



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 427
(1998, chapter 31)

An Act to amend various legislative provisions respecting municipal bodies

Introduced 12 May 1998
Passage in principle 29 May 1998
Passage 17 June 1998
Assented to 17 June 1998

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EXPLANATORY NOTES

The main object of this bill is to confer new powers on municipalities and urban communities.

To that end, the bill introduces precise rules into the Act respecting land use planning and development that concern the granting of exemptions from the prohibition on construction in flood zones, and provides that no minor exemption may be granted in a zone in which occupation of the land is subject to specific constraints for reasons of public safety. The bill also allows a local municipality to authorize the inclusion of an additional dwelling in a principal dwelling where the additional dwelling is intended for occupation by persons who are or were related or allied to the owner or occupier of the principal dwelling.

The bill amends the new rule concerning decision-making within the council of a regional county municipality by specifying that the demographic weight of affirmative votes is established on the basis of the total population of the local municipalities whose representatives voted. The bill also provides that at a regular sitting of the council of a regional county municipality, a decision may not be made in respect of a subject mentioned on the agenda unless all of the members of the council entitled to vote on the subject proposed to be added are present.

The bill provides that a municipality may acquire immovable property in order to transfer it gratuitously to certain persons, in particular to school boards. It also authorizes a local municipality to require that the owner of an immovable install a device to reduce the risk or consequences of back-flow from a sewer, and allows local municipalities to grant a subsidy to the owners of immovables to enable them to comply with the requirement.

The bill gives local municipalities the power to carry out pesticide application works and to establish and operate a convention centre.

The bill authorizes local municipalities to make agreements with any other municipality in relation to all or part of any field within their jurisdiction. The bill also empowers a regional county municipality or urban community to declare it has jurisdiction in all or part of any field within the jurisdiction of those local municipalities

whose territories are within its territory, except for the imposition of taxes. It also enables every municipality to which a jurisdiction has been delegated to subdelegate the jurisdiction to certain persons or bodies if the municipality has been authorized to do so by the party having delegated the jurisdiction, and subject to the conditions determined by that party.

The bill authorizes local municipalities to acquire, develop, maintain or manage railway sidings. As well, local municipalities whose territory is not part of the territory of a regional county municipality or of an urban community may establish a fund to finance development operations for land in the public domain or private land within their territory. The bill also gives regional county municipalities the power to establish partnerships with Hydro-Québec.

The bill establishes that the electronic tendering system to be used for the publication of a call for public tenders relating to a supply or services contract of \$100,000 or more is the system approved by the Government. It authorizes the Minister of Municipal Affairs to exercise the Minister's dispensing power as regards the awarding of contracts in respect of all municipalities or any category of municipalities for a contract or any class of contracts.

The bill further simplifies the contents of the list of contracts to be tabled by the mayor of a municipality at the time of the mayor's annual report on the financial situation of the municipality.

The bill also introduces new rules in the chapter relating to the financing of authorized political parties and independent candidates and the control of election expenses, in particular by making the rules provided for in Divisions II to IX of that chapter applicable to municipalities having a population of 10,000 or over. It also modifies the fines imposed for violations of the provisions of that chapter.

As concerns municipal taxation, the bill provides that any railway situated in a yard or building and belonging to VIA Rail Canada Inc. is not to be entered on the real estate assessment roll. It establishes the rule according to which a trailer that has become an immovable, situated on a camping ground belonging to a third person, is a unit of assessment which is entered on the roll in the name of the trailer's owner. As well, the owner of land on which property is situated that must be entered on the roll in the name of its owner must furnish any information the assessor requires that relates to the owner of the property.

The bill introduces provisions to grant legal recognition to the Table Québec-Municipalités.

The bill requires each municipal housing bureau to provide for the presence on its board of directors of at least two lessees elected from among all the lessees in the bureau at a meeting of lessees held for that purpose.

Lastly, the bill empowers the council of a municipality to pay to its members, in exceptional circumstances, compensation for loss of income sustained in the performance of their duties.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);

- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Charter of the city of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41).

Bill 427

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL BODIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 1 of chapter 93 of the statutes of 1997, is again amended by inserting, after subparagraph 1 of the third paragraph, the following :

“(1.1) provide, in respect of an immovable it describes that is situated in a flood zone, for an exemption from a prohibition or rule imposed pursuant to subparagraphs 1 and 3 of the second paragraph of section 5, for any land use, structure, works or cadastral operation it specifies;”.

2. Section 67 of the said Act is amended by striking out the third paragraph.

3. Section 110.4 of the said Act, amended by section 13 of chapter 93 of the statutes of 1997, is again amended by inserting “or revising” after “amending” in the fourth line of the fourth paragraph.

4. Section 113 of the said Act, amended by section 67 of chapter 26 of the statutes of 1996 and by section 23 of chapter 93 of the statutes of 1997, is again amended

(1) by inserting, after subparagraph 3 of the second paragraph, the following :

“(3.1) for every zone in which the only partially or totally residential buildings permitted are those comprising a specific number of dwellings, hereinafter referred to as “principal” dwellings, to provide that in such a building, one additional dwelling per principal dwelling may be built to be occupied by persons belonging to a class established under this subparagraph ; to provide that only such persons, their spouse or *de facto* spouse and their dependants, other than the owner or occupant of the principal dwelling, may occupy the additional dwelling ; to establish classes of buildings from among the buildings to which this subparagraph applies and classes of persons from among the persons who are or were related by blood or allied, including through a *de facto* spouse, to the owner or occupier of the principal dwelling ; to provide that the right to build an additional dwelling applies to one or more classes of buildings ; to prescribe the conditions to which the building or

occupation of an additional dwelling are subject, which conditions may vary from one class of building to another;”;

(2) by adding, at the end of subparagraph 16 of the second paragraph, “to provide, in respect of an immovable that is described in the zoning by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any land use, structure or works specified in the by-law;”.

5. Section 115 of the said Act is amended by adding, at the end of subparagraph 4 of the second paragraph, “to provide, in respect of an immovable that is described in the subdivision by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any cadastral operation specified in the by-law;”.

6. Section 145.2 of the said Act is amended by adding, at the end, the following:

“No minor exemption may be granted for a zone in which land use is subject to particular constraints for reasons of public safety.”

7. Section 201 of the said Act, replaced by section 41 of chapter 93 of the statutes of 1997, is amended

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

“201. For a decision to be made by the council, a majority of the votes cast must be cast in the affirmative, and the total of the populations awarded to the representatives who cast the affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.”;

(2) by replacing “first two paragraphs” in the first line of the third paragraph by “first paragraph”.

CITIES AND TOWNS ACT

8. Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 20 of chapter 58 of the statutes of 1997, is again amended

(1) by inserting “gratuitous or” after “by” in the second line of the first paragraph;

(2) by striking out the second paragraph.

9. Section 29.4 of the said Act is amended

(1) by adding “, in addition to the persons mentioned in section 29” at the end of the third paragraph;

(2) by striking out “a school board,” in the third and fourth lines of the third paragraph.

10. The said Act is amended by inserting, after section 29.12.1, the following :

“29.12.2. Every municipality to which a jurisdiction has been delegated may, if so authorized by the party having delegated its jurisdiction and subject to the conditions determined by that party, subdelegate all or part of the jurisdiction to a legal person established in the public interest, to a body referred to in this subdivision or to the General Purchasing Director.”

11. Section 29.14.1 of the said Act, enacted by section 47 of chapter 93 of the statutes of 1997, is amended by replacing “into a fund established by the regional county municipality whose territory contains that of the municipality under article 688.7 of the Municipal Code of Québec (chapter C-27.1)” in the second, third and fourth lines of the second paragraph by “either into a fund established by the municipality under section 466.1.1 or into a fund established under article 688.7 of the Municipal Code of Québec (chapter C-27.1) by the regional county municipality whose territory contains that of the municipality”.

12. Section 29.18 of the said Act is amended by replacing “into a fund established by a regional county municipality under article 688.7 of the Municipal Code of Québec (chapter C-27.1) in the territory in which the municipality is situated” in the fifth, sixth and seventh lines of the first paragraph by “either into a fund established by the municipality under section 466.1.1 or into a fund established under article 688.7 of the Municipal Code of Québec (chapter C-27.1) by the regional county municipality whose territory contains that of the municipality”.

13. Section 412 of the said Act, amended by section 21 of chapter 58 of the statutes of 1997, is again amended by inserting “, notwithstanding the Municipal Aid Prohibition Act (chapter I-15)” at the end of the fourth line of subparagraph *d* of paragraph 23.1.

14. Section 413 of the said Act, amended by section 50 of chapter 93 of the statutes of 1997, is again amended by inserting, after paragraph 25, the following :

“(25.1) (a) To require the owner of an immovable to instal therein and keep in good working order an apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow, and to provide, in the case of an immovable already erected, a time period to enable the owner to meet that requirement ;

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

(c) To grant a subsidy to the owner, on the conditions prescribed by by-law and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to enable the owner to meet the requirement set out in subparagraph *a* ;

(d) To divide the territory of the municipality into sectors, to establish classes of immovables, apparatus or devices, to establish any combination consisting of a sector and class, to provide that the by-law shall apply only in one or more such sectors, to one or more such classes or to one or more such combinations, and to prescribe different rules according to the sectors, classes or combinations;”.

15. The said Act is amended by inserting, after section 463, the following :

“§19.1. — *Pesticide application*

“463.1. Subject to the Pesticides Act (chapter P-9.3) and the Environment Quality Act (chapter Q-2), the municipality may, with the consent of the owner of an immovable, carry out pesticide application works on the immovable.”

16. The said Act is amended by inserting, after section 466.1, the following :

“466.1.1. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every municipality whose territory is not contained in the territory of a regional county municipality or in the territory of an urban community may, by by-law, establish a fund for the purpose of providing financial support for development operations on land in the public domain or private land situated in its territory.

“466.1.2. A fund established under section 466.1.1 must be administered by the municipality. The municipality may, by by-law, delegate all or part of the administration of the fund to any person it designates.

“466.1.3. In addition to the sums provided for in section 29.18, the fund shall receive, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of the Forest Act (chapter F-4.1).”

17. Section 466.2 of the said Act, enacted by section 4 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

18. Section 466.3 of the said Act, enacted by section 4 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 56 of chapter 93 of the statutes of 1997, is again amended by inserting, after the third paragraph, the following :

“Where several local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sum among those centres.”

19. Section 468 of the said Act is amended

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

“468. Every municipality governed by this Act, as well as Ville de Montréal and Ville de Québec, may make an agreement with any other municipality, regardless of the law governing it, relating to all or part of any field within its jurisdiction.”;

(2) by striking out the second paragraph.

20. Section 468.7 of the said Act is amended by replacing “levying” in the first line of paragraph 2 by “imposing”.

21. Section 468.47 of the said Act is amended by replacing “if the property, service or works contemplated in the agreement benefit only” in paragraph 2 by “where the object of the agreement concerns only”.

22. The said Act is amended by inserting, after section 471.0.4, the following :

“§25.0.2. — *Convention centres*

“471.0.5. The council may, by by-law, provide that the municipality establish a convention centre or that it contribute, notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the establishment or operation of a convention centre.

Where the territory of the municipality is contained in the territory of a regional county municipality or an urban community, the council must consult that municipality or community before adopting the by-law.

“471.0.6. The municipality may take up the operation of the convention centre it establishes or entrust a third person with such operation.

“§25.0.3. — *Railway sidings*

“471.0.7. A municipality may acquire, develop, maintain or manage any railway siding to promote the economic development of the municipality.”

23. Section 474.1 of the said Act, amended by section 60 of chapter 93 of the statutes of 1997, is again amended

(1) by replacing “\$5,000” in the third line of the third paragraph by “\$10,000”;

(2) by replacing “\$10,000” in the seventh line of the third paragraph by “\$20,000”;

(3) by replacing “\$1,000” in the second line of the fourth paragraph by “\$2,000”;

(4) by striking out “the date it was entered into,” in the first line of the fifth paragraph.

24. Section 573 of the said Act, amended by section 7 of chapter 53 of the statutes of 1997 and by section 66 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

25. Section 573.3.1 of the said Act, amended by section 10 of chapter 53 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “The Minister may, on his own initiative, exercise that power in respect of all municipalities or any category of municipalities for a contract or any class thereof.”

MUNICIPAL CODE OF QUÉBEC

26. Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 22 of chapter 58 of the statutes of 1997, is again amended

(1) by inserting “gratuitous or” after “by” in the second line of the first paragraph;

(2) by striking out the second paragraph.

27. Article 10.9 of the said Code is amended by replacing “, each representative has one vote and all decisions are made by a majority of the votes cast” in the fourth, fifth and sixth lines of subparagraph 1 of the second paragraph by “and each representative has one vote”.

28. Article 14.2 of the said Code is amended

(1) by adding “, in addition to the persons mentioned in article 7”, at the end of the third paragraph;

(2) by striking out “a school board,” in the third and fourth lines of the third paragraph.

29. Article 14.12.1 of the said Code, enacted by section 69 of chapter 93 of the statutes of 1997, is amended by replacing “into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality” in the second, third and fourth lines of the second

paragraph by “either into a fund established by the municipality under article 627.1.1 or 688.7 or into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality.”

30. Article 14.16 of the said Code is amended by replacing “into a fund established by a regional county municipality under article 688.7 in the territory in which the municipality is situated” in the fifth, sixth and seventh lines of the first paragraph by “either into a fund established by the municipality under article 627.1.1 or 688.7 or into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality”.

31. The said Code is amended by inserting, after article 14.17, the following :

“14.18. Every municipality to which a jurisdiction has been delegated may, if so authorized by the party having delegated its jurisdiction and subject to the conditions determined by that party, subdelegate all or part of the jurisdiction to a legal person established in the public interest, to a body referred to in articles 6.1 to 14.17 or to the General Purchasing Director.”

32. Article 142 of the said Code is amended

(1) by striking out “a majority of the members of” in the first line of subarticle 4;

(2) by adding, at the end of subarticle 4, the following: “In the case of a local municipality, the decision must be made by a majority of the members of the council.”

33. The said Code is amended by inserting, after article 148, the following :

“148.1. At a regular sitting of the council of a regional county municipality, decisions may be made only in respect of subjects or matters mentioned on the agenda, except if all the members of the council entitled to vote on the subject or matter that is proposed to be added are present.”

34. Article 160 of the said Code is amended

(1) by replacing “any by-law or” in the second line by “a”;

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

“However, a local municipality may, by by-law, specify the cases in which a disputed question must be decided by a majority greater than the majority required under the first paragraph.”

35. Article 180 of the said Code is amended by replacing “The” in the first line of the second paragraph by “In the case of a local municipality, the”.

36. Article 212.1 of the said Code is amended

(1) by replacing “by by-law adopted by an absolute majority of its members” in the first line of the first paragraph by “by by-law”;

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

“In the case of a local municipality, the by-law must be adopted by an absolute majority.”

37. Article 491 of the said Code is amended by replacing paragraph 2 by the following :

“(2) to regulate the manner in which debates of the council are to be carried out and the manner in which order and decorum are to be preserved during the sittings of the council or of any committee;”.

38. The said Code is amended by inserting, after article 524.5, the following :

“SECTION VII.3

“CONVENTION CENTRES

“524.6. Every local municipality may, by by-law, provide that the local municipality establish a convention centre or that it contribute, notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the establishment or operation of a convention centre.

Where the territory of the local municipality is contained in the territory of a regional county municipality or an urban community, the local municipality must consult the regional county municipality or the urban community before adopting the by-law.

“524.7. The local municipality may take up the operation of the convention centre it establishes or entrust a third person with such operation.”

39. The said Code is amended by inserting, after article 550, the following :

“550.1. Subject to the Pesticides Act (chapter P-9.3) and the Environment Quality Act (chapter Q-2), every local municipality may, with the consent of the owner of an immovable, carry out pesticide application works on the immovable.”

40. Article 555 of the said Code is amended by inserting “, notwithstanding the Municipal Aid Prohibition Act (chapter I-15)” after “determine” in the fourth line of subparagraph *d* of paragraph 5.

41. Article 563 of the said Code, amended by section 77 of chapter 93 of the statutes of 1997, is again amended by adding, after paragraph 2, the following :

“(3) (a) to require the owner of an immovable to instal therein and keep in good working order an apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow, and to provide, in the case of an immovable already erected, a time period to enable the owner to meet that requirement ;

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

(c) to grant a subsidy to the owner, on the conditions prescribed by by-law and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to enable the owner to meet the requirement set out in subparagraph a ;

(d) to divide the territory of the municipality into sectors, to establish classes of immovables, to establish any combination consisting of a sector and class, to provide that the by-law shall apply only in one or more such sectors, to one or more such classes or to one or more such combinations, and to prescribe different rules according to the sectors, classes or combinations.”

42. Article 569 of the said Code is amended

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

“569. Every local municipality may make an agreement with any other municipality, regardless of the law governing it, relating to all or part of any field within its jurisdiction.” ;

(2) by striking out the second paragraph.

43. Article 576 of the said Code is amended by replacing “levying” in the first line of paragraph 2 by “imposing”.

44. Article 578 of the said Code is amended by replacing “levying” in the fourth line of the second paragraph by “imposing”.

45. Article 616 of the said Code is amended by replacing “if the property, service or works contemplated in the agreement benefit only” in paragraph 2 by “where the object of the agreement concerns only”.

46. The said Code is amended by inserting, after article 625.1, the following :

“SECTION XXVI.2

“RAILWAY SIDINGS

“625.2. A local municipality may acquire, develop, maintain or manage any railway siding to promote the economic development of the local municipality.”

47. The said Code is amended by inserting, after article 627.1, the following :

“627.1.1. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every local municipality whose territory is not contained in the territory of a regional county municipality or in the territory of an urban community may, by by-law, establish a fund for the purpose of providing financial support for development operations on land in the public domain or private land situated in its territory.

“627.1.2. A fund established under article 627.1.1 must be administered by the local municipality. The municipality may, by by-law, delegate all or part of the administration of the fund to any person it designates.

“627.1.3. In addition to the sums provided for in article 14.16, the fund shall receive, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of the Forest Act (chapter F-4.1).”

48. Article 627.2 of the said Code, enacted by section 15 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

49. Article 627.3 of the said Code, enacted by section 15 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 81 of chapter 93 of the statutes of 1997, is again amended by adding, after the third paragraph, the following :

“Where several local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sum among those centres.”

50. Article 678 of the said Code is amended by inserting “, articles 557.1 and 557.2” after “544” in the third line.

51. Article 678.0.1 of the said Code, amended by section 85 of chapter 93 of the statutes of 1997, is again amended

(1) by replacing “the providing, in whole or in part, of a municipal service” in the first paragraph by “all or part of a field within their jurisdiction”;

(2) by striking out the second paragraph.

52. Article 678.0.3 of the said Code is amended

(1) by replacing “levying” in the fourth line of the first paragraph by “imposing”;

(2) by replacing “service provided” in the second line of the third paragraph by “jurisdiction exercised”.

53. Article 678.0.4 of the said Code is amended by replacing “corporation” in the sixth line by “municipality or, as the case may be, applicable to the municipality or to persons in whose respect it exercises jurisdiction,”.

54. Article 935 of the said Code, amended by section 18 of chapter 53 of the statutes of 1997 and by section 90 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subarticle 1 of the first paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

55. Article 938.1 of the said Code, amended by section 21 of chapter 53 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “The Minister may, on his own initiative, exercise that power in respect of all municipalities or any category of municipalities for a contract or any class thereof.”

56. Article 955 of the said Code, amended by section 91 of chapter 93 of the statutes of 1997, is again amended

(1) by replacing “\$5,000” in the third line of the third paragraph by “\$10,000”;

(2) by replacing “\$10,000” in the seventh line of the third paragraph by “\$20,000”;

(3) by replacing “\$1,000” in the second line of the fourth paragraph by “\$2,000”;

(4) by striking out “the date it was entered into,” in the first line of the fifth paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

57. Section 83 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1), amended by section 24 of chapter 53 of the statutes of 1997 and by section 97 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

58. Section 84 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

59. The said Act is amended by inserting, after section 84.1, the following :

“84.1.1. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 84 and that is within the competence of the municipalities whose territories are included in the Community’s territory, other than the imposition of taxes.

The secretary of the Community shall send a certified true copy of the by-law to each municipality for approval within ten days of its adoption.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Gatineau and Ville de Hull.”

60. Section 84.5.1 of the said Act, enacted by section 26 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

61. Section 84.5.2 of the said Act, enacted by section 26 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 98 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following :

“Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the total of the sums among those centres.”

62. Section 85 of the said Act is amended

(1) by replacing “matters enumerated in section 84, until the Community exercises its competence respecting such matters” in the second, third and fourth lines of the first paragraph by “fields listed in section 84 and in all or part of a field declared to be within the competence of the Community under section 84.1.1, until the Community exercises its competence respecting such fields”;

(2) by replacing “matter contemplated in section 84” in the third line of the second paragraph by “field referred to in the first paragraph”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

63. Section 120.0.3 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 29 of chapter 53 of the statutes of 1997 and by section 101 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following : “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

64. Section 121 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

65. Section 121.1 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

66. The said Act is amended by inserting, after section 121.1, the following :

“121.1.1. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 121 and that is within the competence of the municipalities whose territories are included in the Community’s territory, other than the imposition of taxes.

The secretary of the Community shall send a certified true copy of the by-law to each municipality for approval within ten days of its adoption.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Montréal.”

67. Section 121.5 of the said Act, enacted by section 31 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

68. Section 121.6 of the said Act, enacted by section 31 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 102 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following :

“Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sums among those centres.”

69. Section 122 of the said Act is amended

(1) by replacing “matters enumerated in section 121, until the Community exercises its competence respecting such matters” in the second, third and fourth lines of the first paragraph by “fields listed in section 121 and in all or part of a field declared to be within the competence of the Community under section 121.1.1, until the Community exercises its competence respecting such fields”;

(2) by replacing “matter contemplated in section 121” in the third line of the second paragraph by “field referred to in the first paragraph”;

(3) by replacing “matters enumerated in section 121 which the Community deems” in the second and third lines of the third paragraph by “fields listed in section 121 and all or part of a field declared to be within the competence of the Community under section 121.1.1 which the Community considers”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

70. Section 92.0.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 33 of chapter 53 of the statutes of 1997 and by section 108 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

71. Section 93 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

72. Section 94 of the said Act is repealed.

73. Section 95 of the said Act is replaced by the following:

“95. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 93 and that is within the competence of the municipalities whose territories are included in the Community’s territory, other than the imposition of taxes.

The secretary of the Community shall send a certified true copy of the by-law to each municipality for approval within ten days of its adoption.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Québec.”

74. Section 96 of the said Act is amended

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

“96. Subject to the provisions of this Act, the municipalities whose territories are included in the territory of the Community shall retain their competence in the fields listed in section 93 and in all or part of a field declared to be within the competence of the Community under section 95, until the Community exercises its competence in relation to such fields and to the extent that the Community has refrained from doing so.”;

(2) by replacing “matter mentioned” in the third line of the second paragraph by “field referred to”.

75. Section 96.0.1.1 of the said Act, enacted by section 35 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

76. Section 96.0.1.2 of the said Act, enacted by section 35 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 109 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following :

“Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sums among those centres.”

77. Section 141 of the said Act is replaced by the following :

“141. The provisions of this subdivision which relate to the fields of parks, centres and other recreational facilities or to that of bicycle paths and lanes apply from the coming into force of a by-law passed under section 95 whereby the Community orders that it has competence in that field.”

78. Section 145 of the said Act is amended by replacing “under subparagraph c of the first paragraph of section 95” in the second line by “, under section 95, whereby the Community orders that it has competence over the construction of low-rental housing”.

79. Schedule A to the said Act is amended by replacing “municipality of” in the first line by “Ville de”.

80. Schedule B to the said Act is amended by replacing “municipality of” in the first line by “Ville de”.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

81. Section 40 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), amended by section 36 of chapter 53 of the statutes of 1997 and by section 111 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

ACT RESPECTING MUNICIPAL COURTS

82. Section 19 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is replaced by the following:

“19. Every by-law adopted under this chapter shall be submitted to the Government for approval.

A by-law adopted by the council of a local municipality must receive the affirmative vote of the majority of the members of the council.”

83. Section 108 of the said Act is replaced by the following:

“108. A by-law passed under this division shall be submitted to the Government for approval.

A by-law passed by the council of a local municipality must receive the affirmative vote of the majority of the members of the council.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

84. Section 364 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by striking out “yet” in the second line of the definition of “electoral district”.

85. Section 365 of the said Act is amended

(1) by replacing “20 000” in the second line of the first paragraph by “10,000”;

(2) by replacing “20 000” in the second line of the second paragraph by “10,000”.

86. Section 366 of the said Act is amended

(1) by replacing “20 000” in the third line of the first paragraph by “10,000”;

(2) by replacing “20 000” in the second line of the second paragraph by “10,000”.

87. The said Act is amended by inserting, after section 447, the following :

“447.1. The total of the following amounts shall not, for a given elector, exceed \$10,000 :

(1) the outstanding principal of any loan granted by the elector to one or more authorized parties or independent candidates ; and

(2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized parties or independent candidates.”

88. The said Act is amended by inserting, after section 513, the following :

“CHAPTER XIV

“DISCLOSURE OF CERTAIN ELECTION CONTRIBUTIONS

“513.1. Every person who is a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII do not apply shall, within 60 days after the polling day fixed for that election, transmit to the treasurer a list of the persons who made certain election contributions to that person.

The list shall indicate the full name and address of each person who made a contribution of more than \$100 to promote the election of the candidate, or of several sums amounting to more than \$100, and indicate the amount so contributed by each person.

“513.2. The treasurer shall table before the council the list transmitted pursuant to section 513.1.

“513.3. For the purposes of this chapter, “treasurer” has the meaning given by section 364.”

89. Section 514 of the said Act is amended by replacing subparagraph *b* of paragraph 1 by the following :

“(b) in the case of an annexation, the date on which the municipality whose territory is affected approves or disapproves the by-law of the annexing municipality or, if the former municipality does not vote on the by-law within the time prescribed, the date on which that time expires;”.

90. The said Act is amended by inserting, after section 595, the following :

“595.1. Every candidate or leader of a party is guilty of an offence who allows an election expense to be incurred or paid otherwise than as allowed under Division V of Chapter XIII of Title I.”

91. Section 618 of the said Act is amended

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

“(2.1) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 447.1 in respect of the elector will be exceeded;”;

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

“Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 447.1 will be exceeded.”

92. The said Act is amended by inserting, after section 628, the following :

“628.1. Every person who does not transmit the list required to be transmitted under section 513.1 within the time fixed therein is guilty of an offence.”

93. Section 639 of the said Act is amended by striking out “, 600 to 606” in the first line.

94. The said Act is amended by inserting, after section 640, the following :

“640.1. Every person who is guilty of an offence described in any of sections 600 to 606 is liable,

(1) for a first offence, to a fine of not less than \$500 nor more than \$2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1,500 nor more than \$6,000;

(2) for any subsequent conviction, to a fine of not less than \$1,000 nor more than \$4,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$12,000.”

95. Section 641 of the said Act is amended by replacing “\$100” in the second line by “\$500”.

96. Section 642 of the said Act is amended by striking out “less than \$10 nor” in the second line.

ACT RESPECTING MUNICIPAL TAXATION

97. Section 18 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

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

“Every owner of a parcel of land or his mandatary must, in the same manner, where there is property on the parcel of land that must be entered on the roll in the name of its owner under Chapter V, produce or make available to the assessor or his representative any information respecting the owner of the property that he requires for the performance of his duties.”;

(2) by replacing “the first paragraph” in the second line of the second paragraph by “the first and second paragraphs”.

98. Section 40 of the said Act, replaced by section 115 of chapter 93 of the statutes of 1997, is amended by striking out the second paragraph.

99. Section 65 of the said Act is amended by inserting “VIA Rail Canada Inc.,” after “is” in the second line of subparagraph 6 of the first paragraph.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

100. The Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1) is amended by inserting, after section 21, the following :

“DIVISION IV.1

“TABLE QUÉBEC-MUNICIPALITÉS

“21.1. The Table Québec-Municipalités shall advise the Minister on any question submitted to it by the Minister.

“21.2. The Minister shall determine the composition of the Table Québec-Municipalités.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

101. The Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 57, the following :

“57.1. The board of directors of a municipal housing bureau shall consist of a fixed number of directors, varying between five and nine, designated in accordance with the provisions of the letters patent of the bureau applicable in that respect. Such letters patent shall provide that at least two of the directors are to be elected from among all the lessees of the bureau during a meeting of lessees held for that purpose.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

102. The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by inserting, after section 30.0.3, the following :

“CHAPTER III.1

“COMPENSATION FOR LOSS OF INCOME

“30.0.4. The council of the municipality may, by by-law, provide for the exceptional cases in which and the terms and conditions according to which its members are to be paid compensation for any loss of income sustained by such members in the performance of their duties.

The payment of compensation shall be decided by the council on a case-by-case basis.

Sections 7 to 10, adapted as required, apply to the by-law referred to in the first paragraph. In the case of a local municipality, the by-law must be approved by the qualified voters.

The council of the municipality may, in particular, provide that a state of emergency decreed by the Government under section 16 of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1) and the establishment by the Government of a program of financial assistance under section 38 of that Act are exceptional cases.

“30.0.5. Any compensation paid by a municipality to a person under section 30.0.4 in the period throughout which the person is a member of the council of the municipality, or the payment of which is the subject of an application, deliberation or vote during that period is a condition of employment related to the office of council member for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”

ACT RESPECTING TRANSPORTATION BY TAXI

103. Section 66 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by striking out the second paragraph.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

104. Section 204 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 157 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following : “In the case of a supply or

services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

105. Section 358 of the said Act, amended by section 166 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

CHARTER OF THE CITY OF MONTRÉAL

106. Article 107 of the Charter of the city of Montréal (1959-60, chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988, by section 68 of chapter 27 of the statutes of 1992, by section 5 of chapter 82 of the statutes of 1993, by section 3 of chapter 53 of the statutes of 1994, by section 82 of chapter 34 of the statutes of 1995, by section 174 of chapter 27 of the statutes of 1996, by section 52 of chapter 53 of the statutes of 1997 and by section 172 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the first paragraph of subarticle 3.1, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

107. Section 70 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42), amended by section 80 of chapter 34 of the statutes of 1995, by section 84 of chapter 71 of the statutes of 1995, by section 42 of chapter 53 of the statutes of 1997 and by section 173 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

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

108. Section 91 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32), amended by section 81 of chapter 34 of the statutes of 1995, by section 85 of chapter 71 of the statutes of 1995, by section 47 of chapter 53 of the statutes of 1997 and by section 174 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

109. Section 10 of the Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41) is amended by striking out “as regards the provision of the municipal service concerned” in the second and third lines of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

110. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), a local municipality may grant a subsidy to the owner of an immovable who, after 1 January 1997, installed on that immovable any apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow.

111. Where, pursuant to the protection policy for lakeshores, riverbanks, littoral zones and flood plains and the Canada-Québec agreement respecting flood risk mapping applied to floodplain preservation and sustainable development of water resources, an exemption from a prohibition or a rule contained in the policy or agreement was granted before 17 June 1998 in respect of an immovable for a land use, construction, works or cadastral operation, the effects that have and will be given to the exemption are valid notwithstanding the fact that the exemption was not permitted by the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

The same rule applies to an exemption from a similar prohibition or rule granted, before that date, pursuant to a power provided for in a development plan or in a by-law or resolution that is consistent with that power.

112. No gratuitous transfer of immovable property effected by a municipality before 17 June 1998 in favour of a person referred to in section 29 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) may be invalidated on the ground that the municipality did not have the power to effect the transfer.

113. The electronic tendering system commonly known as the “Merx System” is deemed to have been approved by the Government for the purposes of the provisions enacted by sections 24, 54, 57, 63, 70, 81 and 104 to 108, until the Government replaces it by another system it approves or has approved for such purposes.

114. Every by-law concerning the majority required to decide a question, adopted by a local municipality pursuant to paragraph 2 of article 491 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as it read before being replaced by section 37 of this Act and in force on 16 June 1998, retains its effects as if adopted pursuant to the second paragraph of article 160 of the said Code, enacted by section 34 of this Act.

115. In cases where, before 17 June 1998, the council of a municipality whose territory is affected by an annexation has disapproved the annexation by-law or has failed to approve or disapprove the by-law within the prescribed time, and where no person has been appointed by the Minister of Municipal Affairs to perform the duties of the clerk or secretary-treasurer during the referendum on the by-law, the reference date provided for in section 514 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is deemed to be 17 June 1998.

However, any act that has been or will be performed on the basis of the reference date provided for in section 514 of the said Act, as amended by section 89 of this Act, in a referendum process begun before 17 June 1998, is valid.

116. Every municipal housing bureau that, on 17 June 1998, has a board of directors the composition of which is not in conformity with section 57.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8), as enacted by section 101 of this Act, must, before 1 January 1999, amend its letters patent and add directors to the board or replace directors in office so as to establish a board of directors the composition of which is in conformity with that section.

117. Sections 13 and 40 have effect from 18 December 1982.

118. Sections 84 to 86, 88 and 92 have effect from 1 September 1998.

119. Section 98 has effect for the purposes of each municipal fiscal year from the 1999 fiscal year.

120. This Act comes into force on 17 June 1998, except sections 24, 54, 57, 63, 70, 81, 104 to 108 and 113, which come into force on 1 July 1998.