend that the Minister order, in accordance with section 12, consultation of the interested persons of any of the municipalities contemplated in the joint petition.”

R.S.Q., c.
R-19, s.
11, am.

240. Section 11 of the said Act is amended by replacing subparagraph *b* of the first paragraph of subsection 2 by the following subparagraph:

“(b) invite every interested person to appear before it to state his opinion.”

R.S.Q., c.
R-19, s.
12,
replaced.

241. Section 12 of the said Act is replaced by the following section:

Consulta-
tion.

“**12.** The Minister must, on the recommendation of the Commission, after a public investigation held under subsection 2 of section 11, order consultation of the interested persons of every municipality contemplated in the report provided for in section 10 on the question of the expediency of the amalgamation of their municipality.”

R.S.Q., c.
R-19, s.
13, am.

242. Section 13 of the said Act is amended

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

Vote.

“**13.** When the Minister has ordered, under section 9 or 12, consultation of the interested persons, the vote shall be taken by secret ballot and presided over by the person designated by the Minister.”;

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

Time. “When the consultation of the interested persons is ordered in more than one municipality, it must be held on the same day in every municipality where it is ordered.”

R.S.Q., c. R-19, ss. 18.1, 18.2, added.
243. The said Act is amended by inserting, after section 18, the following sections:

Values entered on the rolls. “**18.1** From the coming into force of the letters patent ordering the amalgamation of the municipalities, the values entered on the real estate assessment roll, or the roll of rental values then in force in those municipalities are multiplied by the factor established for the roll under the Act respecting municipal taxation.

Applicability. The first paragraph applies to the rolls for the fiscal period during which the letters patent come into force. It also applies to the rolls for the following fiscal period, if after the coming into force of the letters patent a real estate assessment roll or a roll of rental values taking into account the amalgamation, as the case may be, is not deposited according to law for the purposes of that period with the new municipality.

Roll of new municipality. “**18.2** The aggregate of the rolls amended in accordance with section 18.1 constitutes the roll of the new municipality for the relevant period.

Median proportion and factor. The median proportion and the factor of such roll are one hundred per cent and one, respectively.”

DIVISION XIX

AMENDMENTS TO THE ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

R.S.Q., c. S-8, s. 48, replaced.
244. Section 48 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is replaced by the following section:

Loans. “**48.** Any municipality which has obtained the authorization of the Corporation to carry out a program contemplated in section 44 may, for the carrying out of such program, contract loans, by by-law, with the approval of the Commission municipale du Québec which may authorize it to give such guarantees as it determines. These loans shall require no other approval than that of the Minister of Municipal Affairs.”

R.S.Q., c. S-8, s. 57, am.
245. Section 57 of the said Act is amended by replacing subsection 6 by the following subsection:

Dissolution. “(6) Upon the petition of a corporation constituted under this section, the Minister may declare it dissolved on such conditions

as he determines and such dissolution shall not take effect until the sixtieth day following the publication of a notice to that effect in the *Gazette officielle du Québec*.”

R.S.Q., c.
S-8, s. 59,
replaced.

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

Loan by-
law.

“**59.** Any municipality which has obtained the authorization of the Corporation to carry out a program contemplated in section 51 or for the purposes of section 54 may, for the carrying out of such program, contract loans by by-law, for a term not exceeding fifty years with the approval of the Commission municipale du Québec which may authorize it to give such guarantee as it determines. These loans shall require no other approval than that of the Minister of Municipal Affairs.”

R.S.Q., c.
S-8, s. 74,
replaced.

247. Section 74 of the said Act is replaced by the following section:

Loan by-
law.

“**74.** Any municipality may, for the preparation or the carrying out of a program of neighbourhood improvement, contract, by by-law, loans for a term not exceeding twenty-five years, with the approval of the Commission municipale du Québec, which may authorize the municipality to give such guarantee as it determines. These loans require no other approval than that of the Minister of Municipal Affairs.”

R.S.Q., c.
S-8, s. 82,
replaced.

248. Section 82 of the said Act is replaced by the following section:

Loan by-
law.

“**82.** Any municipality may, for the preparation or the carrying out of a program of land acquisition and development, contract, by by-law, loans for a term not exceeding fifty years, with the approval of the Commission municipale du Québec, which may authorize the municipality to give such guarantee as it determines. These loans require no other approval than that of the Minister of Municipal Affairs.”

DIVISION XX

AMENDMENT TO THE ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

R.S.Q., c.
V-4, s. 2,
added.

249. The Act respecting sales of municipal public utilities (R.S.Q., chapter V-4) is amended by adding, after section 1, the following section:

Restric-
tions.

“**2.** Section 1 does not apply if the acquirer of the utility is another municipality, an intermunicipal management board or a

supramunicipal body within the meaning of sections 41.2 and 41.3 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).”

DIVISION XXI

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

R.S.Q., c.
V-6.1, s.
66, am.

250. Section 66 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the first paragraph by the following paragraph:

Date.

“**66.** The general election for mayor and councillors shall be held every two years on the first Wednesday of November.”

R.S.Q., c.
V-6.1, s.
68, am.

251. Section 68 of the said Act is amended by replacing the first paragraph by the following paragraph:

Prepara-
tion of list.

“**68.** The presiding-officer shall prepare the list of electors in the municipality between the first of September and the following first of October, and shall, on the first of October, deposit the electoral list in the office of the municipal corporation for public reference.”

R.S.Q., c.
V-6.1, s.
69, am.

252. Section 69 of the said Act is amended by replacing the first paragraph by the following paragraph:

Revision.

“**69.** During the period extending from the first to the fifteenth of October, the electoral list shall be revised by a board of revision composed of the presiding-officer and two persons entitled to be entered on the electoral list and appointed by him.”

R.S.Q., c.
V-6.1, s.
70, am.

253. Section 70 of the said Act is amended by replacing the first paragraph by the following paragraph:

Application
for
correction.

“**70.** Any person, commercial partnership or association who or which believes that his or its name or that of any other person has been omitted from the list or wrongfully entered thereon may file in the office of the municipal corporation, between the first and the fifteenth of October, application in writing to have the name entered or struck off, as the case may be.”

R.S.Q., c.
V-6.1, s.
76, am.

254. Section 76 of the said Act is amended by replacing what precedes subparagraph *a* by the following:

Public
notice.

“**76.** On the first of September of the year in which the election is held, the presiding-officer shall, by public notice, publish:”.

R.S.Q., c.
V-6.1, s.
77, am.

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

Nomina-
tion day.

“77. The nomination of candidates for election shall be held on the last Wednesday of October between thirteen hours and seven-teen hours.”

R.S.Q., c.
V-6.1, s.
136, am.

256. Section 136 of the said Act is amended by replacing the second paragraph by the following paragraph:

Certificate
of
approval.

“In no case where this Act or any other general law or special Act provides that a by-law must receive an approval may the by-law be published or come into force until it has received that approval. In such a case, a certificate signed by the mayor and by the secretary-treasurer attesting the date of each of the required approvals must accompany and forms part of the original of the by-law.”

R.S.Q., c.
V-6.1, s.
141,
replaced.
Validity.

257. Section 141 of the said Act is replaced by the following section:

“141. Every by-law remains in force and is executory until it has been replaced, repealed or annulled by competent authority or until the expiration of the period for which it was made.”

R.S.Q., c.
V-6.1, s.
144,
replaced.

258. Section 144 of the said Act is replaced by the following section:

Certified
copies.

“144. A copy of any by-law, duly enacted, shall be received as evidence if it is signed and certified true by the secretary-treasurer, without any proof being necessary of the validity of that signature, saving the right of any party attacking the by-law to proceed against the same by improbation.”

R.S.Q., c.
V-6.1, ss.
157-160,
replaced.
Approval.

259. Sections 157 to 160 of the said Act are replaced by the following sections:

“157. Where this Act or any other general law or special Act provides that a by-law must receive an approval other than that of the electors, the secretary-treasurer, after the by-law has been approved by the electors, if their approval is required, shall forward, to the authority whose approval is required, a certified true copy of all the documents tending to inform it of the fulfilment of the provisions of the law and of the advisability of passing the by-law. If the required approval is that of the Government, the documents are forwarded to the Minister of Municipal Affairs.

Formali-
ties.

“158. The Government or the Minister, body or person whose approval is required must not grant the approval until satisfied that the formalities required for the passing of such by-law have been fulfilled.

Required documents and information.

For such purpose, it or he may exact from the council which has passed the by-law, all the documents and information it or he deems necessary to satisfy itself or himself of the advisability of the by-law or of the provisions of the by-law submitted to it or to him for approval.

By-law or proceedings executory.

“159. The approval of a by-law or other proceeding of the council by the Government or the Minister, body or person whose approval is required has no other effect than that of rendering such by-law or proceeding executory according to law from its coming into force. This may be done with the same effect in the form of an authorization. Such approval may be of a part only or qualified.

Copy.

“160. A copy of every by-law passed by the council must be transmitted without delay to the Regional Government.”

R.S.Q., c. V-6.1, s. 209, am.

260. Section 209 of the said Act is amended by replacing the first and the second paragraphs by the following paragraphs:

Budget.

“209. Between the first and the thirty-first of December of each year, the council shall prepare and adopt its budget for the next fiscal year and maintain a balance between the revenues and expenditures provided for therein.

Transmission to Minister.

Such budget shall be transmitted to the Minister and to the Regional Government in the month of January following its adoption.”

R.S.Q., c. V-6.1, s. 227.1, added.

261. The said Act is amended by inserting, after section 227, the following section:

Authorization to contract loans.

“227.1 The council may, by resolution, authorize the Regional Government to contract a loan on behalf and in the name of the corporation.

Authorization.

That authorization may be for a specific loan decided on by the council or it may entrust the Regional Government with the care of ordering from time to time and contracting any loan necessary to finance the corporation’s activities. In the second instance, the resolution remains valid until it is repealed.

Applicability.

The provisions respecting the loans contracted by the Regional Government apply in such a case.”

R.S.Q., c. V-6.1, s. 244, am.

262. Section 244 of the said Act is amended by replacing the first paragraph by the following paragraph:

Regional Government.

“244. The Regional Government shall act as a municipal corporation contemplated in Part I of this Act in respect of any part of the territory not erected into a municipality or not forming part

of a municipality, or of any part of the territory erected into a municipality the majority of the council members of which are not yet in office.”

R.S.Q., c.
V-6.1, s.
280.1,
added.

263. The said Act is amended by inserting, after section 280, the following section:

Resigna-
tion.

“280.1 Notwithstanding any inconsistent legislative provision, if the chairman is a regional councillor of a northern village corporation he may resign from that office and stay on as chairman of the executive committee and, strictly in that capacity, as a member of the council where he is entitled to one vote. The notice he forwards to the secretary pursuant to section 254 must clearly state that he is availing himself of this section and failing such he must resign from all his offices.

Vacancy.

Subsequently to the chairman’s resignation, the office of regional councillor of a northern village corporation is filled in accordance with section 110 regardless of when the vacancy occurs, notwithstanding paragraph c of section 111 but subject to the other paragraphs of that section.

Term of
office.

The term of office of the chairman who avails himself of this section is two years from the date of his appointment; however, the chairman remains in office until the expiry of his term and until his successor takes office. He may be designated as chairman again without having to be first elected regional councillor of a municipal corporation.”

R.S.Q., c.
V-6.1, s.
311, am.

264. Section 311 of the said Act is amended by adding, at the end, the following paragraph:

Joint
signature.

“In case of the absence or inability to act of the chairman or vice-chairman of the executive committee, the cheques and promissory notes must be signed jointly by the secretary and treasurer.”

R.S.Q., c.
V-6.1, s.
323, am.

265. Section 323 of the said Act is amended by replacing the second paragraph by the following paragraph:

Certificate
of
approval.

“In no case where this Act or any other general law or special Act provides that an ordinance must receive an approval may the ordinance be published or come into force until it has received that approval. In such a case, a certificate signed by the speaker of the council and the secretary, attesting the date of each of the required approvals must accompany and forms part of the original of the ordinance.”

R.S.Q., c.
V-6.1, s.
328,
replaced.

266. Section 328 of the said Act is replaced by the following section:

Validity.

“328. Every ordinance remains in force and is executory until it has been replaced, repealed or annulled by competent authority or until the expiration of the period for which it was made.”

R.S.Q., c.
V-6.1, ss.
338-341,
replaced.

Certificate
of
approval.

267. Sections 338 to 341 of the said Act are replaced by the following sections:

“338. Where this Act or any other general law or special Act provides that an ordinance must receive an approval, the secretary must forward, to the authority whose approval is required, a certified true copy of all documents tending to inform it of the fulfillment of the provisions of the law and of the advisability of passing the ordinance. If the required approval is that of the Government, the documents must be forwarded to the Minister of Municipal Affairs.

Formali-
ties.

“339. The Government or the Minister, body or person whose approval is required must not grant the approval until satisfied that the formalities required for the passing of such ordinance have been fulfilled.

Required
documents
and infor-
mation.

For such purpose, it or he may exact from the Regional Government all the documents and information it or he deems necessary to satisfy itself or himself of the advisability of the ordinance or the provisions of the ordinance submitted to it or to him for approval.

Effect of
approval.

“340. The approval of an ordinance or other proceeding of the Regional Government by the Government or the minister, body or person whose approval is required has no other effect than that of rendering such ordinance or proceeding executory, according to law, from its coming into force. That may be done with the same effect in the form of an authorization.

Partial or
qualified
approval.
Copies.

Such approval may be of a part only or qualified.

“341. A copy of every ordinance passed by the Regional Government must be transmitted without delay to the Minister and to each municipal corporation in the territory.”

R.S.Q., c.
V-6.1, s.
362.1,
added.

Assistance.

268. The said Act is amended by inserting, after section 362, the following section:

“362.1 The Regional Government may provide a northern village corporation with any form of assistance on any matter within the jurisdiction of the corporation.”

R.S.Q., c.
V-6.1, s.
382,
replaced.

269. Section 382 of the said Act is replaced by the following section:

Budget. **“382.** The executive committee shall draw up the budget of the Regional Government for the ensuing fiscal year; it shall deposit such budget with the secretary who, not later than the first of December, shall send to each member of the council a copy of such budget, and all the recommendations of the executive committee.”

R.S.Q., c.
V-6.1, s.
383, am. **270.** Section 383 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

Adoption. **“383.** Such budget shall be submitted to the council not later than the fifteenth of December at a special meeting called for such purpose. Such meeting shall be adjourned as often as necessary and shall not be closed unless the budget is adopted.

Transmission to
Minister. Such budget shall be transmitted to the Minister in the month of January following its adoption.”

R.S.Q., c.
V-6.1, s.
398.1, s.
added.
Loan. **271.** The said Act is amended by inserting, after section 398, the following section:

“398.1 The Regional Government may, if so authorized by a northern village corporation pursuant to section 227.1, order or contract a loan on behalf and in the name of the corporation. If so authorized by several corporations, the Regional Government may order or contract a loan on behalf and in the name of those corporations.

Applicable
provision. Any loan made pursuant to this section is, for all purposes in respect of third parties, considered a loan contracted by the Regional Government and section 398 applies to it, *mutatis mutandis*.

Sums
required. The corporation on whose behalf and in whose name all or part of the loan is made must pay to the Regional Government, according to the terms and conditions prescribed by the latter, the sums necessary to reimburse the loan or such part of it, including interest and costs.”

DIVISION XXII

AMENDMENTS TO THE CHARTER OF THE CITY OF QUÉBEC

1929, c.
95, s. 336,
am. **272.** Section 336 of the Charter of the city of Québec (1929, chapter 95) is amended by adding, at the end, the following paragraph:

Arcades. **“208.** To license, regulate or prohibit pin-ball machines, billiards, pool, pigeon-hole tables, bowling alleys, bagatelle boards, shooting galleries, electronic games and electronic games arcades.”

1929, c.
95, s. 388,
am.

273. Section 388 of the said charter, replaced by section 9 of chapter 47 of the statutes of 1944, by section 24 of chapter 85 of the statutes of 1966-1967 and by section 26 of chapter 42 of the statutes of 1980, is amended by replacing the first paragraph by the following paragraph:

By-law
submitted
to the
council.

“388. Every by-law must be submitted to the council at two separate meetings before it is approved definitively and put into force.”

1929, c.
95, s. 392,
repealed.

274. Section 392 of the said charter, replaced by section 13 of chapter 104 of the statutes of 1938 and amended by section 23 of chapter 102 of the statutes of 1939, is repealed.

DIVISION XXIII

AMENDMENTS TO THE CHARTER OF THE CITY OF MONTRÉAL

1959-1960,
c. 102, a.
458,
repealed.

275. Article 458 of the Charter of the city of Montréal (1959-1960, chapter 102) is repealed.

DIVISION XXIV

AMENDMENTS TO THE CHARTER OF THE CITY OF LAVAL

1965, 1st
sess., c.
89, s. 53,
am.

276. Section 53 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 amended by replacing the second paragraph by the following paragraphs:

List of
candidates.

“Subject to the third paragraph, the two commissioners must submit jointly to the Government a list of candidates for the office of chairman and general manager within sixty days from the day the latter’s term expires or from the day the office becomes vacant.

Time limit.

If, on the day mentioned in the second paragraph, the term of a commissioner contemplated in the first paragraph has expired or if it expires within the following sixty days, or if on that day the office is vacant or if it becomes vacant within the following sixty days, the time limit mentioned in the second paragraph begins on the day his successor is appointed. Should the possibility mentioned in this paragraph occur in the case of the two commissioners, the time limit begins on the day of the second appointment.”

1965, 1st
sess., c.
89, s. 54,
replaced.

277. Section 54 of the said charter, enacted by section 25 of chapter 99 of the statutes of 1971, is replaced by the following section:

Vacancy. **“54.** Any vacancy in the office of commissioner contemplated in the first paragraph of section 53 must be filled within thirty days of the date on which it occurs, in the same manner as for the designation of the member to be replaced.

Vacancy. Any vacancy in the office of chairman and general manager is filled in accordance with section 53.

Remainder of term. Every person appointed to fill a vacancy is appointed for the remainder of the term of his predecessor.”

DIVISION XXV

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

1971, c.
98, s. 25,
am. **278.** Section 25 of the Act to incorporate the Montréal South Shore Transit Commission (1971, chapter 98), amended by section 4 of chapter 91 of the statutes of 1973, is again amended

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

List of candidates. “Subject to the third paragraph, the two commissioners must submit jointly to the Council a list of candidates for the position of chairman and general manager within sixty days from the day the latter’s term expires or from the day the office becomes vacant.

Time limit. If on the day mentioned in the second paragraph the term of a commissioner contemplated in the first paragraph has expired or if it expires within the following sixty days, or if on that day the office is vacant or if it becomes vacant within the following sixty days, the time limit mentioned in the second paragraph begins on the day his successor is appointed. Should the possibility mentioned in this paragraph occur in the case of the two commissioners, the time limit begins on the day of the second appointment.”;

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

Appointment by Government. “If the council fails to send the list within thirty days from the expiry of the time limit granted to the commissioners under the second or third paragraph, the Government shall appoint a person of its own choice.”

1971, c.
98, s. 26,
replaced. **279.** Section 26 of the said Act is replaced by the following section:

Vacancy. **“26.** Any vacancy in the office of commissioner contemplated in the first or sixth paragraph of section 25 must be filled within

thirty days of the date on which it occurs, in the same manner as for the designation of the member to be replaced.

Vacancy. Any vacancy in the office of chairman and general manager is filled in accordance with section 25.

Remainder of term. Every person appointed to fill a vacancy in an office other than those contemplated in the sixth paragraph of section 25 is appointed for the remainder of the term of his predecessor."

1971, c. 98, s. 29, am. **280.** Section 29 of the said Act, amended by section 5 of chapter 91 of the statutes of 1973, is again amended by replacing the first paragraph by the following paragraph:

Incompatibility of office. "29. Except in the case of the commissioners contemplated in the sixth paragraph of section 25, the function of mayor, councillor or officer of any municipality in the territory of the Commission is incompatible with that of commissioner."

DIVISION XXVI

AMENDMENTS TO THE ACT RESPECTING CERTAIN MUNICIPALITIES OF THE OUTAOUAIS AND HAUT-SAGUENAY

1974, c. 88, s. 17, repealed. **281.** Section 17 of the Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, chapter 88), amended by section 4 of chapter 81 of the statutes of 1977, by section 5 of chapter 97 of the statutes of 1979 and by section 445 of chapter 72 of the statutes of 1979, is repealed.

DIVISION XXVII

AMENDMENT TO THE ACT TO AMEND THE QUÉBEC URBAN COMMUNITY ACT AND OTHER LEGISLATION

1978, c. 103, s. 81, am. **282.** Section 81 of the Act to amend the Québec Urban Community Act and other legislation (1978, chapter 103) is amended by replacing the fourth paragraph by the following paragraph:

Notice. "Moreover, during the period contemplated in the first paragraph, every loan by-law of a municipality respecting the carrying out of public works, when it is sent to the Minister and the Commission municipale du Québec for approval, must be accompanied with a notice of the executive committee of the Community."

DIVISION XXVIII

AMENDMENT TO THE ACT TO
AMEND VARIOUS LEGISLATIVE
PROVISIONS RESPECTING MUNICIPALITIES

1982, c. 2,
s. 85,
replaced.

283. Section 85 of the Act to amend various legislative provisions respecting municipalities (1982, chapter 2) is replaced by the following section:

R.S.Q., c.
A-19.1, s.
261.1,
added.
Exemption
by order.

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

“261.1 The Minister may order that, in a municipality or part of a municipality delimited by him and where an interim control by-law applies, the approvals mentioned in the provisions contemplated in paragraphs 4, 6, 7 and 10 of section 261 are not required.

Notice.

Notice of such order is published in the *Gazette officielle du Québec.*” ”

DIVISION XXIX

GENERAL PROVISIONS

Municipal
corporation.

284. For the purposes of subsection 2 of section 27 of the Act to amend certain legislation to give effect to Government budget policy for the fiscal period 1981-1982 (1981, chapter 12), the Communauté urbaine de Québec and the Communauté régionale de l'Outaouais are and always have been municipal corporations.

Municipal
traffic
regulation.

285. Notwithstanding the express or implicit repeal or replacement, by the Highway Safety Code (R.S.Q., chapter C-24.1), of any provision of the Highway Code (R.S.Q., chapter C-24) or of any other Act under which a municipal by-law was adopted and put into force before the repeal or replacement, the by-law preserves its effect until it is repealed or replaced under the Highway Safety Code.

Effect.

The first paragraph has effect from the date of the repeal or replacement of the provision.

Exclusion.

The first paragraph does not apply to a regulatory provision concerning a matter that, pursuant to the Highway Safety Code, no municipality has the power to regulate.

Effect
preserved.

Where the Highway Safety Code allows a municipality to adopt a regulatory provision and prescribes the limits to be complied with by the provision, any regulatory provision in force before the repeal or replacement of the legislative provision under which it was adopted which does not comply with the limits provided for in the Highway

Safety Code is deemed to be so amended as to make its prescriptions equivalent to the minimum or maximum prescriptions, as the case may be, provided for in the said Code. The regulatory provision thus amended preserves its effect until it is repealed or replaced under the said Code.

Real estate
assessment.

286. Every general or special legislative provision respecting matters contemplated in the Real Estate Assessment Act (R.S.Q., chapter E-16), as it existed on 1 January 1972, which was in force before that date, was replaced by the said Act and continues to be replaced by the Act respecting municipal taxation (R.S.Q., chapter F-2.1), where it had an effect on the rights, powers or obligations of a regional or urban community, a municipal corporation, a school board, a regional school board or the Conseil scolaire de l'île de Montréal, even where it did not apply directly to those bodies.

DIVISION XXX

FINAL AND TRANSITIONAL PROVISIONS

Effects
preserved.

287. Generally, unless otherwise provided for by this Act, any by-law in force or any act performed before 18 December 1982 pursuant to any provision replaced or repealed by this Act preserves its effects until it is replaced or repealed to the extent that it is not inconsistent with this Act.

Municipal
territories.

288. Sections 5, 6, 98, 111, 123 and 237 to 242 do not apply to proceedings for the annexation or amalgamation of territories of municipalities or to proceedings for the modification of territories of regional county municipalities regarding which a public notice announcing the review of the schedule to the assessment roll or to the electoral list, as the case may be, was published before 18 December 1982.

Effect.

289. Sections 10, 99 and 228 to 232 have effect from 1 January 1984 or from the earlier date provided for in the second paragraph.

Effect.

The sections mentioned in the first paragraph may have effect, with respect to a given municipality established under the Act respecting municipal organization of certain territories (R.S.Q., chapter O-8) and with respect to the county corporation or regional county municipality in the territory of which it is situated or would be situated if section 18 of the said Act did not apply, from the date prior to 1 January 1984 on which the council of the county corporation or of the regional county municipality orders by by-law that it becomes the council of that municipality. A certified true copy of the by-law is immediately transmitted to the Minister of Municipal Affairs, after its coming into force, with notice of the date of its

coming into force. The Minister of Municipal Affairs gives notice, in the *Gazette officielle du Québec*, of the date of the coming into force of the sections mentioned in the first paragraph and fixed under this paragraph.

Exception. The second paragraph does not apply in respect of the municipality of Ile-d'Anticosti.

Interpretation. **290.** Until the date on which the provisions mentioned in section 289 with respect to a municipality, a county corporation or a regional county municipality contemplated therein take effect,

(1) the third paragraph of section 1.1 of the Act respecting land use planning and development enacted by section 69 is deemed to read as follows with respect to the regional county municipality:

Deliberations and vote. "Where the council of the regional county municipality acts as the council of a municipality with respect to a territory contemplated in article 27 of the Municipal Code, in accordance with this section, only the representatives of the municipalities governed by the Municipal Code, other than those established under the Act respecting municipal organization of certain territories (R.S.Q., chapter O-8), are qualified to take part in the deliberations and to vote, except where no representative of such a municipality, other than a representative of a municipality established under the above-mentioned Act, has a seat on the council, in which case all the members of the council are so qualified. Where the council exercises the powers referred to in Chapter II of Title I or in any other provision of this Act that applies specifically to a territory contemplated in this section, all the members of the council are qualified to take part in the deliberations and to vote.";

(2) the second and third paragraphs of section 241 of the Act respecting land use planning and development, replaced and enacted, respectively, by section 102, are deemed to read as follows with respect to the regional county municipality:

Remuneration. "The rules on remuneration contemplated in paragraph 6 of the first paragraph may provide that the members of the council, including the warden, who represent municipalities governed by the Municipal Code, other than those established under the Act respecting municipal organization of certain territories (R.S.Q., chapter O-8) be remunerated in accordance with a by-law adopted by them pursuant to article 428 of the said Code, for the exercise of such of their duties as relate to the powers contemplated in the second paragraph of section 188 and for the exercise of their duties under section 1.1, where such is the case.

Remunera-
tion.

The rules may provide that all the members of the council, including the warden, be remunerated in accordance with a by-law adopted by them pursuant to article 428 of the Municipal Code, for the exercise of such of their duties as are contemplated in the second paragraph, where the council includes no representative of a municipality governed by the Municipal Code other than the representative of a municipality established under the Act mentioned in the second paragraph, and where the territory of the regional county municipality includes a territory contemplated in article 27 of the said Code."

Letters
patent
deemed
amended.

291. From the effective date of the provisions mentioned in section 289 with respect to a municipality, a county corporation or a regional county municipality contemplated therein take effect, the letters patent establishing the regional county municipality are deemed to be amended by the striking out of all mention of the representation of the municipality and the right to vote and the duties of its representative.

Contin-
uance in
office.

292. The warden of a county corporation and the other members of a board of delegates in office on 18 December 1982 remain in office as if they had been appointed in accordance with articles 90 and 95 of the Municipal Code, amended by sections 11 and 12, until they cease to perform their duties according to law.

Effect.

293. Section 34 and paragraph 1 of section 133 have effect from 1 January 1982.

Effect.

However, the first paragraph does not invalidate a notice of summons remitted or deposited before 18 December 1982 containing mention of a sum payable as a fine in conformity with article 410*a* of the Municipal Code or paragraph 20 of section 412 of the Cities and Towns Act, as they existed before that date.

Effect.

294. Every by-law granting and fixing a remuneration for the warden, the councillors, the delegates and the members of the executive committee of a county corporation or a regional county municipality, in force on 18 December 1982, preserves its effect until it is replaced or repealed in accordance with article 428 of the Municipal Code amended by section 49.

Effect.

295. Section 69, only to the extent that it causes section 255 of the Act respecting land use planning and development to apply to a planning program or by-law in force on 12 December 1979 in a territory contemplated in article 27 of the Municipal Code, has effect from that date.

Effect.

296. Section 82 and paragraph 1 of section 95 have effect from 15 April 1980.

Presump-
tion of
consent.

The council of a regional county municipality that, before 18 December 1982, has designated an officer of a municipality to issue, in the territory of that municipality, the permits and certificates provided for in its interim control by-law, is deemed to have obtained, for that designation, the consent of the council of the municipality.

Effect.

297. Sections 106, 168, 171 and 173, and paragraph 1 of section 94.1 of the Act respecting the Communauté urbaine de Québec enacted by section 169, have effect from the date of the coming into force of the by-law under which the Community adopts its development plan under the Act respecting the Communauté urbaine de Québec.

Adoption
of a devel-
opment
plan.

From that date, the plan is deemed to be adopted and put into force in accordance with the Act respecting land use planning and development. The content of the plan must be brought into conformity with the said Act on its first amendment or review under the said Act. The complementary document must be adopted at the same time. The plan is binding on the Government, its departments and mandataries in accordance with section 2 of the said Act only from the date of the coming into force of its first review under the said Act. Notwithstanding the first paragraph, the plan may, at the time of its adoption, contain the components provided for in sections 5 and 6 of the Act respecting land use planning and development in addition to those provided for in the Act respecting the Communauté urbaine de Québec. Furthermore, the Community may, before the date mentioned in the first paragraph, adopt the complementary document of the plan.

Coming
into force
of interim
control.

The interim control contemplated in section 61 of the Act respecting land use planning and development comes into force in the territory of the Community on the date mentioned in the first paragraph. Notwithstanding that paragraph, the Council of the Community may adopt an interim control by-law under the said Act before that date. If it comes into force before that date, the by-law replaces, until that date, any by-law adopted under section 81 of chapter 103 of the statutes of 1978. An interim control by-law adopted by the council of the Community is not binding on the Government nor its departments and agencies pursuant to section 2 of the Act respecting land use planning and development if adopted prior to the by-law adopted in relation to the interim control which applies pursuant to section 48 of the said Act from the adoption of the resolution contemplated in that section in view of the first review of the plan.

Opinion of
the Com-
munity.

The obligation of a municipality in the territory of the Community to obtain the opinion of the Community on a loan by-law applies from the date mentioned in the first paragraph.

Provisions
of municip-
al
charters.

298. Section 108 does not invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and which directly or indirectly repeals, replaces or amends a section mentioned in any of the first four paragraphs of section 2 of the Cities and Towns Act.

Interpreta-
tion:

299. For the purposes of sections 300 to 303,

“the Act”;

(1) “the Act” means the Act respecting the Communauté urbaine de Québec amended by this Act;

“the exist-
ing Act”.

(2) “the existing Act” means the Act respecting the Communauté urbaine de Québec as it existed before 18 December 1982.

Remunera-
tion at the
C.U.Q.

300. Until the Council of the Communauté urbaine de Québec fixes by by-law a remuneration and allowance pursuant to section 11, 37, 41 or 183 of the Act, those fixed by the Government under section 11, 37, 41 or 183 of the existing Act shall continue to be paid, taking into account, however, article 77*j* of the Municipal Code or section 65.12 of the Cities and Towns Act (R.S.Q., chapter C-19) and sections 114 and 115 of the Act to amend certain provisions of law respecting democratic procedure and the remuneration of elected officials, in municipalities (1980, chapter 16).

Pension.

301. A person who was chairman, vice-chairman or an ordinary member of the executive committee of the Communauté urbaine de Québec or a member of the latter’s Commission de transport before 18 December 1982, continues to be entitled to the pension fixed in his respect by the Government under section 11 or 183 of the existing Act, as the case may be.

Pension.

The first paragraph also applies to a person who ceases to be chairman, vice-chairman or an ordinary member of the executive committee or a member of the Commission after the date mentioned in the first paragraph but before the coming into force of the by-law of the Council of the Community fixing the pension pursuant to section 11 or 183 of the Act, as the case may be.

Pension.

The by-law contemplated in the second paragraph must provide, in respect of a person who is the chairman, vice-chairman or an ordinary member of the executive committee or a member of the Commission on the date mentioned in the first paragraph and to whom the by-law applies, for a pension whose conditions are at least as advantageous as those fixed in his respect by the Government under section 11 or 183 of the existing Act, as the case may be.

Applica-
bility.

This section applies subject to every transaction or agreement made between the Commission and a person contemplated in the first paragraph before the date mentioned therein.

Appropriations.

302. For the fiscal year 1983, the Council of the Communauté urbaine de Québec may appropriate, out of the moneys not otherwise appropriated from its general fund, sums sufficient for the purposes provided for in section 11.3 of the Act.

Budget appropriations.

For the application of that section, such sums are deemed to be appropriations provided for in the budget.

Effect.

303. The second paragraph of subsection 3 of section 37 of the Act and the second paragraph of section 70.1 of the Act, enacted by sections 160 and 166, respectively, have effect from 1 March 1983.

Applicability.

304. Sections 174 to 177 and 179 to 185 apply with respect to the budgets and three-year fixed assets programs of the Communauté urbaine de Québec and of the Commission de transport de la Communauté urbaine de Québec applicable to the fiscal year 1984 and subsequent fiscal years.

Effect.

305. Section 186 has effect from 21 December 1979.

Effect.

306. Section 191 has effect from 30 June 1982.

Applicability.

307. Sections 193, 201 and 202 apply with respect to a real estate assessment roll or a roll of rental values applicable to the fiscal year 1984 and subsequent fiscal years.

Applicability.

The same rule applies to a regulation made pursuant to paragraph 8 of section 262 of the Act respecting municipal taxation enacted by section 222, or pursuant to paragraph 2 or 2.1 of section 263 of the said Act, enacted by section 223.

Applicability.

308. Sections 216 and 219 apply for the purposes of the fiscal year 1983 and subsequent fiscal years.

Amendment of the budget.

A municipal corporation may amend its budget for the fiscal year 1983 to take account of the amendments made by the sections contemplated in the first paragraph even if the budget has come into force automatically.

Amendment of the budget.

The budget of an agency that is adopted or approved by a corporation mentioned in the first paragraph may be amended for the same reason.

Approval of amendment.

The amendment may be submitted to the council of the corporation at any time. From such submission, the rules respecting the adoption, transmission, contesting and the automatic coming into force of the budget, where necessary, apply to such amendment,

mutatis mutandis. However, where the council so decides by a two-thirds majority, the periods provided for by such rules may be shortened as determined by it.

Applicability.

The second and third paragraphs apply, where necessary, to the by-laws, resolutions or orders that must accompany the budget, and the apportionments arising therefrom.

Tax or surtax.

To avail itself of the changes made by the sections mentioned in the first paragraph, a corporation may adopt or amend any by-law, resolution or order respecting the imposition or payment of a tax or surtax for the fiscal year 1983 even after the beginning of that fiscal year.

Effect.

Such a by-law, resolution or order has effect from 1 January 1983.

Increase of taxes.

Where, pursuant to the adoption or amendment of a by-law, resolution or order contemplated in this section the amount of a ratepayer's taxes for the fiscal year 1983 is increased, the municipal corporation may

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

(2) if he pays them in two payments, increase the second payment by the additional amount and so inform the ratepayer;

(3) if he pays them in more than two payments, apportion the additional amount over the remaining payments and so inform the ratepayer; or

(4) transfer the additional amount to the tax account for the fiscal year 1984, in which case it is deemed to be imposed for that year.

Reduction of taxes.

Where, on the contrary, the amount of the ratepayer's taxes is decreased, the municipal corporation may

(1) send him a refund;

(2) credit the amount owed him to his second and remaining tax payments for the fiscal year 1983; or

(3) credit his tax account for the fiscal year 1984 for that amount.

Applicable provisions.

Sections 246 and 247 of the Act respecting municipal taxation apply *mutatis mutandis* to the supplementary tax account contemplated in the eighth paragraph and to the refund contemplated in the ninth paragraph. For the purposes of the application of the said section 247, the thirty day period mentioned therein begins on

the day of the coming into force of the by-law, resolution or order contemplated in this section or of its amendment.

Effect. **309.** A regulation of the Government or of the Minister of Municipal Affairs made under the Act respecting municipal taxation and put into force in accordance with the said Act in the course of the fiscal year 1983 may have effect, in whole or in part, from the beginning of the said year, if it so provides.

Applicable provision. Section 308 applies in the case provided for in the first paragraph, *mutatis mutandis*.

Effect. **310.** Section 226 has effect in respect of financial reports for the fiscal year 1983 and subsequent fiscal years.

Effect. **311.** Section 233 has effect from 22 December 1973 in respect of the amendment it introduces concerning the members of the Bureau de révision de l'évaluation foncière du Québec.

Effect. **312.** Sections 234 and 235 have effect from 1 January 1975.

Loan approvals. **313.** The loan approvals given by the Minister of Municipal Affairs, under the sections of the Act respecting the Société d'habitation du Québec replaced by sections 244 and 246 to 248, before 18 December 1982, are valid and preserve their effects.

Dissolution of municipal housing bureaus. **314.** The dissolution of municipal housing bureaus ordered by the Minister of Municipal Affairs under section 57 of the Act respecting the Société d'habitation du Québec, between 1 January 1970 and 18 December 1982, are valid and preserve their effects.

Laval and south shore transit commission. **315.** The members of the Commission de transport de la Ville de Laval and of the Commission de transport de la Rive Sud de Montréal in office on 18 December 1982 remain in office after the expiry of their terms until their successors are appointed or until they are otherwise replaced in accordance with the provisions amended or replaced by sections 276 to 279.

Effect. **316.** Section 281 has effect from the date the regional county municipality of Fjord-du-Saguenay is incorporated. The latter then succeeds to the Conseil métropolitain du Haut-Saguenay.

Effect. **317.** Section 282 has effect from 21 November 1978 and ceases to have effect on the date of the coming into force of the by-law under which the Communauté urbaine de Québec adopts its development plan pursuant to the Act respecting the Communauté urbaine de Québec.

Effect.

318. Section 283 has effect from 19 December 1981.Retroac-
tive effect.**319.** The retroactive effect of a provision of this Act does not affect a judgment rendered before 30 November 1982 or a case pending on that date.

Exception.

320. 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.**321.** This Act comes into force on the day of its sanction.