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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 23  
(2003, chapter 19)

**An Act to again amend various  
legislative provisions concerning  
municipal affairs**

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**Introduced 13 November 2003  
Passage in principle 28 November 2003  
Passage 18 December 2003  
Assented to 18 December 2003**

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## **EXPLANATORY NOTES**

*This bill enacts, amends or strikes out various provisions governing municipal bodies.*

*The bill amends the Act respecting land use planning and development mainly to streamline certain processes and improve certain rules in the area of urban planning. It introduces a mechanism that will allow regional county municipalities and school boards to coordinate their action on their territories.*

*The bill amends the Cities and Towns Act and the Municipal Code of Québec to change various administrative rules. For example, where it was stipulated that the mandate of an acting mayor could not exceed four months, the council will now determine the duration of the mandate. Amendments of an administrative nature are also made to the charters of the new megacities.*

*As regards loans and financial management, the bill amends the Cities and Towns Act and the Municipal Code of Québec to allow a municipality, with respect to certain loan by-laws, to use a greater part of the loan to repay to the general fund sums previously expended in connection with the object of the loan, to allow a municipality to give taxpayers the possibility to pay their share in advance when a by-law provides for the payment of a compensation and to give municipalities new powers with respect to special taxes, particularly the power to levy certain special taxes with varying rates.*

*The bill makes it possible, in certain cases, to repay a loan over 40 years. It also enables municipalities with a population of 100,000 or more to make a financial commitment for a period of up to ten years without the authorization of the Minister, provided the amount committed does not exceed a given percentage of the municipality's budget.*

*The bill further amends the Cities and Towns Act to allow municipalities to sell energy resulting from the operation of a residual materials disposal facility.*

*The bill adds certain contracts to the list of contracts not subject to the rules set in municipal legislation for the awarding of contracts by municipal bodies.*

*The bill amends the Act respecting the Communauté métropolitaine de Montréal and the Act respecting the Communauté métropolitaine de Québec to provide for the remuneration of certain members of committees established by either metropolitan community.*

*The bill amends the Act respecting elections and referendums in municipalities to allow elected municipal officers to act as first responders in the delivery of pre-hospital emergency services.*

*The bill amends the Act respecting municipal taxation to enable municipalities to use a tariffing system to finance the contribution they pay for the services of the Sûreté du Québec. It amends that Act and enacts miscellaneous and transitional provisions to facilitate the application, by certain municipalities resulting from amalgamations, of rules created under a transitional scheme for limiting the variation in the fiscal burden borne by different categories of ratepayers in the various sectors of the territory.*

*The bill amends the Charter of Ville de Montréal and the Charter of Ville de Québec to improve certain rules on urban planning and to allow borough councils to delegate certain powers to borough officers or employees. It also amends the Charter of Ville de Montréal to replace the city's obligation to assign numbers to its borough by a simple power to do so and the Charter of Ville de Sherbrooke to allow it to name its boroughs.*

*The bill amends the Charter of Ville de Longueuil and the Charter of Ville de Québec in order to act upon the administrative reorganization plan proposed by those cities, particularly with respect to the delegation of powers to the boroughs.*

*The bill amends the Act respecting the Ministère des Affaires municipales et de la Métropole and several other Acts in order to replace the designations of the Minister and the department by the designations “Minister of Municipal Affairs, Sports and Recreation” and “Ministère des Affaires municipales, du Sport et du Loisir”.*

#### **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Chartered Accountants Act (R.S.Q., chapter C-48);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Expropriation Act (R.S.Q., chapter E-24);
- Act respecting Financement-Québec (R.S.Q., chapter F-2.01);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01);
- Hydro-Québec Act (R.S.Q., chapter H-5);
- Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);
- Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);
- Taxation Act (R.S.Q., chapter I-3);
- Education Act (R.S.Q., chapter I-13.3);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Municipal Aid Prohibition Act (R.S.Q., chapter I-15);
- Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);

- Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1);
- Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Pesticides Act (R.S.Q., chapter P-9.3);
- Police Act (R.S.Q., chapter P-13.1);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);
- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);

- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Municipal Works Act (R.S.Q., chapter T-14);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);
- Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting the town of Brossard (1969, chapter 99);
- Act respecting the city of Rimouski (1984, chapter 66);
- Act respecting the acquisition of immovables by the town of Berthierville (1985, chapter 56);
- Act respecting the city of Grand-Mère (1993, chapter 90);
- Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67);
- Act respecting the Agence de développement Station Mont-Tremblant (1997, chapter 100);
- Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2);
- Act respecting certain facilities of Ville de Montréal (1998, chapter 47);
- Act respecting the amalgamation of Municipalité de Mont-Tremblant, Ville de Saint-Jovite, Municipalité de Lac-Tremblant-Nord and Paroisse de Saint-Jovite (1999, chapter 88);
- Act respecting Ville de Chapais (1999, chapter 98);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37);
- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 77);
- Act respecting the Agence de développement de Ferme-Neuve (2002, chapter 83);
- Act respecting Ville de Contrecoeur (2002, chapter 95);
- Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3).



## **Bill 23**

### **AN ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**1.** Section 8.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is repealed.

**2.** Section 42 of the said Act is amended by striking out “and registered with the Commission” in the second line of the third paragraph.

**3.** Section 53.1 of the said Act is amended by inserting “or by another committee member designated by the warden” after “warden” in the third line.

**4.** Section 53.11 of the said Act is amended

(1) by replacing “, to every contiguous regional county municipality, and to the Commission for registration” in the seventh and eighth lines of the first paragraph by “and to every contiguous regional county municipality”;

(2) by striking out the second paragraph.

**5.** Section 56.1 of the said Act is amended by replacing “whose territory is comprised” in the fourth and fifth lines of the second paragraph by “or school board whose territory is situated in whole or in part”.

**6.** Section 56.2 of the said Act is amended

(1) by inserting “, school board” after the first “municipality” in the first line of the first paragraph;

(2) by inserting “or, in the case of a school board, the director general,” after “secretary-treasurer” in the first line of the second paragraph;

(3) by inserting the following paragraph after the second paragraph:

“For the purpose of this division, the council of a school board is the council of commissioners of the school board.”

**7.** Section 56.3 of the said Act is amended by replacing “whose territory is comprised” in the fourth and fifth lines of the second paragraph by “or school board whose territory is situated in whole or in part”.

**8.** Section 56.5 of the said Act is amended

(1) by inserting “, school board” after the first “municipality” in the first line of the first paragraph;

(2) by inserting “or, in the case of a school board, the director general” after “secretary-treasurer” in the first line of the second paragraph.

**9.** Section 56.6 of the said Act is amended

(1) by inserting “, school boards” after “municipalities” in the first line of subparagraph 2 of the second paragraph;

(2) by replacing “whose territory is comprised” in the third line of the third paragraph by “or school board whose territory is situated in whole or in part”.

**10.** Section 56.7 of the said Act is amended

(1) by inserting “, school board” after the first “municipality” in the first line of the first paragraph;

(2) by inserting “or, in the case of a school board, the director general” after “secretary-treasurer” in the first line of the second paragraph.

**11.** Section 56.9 of the said Act is amended by inserting “or by another committee member designated by the warden” after “warden” in the third line.

**12.** Section 56.13 of the said Act is amended by replacing “and by” in the first and second lines of subparagraph 1 of the second paragraph by “, school boards or”.

**13.** Section 56.18 of the said Act is amended by replacing “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the third and fourth lines of the second paragraph by “and to every contiguous regional county municipality”.

**14.** Section 57.1 of the said Act is repealed.

**15.** Section 66 of the said Act is amended by replacing “, to every regional county municipality whose territory is contiguous and, for registration purposes, to the Commission” in the third and fourth lines of the third paragraph by “and to every contiguous regional county municipality”.

**16.** Section 78 of the said Act is repealed.

**17.** Section 79.6 of the said Act is amended by inserting “or by another committee member designated by the warden” after “warden” in the third line.

**18.** Section 79.13 of the said Act is amended by replacing the fourth paragraph of the English text by the following paragraph:

“The secretary-treasurer of the regional county municipality shall see to it that a copy of the opinion is posted in the office of every municipality whose territory is concerned by the by-law.”

**19.** Section 79.19 of the said Act is amended by inserting “adoption or” after “such” in the sixth line of the second paragraph of the English text.

**20.** Section 99 of the said Act is amended by striking out “, and be registered with the Commission” in the third and fourth lines.

**21.** Section 109.12 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

**22.** Section 110.2 of the said Act is amended

(1) by replacing “, to the regional county municipality and, for registration purposes, to the Commission” in the fourth and fifth lines of the first paragraph by “and to the regional county municipality”;

(2) by striking out “or to the Commission” in the second and third lines of the second paragraph.

**23.** The said Act is amended by inserting the following section after section 110.3.1:

**“110.3.2.** In cases where section 109.1 applies, the clerk or the secretary-treasurer of the municipality shall also transmit a certified copy of both the draft by-law revising the planning program and the resolution under which it is adopted to every school board whose territory is situated in whole or in part in that of the municipality.”

**24.** Section 112.3 of the said Act is amended by replacing “, to every municipality whose territory is contiguous and, for registration, to the Commission” in the fourth and fifth lines by “and to every contiguous municipality”.

**25.** Section 137.8 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

**26.** Section 137.17 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth and fifth lines of the first paragraph.

**27.** Section 145.7 of the said Act is amended by inserting the following paragraph after the first paragraph:

“The resolution under which the council renders its decision may set conditions within the jurisdiction of the municipality, to reduce the impact of the exemption.”

**28.** Section 145.8 of the said Act is replaced by the following section:

**“145.8.** Notwithstanding sections 120, 121 and 122, upon presentation of a certified copy of the resolution under which the council grants the exemption, the officer referred to in those sections shall issue the permit or certificate if the conditions referred to in the section are satisfied, subject to the second paragraph, including any condition that must, under the resolution, be satisfied no later than the time the permit or certificate application is made.

Where the condition is that the application be in conformity with a by-law referred to in paragraph 1 of section 120 or 121 or subparagraph 1 of the first paragraph of section 122, the application must be in conformity with the provisions of the by-law that are not the subject of the exemption.”

**29.** Section 151 of the said Act is amended

(1) by striking out the second paragraph;

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

(3) by striking out “by the Government” in the sixth line of the fourth paragraph.

**30.** Section 152 of the said Act is amended by striking out the second sentence of the second paragraph.

**31.** Section 153 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the seventh and eighth lines of the third paragraph.

**32.** Section 161 of the said Act is amended by replacing “, served on the council of the regional county municipality, on the councils of the municipalities concerned and registered with the Commission” in the second, third and fourth lines by “and served on each regional county municipality or municipality concerned”.

**33.** Section 164 of the said Act is amended by replacing “on each of the councils of the regional county municipalities and of the municipalities concerned and registered with the Commission” in the first, second and third lines of the second paragraph by “on each regional county municipality or municipality concerned”.

**34.** Section 165.2 of the said Act is amended by striking out “to the Commission and” in the first line of the third paragraph.

**35.** Section 165.4 of the said Act is amended by striking out “, to the Commission” in the second line of the fourth paragraph.

**36.** Section 205 of the said Act is amended by striking out the fourth paragraph.

**37.** The heading of Chapter II of Title II of the said Act is replaced by the following heading:

**“CHAPTER II**

**“ASSESSMENTS BY THE COMMISSION”.**

**38.** The heading of Division I of Chapter II of Title II of the said Act is repealed.

**39.** The heading of Division II of Chapter II of Title II of the said Act is repealed.

**40.** Section 221 of the said Act is repealed.

**41.** Section 223 of the said Act is repealed.

**42.** Section 225 of the said Act is amended by striking out “and must be registered” in the second line.

**43.** Section 226 of the said Act is repealed.

**44.** The said Act is amended by inserting the following after section 226:

**“TITLE II.1**

**“GOVERNMENT REGULATIONS**

**“226.1.** The Government may, by regulation,

(1) prescribe rules concerning the form in which a land use planning and development plan must be presented;

(2) prescribe rules complementary to those provided in Division VI.1 of Chapter I of Title I, concerning the preparation of a revised land use planning and development plan.”

**45.** Section 227 of the said Act is amended by inserting “145.7,” after “section” in subparagraph *f* of subparagraph 1 of the first paragraph.

**46.** Section 228 of the said Act is amended by replacing the first sentence of the first paragraph by the following sentence: “Any subdivision, cadastral operation or parcelling out of a lot by alienation that is carried out contrary to a subdivision by-law, a by-law under section 145.21 or an interim control by-law or resolution, a plan approved in accordance with section 145.19, an agreement made under section 145.21, a resolution referred to in the second paragraph of section 145.7 or 145.38 or a land rehabilitation plan approved by the Minister of the Environment under Division IV.2.1 of Chapter I of the Environment Quality Act (chapter Q-2) may be annulled.”

**47.** Section 237.2 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

**48.** Section 238 of the said Act is amended by striking out “and be registered with the Commission” in the third and fourth lines of the third paragraph.

**49.** Section 239 of the said Act is amended by striking out “, and the decision shall be registered with the Commission” in the third and fourth lines of the third paragraph.

#### CHARTER OF VILLE DE GATINEAU

**50.** Schedule B to the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by inserting the following sections after section 6:

**“6.1.** The executive committee may, in the manner it determines, alienate any property whose value does not exceed \$10,000, on a report of the director general attesting the value of the property. The executive committee shall report to the council within 30 days after the alienation.

**“6.2.** In the case of an act of God likely to endanger human life or health, to seriously damage municipal property or to cause financial harm greater than the planned expenditure, the mayor may order any expenditure he or she considers necessary and grant any contract necessary to rectify the situation.

In such a case, the mayor shall submit a reasoned report to the executive committee at the first meeting following the decision. The report shall be filed with the council at its next meeting.

**“6.3.** The executive committee may grant subsidies of \$100,000 or less and any form of assistance that does not exceed that amount.

**“6.4.** Contracts within the jurisdiction of the council or the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may designate in writing, generally or specially, another member of the executive committee to sign contracts in his or her place. In such cases, for the purposes of the first paragraph of section 53 of the Cities and Towns Act (chapter C-19), the contract shall be presented to that other member rather than the mayor.

On the proposal of the mayor, the executive committee may authorize the director general, a department head or another designated officer, generally or specially, to sign contracts or documents of a nature the committee determines that are within the jurisdiction of the council or the executive committee, except by-laws and resolutions, and, in that case, may prescribe that certain contracts or documents or certain classes of contracts or documents do not require the clerk’s signature.

**“6.5.** The clerk is authorized to amend any minutes, by-law, resolution, order or other act of the council or of the executive committee in order to correct an error that is obvious just by reading the documents provided in support of the decision or act. In such a case, the clerk shall attach the minutes of the correction to the original of the amended document and shall file a copy of the amended document and of the minutes of the correction at the following sitting of the council or the executive committee, as the case may be.”

**51.** Section 19 of Schedule B to the said Charter is repealed.

#### CHARTER OF VILLE DE LÉVIS

**52.** Section 86 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by inserting “or by another borough council member designated by the chair” after “council” in the second line of paragraph 3.

#### CHARTER OF VILLE DE LONGUEUIL

**53.** Section 58.2 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) cultural property recognized or classified or a historic monument designated under the Cultural Property Act (chapter B-4) or where the planned site of the project is a historic or natural district or heritage site within the meaning of that Act.”

**54.** Section 13 of Schedule C to the said Charter is amended by striking out “and the borough directors,” in the third line.

**55.** Schedule C to the said Charter is amended by inserting the following section after section 13:

“**13.1.** Upon the joint recommendation of the borough council and the executive committee, the council shall appoint a borough director.”

**56.** Section 14 of Schedule C to the said Charter is amended

(1) by striking out “permanent” in the first line;

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

“The executive committee may delegate the powers described in the first paragraph to the borough councils.”

**57.** Schedule C to the said Charter is amended by inserting the following section after section 20:

“**20.1.** The director general may delegate to the borough directors any power exercised by the director general in respect of matters under the jurisdiction of a borough council. The borough directors shall in such case discharge the obligations prescribed by law in respect of the delegated powers.”

**58.** Schedule C to the said Charter is amended by inserting the following section after section 48:

“**48.0.1.** The council may, by a by-law adopted by two-thirds of the votes cast, delegate to a borough council, on the terms and conditions determined by the by-law, its powers in all or part of a field within its jurisdiction, other than the power to borrow or to levy taxes and the capacity to sue and be sued.”

#### CHARTER OF VILLE DE MONTRÉAL

**59.** Section 10 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “shall” in the second paragraph by “may”.

**60.** Section 25 of the said Charter is amended

(1) by striking out the first paragraph;

(2) by striking out “special” in the first line of the second paragraph.

**61.** Section 83 of the said Charter is amended by inserting the following paragraph after the first paragraph:

“However, subparagraph 2 of the first paragraph and sections 109.2 to 109.4 of the Act respecting land use planning and development (chapter A-19.1) do not apply to a draft by-law whose sole purpose is to amend the city’s



planning program in order to authorize the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89.”

**62.** Section 89 of the said Charter is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) cultural property recognized or classified or a historic monument designated under the Cultural Property Act (chapter B-4) or where the planned site of the project is a historic or natural district or heritage site within the meaning of that Act.”

**63.** Section 89.1 of the said Charter is amended

(1) by replacing “A by-law adopted pursuant to” in the first line of the second paragraph by “The draft version of a by-law referred to in”;

(2) by replacing “a by-law authorizing” in the second and third lines of the fourth paragraph by “the draft version of a by-law whose sole purpose is to authorize”.

**64.** Section 130 of the said Charter is amended by replacing the third paragraph by the following paragraph:

“Subject to section 477.2 of the Cities and Towns Act (chapter C-19), the borough council may, by by-law, provide for the delegation of any power within its competence, other than the power to make by-laws or a power provided for in section 145 or 146, to any officer or employee assigned by the city to the borough and set the conditions and procedures for the exercise of the delegated power. Where the delegation pertains to a personnel management matter, the officer or employee to whom the delegation is made shall report to the borough council on any decision made by virtue of the delegated power at the first regular meeting after the expiry of five days following the date of the decision.”

**65.** Section 1 of Schedule C to the said Charter is amended by striking out the second paragraph.

**66.** Section 16 of Schedule C to the said Charter is amended

(1) by replacing “opposition leader and for the duties of majority leader” in the second and third lines of the first paragraph by “leader of the opposition, opposition floor leader and majority floor leader”;

(2) by replacing “the opposition leader and majority leader” in the third line of the second paragraph by “leader of the opposition, opposition floor leader and majority floor leader”;

(3) by replacing “majority leader” in the first line of the third paragraph by “majority floor leader”;

(4) by replacing “opposition leader is the councillor designated” in the first line and in the third and fourth lines of the fourth paragraph by “leader of the opposition and the opposition floor leader are the councillors designated”.

**67.** Section 33 of Schedule C to the said Charter is amended by adding the following paragraph after the second paragraph:

“The city may, by by-law, authorize any person who was a member of the council of a municipality mentioned in section 5 of this Charter during any period determined by the by-law and who receives a retirement pension under a plan in which the members of the council of the municipality participated to participate in the group insurance taken out by the city. The member shall pay the full amount of the premium.”

**68.** Schedule C to the said Charter is amended by inserting the following sections after section 102:

**“102.1.** In addition to any property or rental tax or any mode of tariffing it may impose for the supply of water, the city may, by by-law, impose on all taxable immovables in its territory, on the basis of their taxable value, a special tax for the purpose of improving techniques and procedures and developing infrastructures related to the supply of water.

The tax rate may vary according to the classes of immovables determined by the by-law.

The first two paragraphs have effect until 31 December 2013.

**“102.2.** The city may, by by-law, impose an annual tax the debtor of which is any person responsible for an illuminated or electric sign placed on any public street or lane or on any public sidewalk or land, and the amount of which is established according to the surface area of the sign.”

**69.** Section 121 of Schedule C to the said Charter is amended by inserting “or the securities issued for that loan and within the 12 months following either of those maturity dates” after “renewed” in the second line of the fifth paragraph.

**70.** Section 198 of Schedule C to the said Charter is repealed.

**71.** Section 217 of Schedule C to the said Charter is amended by striking out “198,” in the first line of the second paragraph.

**72.** Section 250 of Schedule C to the said Charter is amended by replacing “2003” in the third line of the third paragraph by “2008”.

## CHARTER OF VILLE DE QUÉBEC

**73.** Section 36.1 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is replaced by the following section:

**“36.1.** The city council must consult with the ward council on matters listed in the by-law respecting the public consultation policy adopted under section 36.

Any ward council, on its own initiative, may also give its advice to the city council, the executive committee or a borough council on any other matter concerning the ward.”

**74.** The said Charter is amended by inserting the following sections after the heading of subdivision 2 of Division II of Chapter III:

**“72.1.** To harmonize the by-laws adopted by the borough councils under section 115, the city council may make a by-law prescribing standards and amending those by-laws. In that respect, the city council has all the powers and is subject to all the obligations assigned to or imposed on the city in matters of land use planning and development by the Act respecting land use planning and development (chapter A-19.1), this Act or any other Act.

A by-law adopted under the first paragraph need not be submitted for consultation to ward councils and, notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development, is not subject to approval by way of referendum.

**“72.2.** In addition to the components listed in section 83 of the Act respecting land use planning and development (chapter A-19.1), the city’s planning program may include a complementary document establishing standards and criteria that the borough councils must take into account in any by-law adopted under section 115 and requiring borough councils to prescribe, in such a by-law, provisions at least as restrictive as those established in the complementary document.”

**75.** The said Charter is amended by inserting the following sections after section 74:

**“74.1.** Every draft amendment to a by-law in respect of which sections 124 to 127 of the Act respecting land use planning and development (chapter A-19.1) apply and that is approved by the executive committee or the borough council, according to their respective jurisdictions, must be the subject of a public consultation meeting held under sections 125 to 127 of that Act, which apply with any necessary modifications provided for in the second paragraph of section 115 of this Charter.

If the draft amendment concerns a ward that has a ward council, the executive committee or the borough council shall also consult the ward

council. In that case, the executive committee or the borough council may ask the ward council to hold the public consultation meeting required under the first paragraph. The executive committee or the borough council may determine in what cases a public consultation meeting is automatically to be held by a ward council.

**“74.2.** The city council may, by a by-law adopted by a two-thirds majority vote of its members, authorize the executive committee or the ward council, according to their respective jurisdictions, to exclude certain draft amendments from the ward council’s consultation. The by-law must specify the matters that may thus be excluded and the criteria to be considered by the executive committee and the ward council. The criteria may in particular provide that a draft amendment may only be excluded from the ward council’s consultation if, in the opinion of the executive committee or the ward council, the draft amendment has no impact or a negligible impact on the authorized uses and land use standards applicable in the zones affected by the draft amendment.

**“74.3.** Where a draft by-law is adopted by the city council or by a borough council following the approval of a draft amendment by the executive committee or the borough council and the holding of a public consultation meeting on the draft amendment in accordance with section 74.1, the draft by-law need not be submitted for public consultation as required under sections 125 to 127 of the Act respecting land use planning and development (chapter A-19.1) and, if the draft by-law contains a provision making it a by-law subject to approval by way of referendum, it is considered to be the second draft by-law referred to in section 128 of that Act.

**“74.4.** Notwithstanding any by-law adopted by a borough council, the city council may, by by-law, authorize the carrying out of a project involving

(1) collective or institutional equipment, such as cultural equipment, a hospital, a university, a college, a convention centre, a house of detention, a cemetery, a regional park or a botanical garden;

(2) major infrastructures, such as an airport, a harbour, a train station, a marshalling yard or a water treatment, filtration or purification establishment;

(3) a residential, commercial or industrial establishment whose floor area is greater than 25,000 square metres;

(4) housing intended for persons in need of help, protection, care or shelter, in particular under a housing program implemented under the Act respecting the Société d’habitation du Québec (chapter S-8);

(5) cultural property recognized or classified or a historic monument designated under the Cultural Property Act (chapter B-4) or a planned site situated in a historic or natural district or in a heritage site within the meaning of that Act.

A by-law adopted under the first paragraph may only contain the planning rules necessary for the carrying out of the project. Such a by-law amends any by-law in force adopted by the borough council, to the extent that is precisely and specifically provided in the by-law.

**“74.5.** Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development (chapter A-19.1), a by-law adopted by the city council under section 74.4, except a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of that section, is not subject to approval by way of referendum.

Sections 124 to 127 of the Act respecting land use planning and development do not apply to a by-law authorizing the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 74.4.

**“74.6.** The city council may, by by-law, determine in what cases a by-law adopted by a borough council, other than a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1), does not have to be examined for conformity with the planning program of the city.”

**76.** Section 114 of the said Charter is amended by replacing the third paragraph by the following paragraph:

“Subject to section 477.2 of the Cities and Towns Act (chapter C-19), the borough council may, by by-law, provide for the delegation of any power within its competence, other than the power to make by-laws or a power provided for in section 125 or 126, to any officer or employee assigned by the city to the borough and set the conditions and procedures for the exercise of the delegated power. Where the delegation pertains to a personnel management matter, the officer or employee to whom the delegation is made shall report to the borough council on any decision made by virtue of the delegated power at the first regular meeting after the expiry of five days following the date of the decision.”

**77.** Section 115 of the said Charter is amended

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

**“115.** The borough council shall exercise the jurisdiction of the city under the Act respecting land use planning and development (chapter A-19.1), respecting zoning and subdivision, except the city’s jurisdiction under sections 117.1 to 117.16 of that Act, and respecting matters referred to in Division VI of Chapter IV of Title I of that Act, sections 145.12 to 145.14 of that Act, Divisions VIII, X and XI of that chapter and sections 96, 103, 110, 111 and 112 of Schedule C to this Charter.

The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first paragraph:

- (1) section 110.10.1 of that Act does not apply;
  - (2) the notice required by section 126 of that Act must be posted at the borough office and must state that a copy of the draft by-law may be consulted at the borough office;
  - (3) the summary provided for in section 129 of that Act may be obtained at the borough office; and
  - (4) the notice provided for in section 145.6, published in accordance with the Cities and Towns Act (chapter C-19), is to be posted at the borough office.”;
- (2) by replacing “of the first paragraph” in the first line of the second paragraph by “of the first two paragraphs”.

**78.** Section 117 of the said Charter is replaced by the following section:

**“117.** To ensure compliance with the planning program of the city of any concordance by-law within the meaning of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development (chapter A-19.1), adopted by a borough council, sections 137.2 to 137.8 of that Act apply instead of sections 137.10 to 137.14 of that Act, with the necessary modifications.

Sections 137.2 to 137.8 and 137.15 to 137.17 of the Act respecting land use planning and development also apply, with the necessary modifications, to any by-law, other than a concordance by-law, adopted under section 115 by a borough council.

For the purposes of this section, the powers and obligations of the council of the regional county municipality under sections 137.3 to 137.7 of the Act respecting land use planning and development shall be vested in the executive committee of the city.

For the purposes of this section, the powers and obligations of the council of the regional county municipality under section 137.8 of the Act respecting land use planning and development shall be vested in the city council.

The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first four paragraphs:

- (1) the executive committee shall establish the rules applicable for the purposes of the transmission of certified true copies of by-laws and resolutions adopted by the borough councils for examination by the executive committee, for the purposes of an alternative to service of those documents where the applicable sections require service on the regional county municipality, and for the purpose of fixing the dates on which those documents are deemed to be transmitted or served; and

(2) the executive committee shall identify the officer responsible for issuing assessments of conformity.”

**79.** Section 19 of Schedule C to the said Charter is amended by replacing “except a contract for which only one conforming tender was received” in the fourth line by “except a contract that involves an expenditure of more than \$100,000 that would entail commitment of the city’s budgeted appropriations for a period extending beyond the fiscal year following the fiscal year in which it is awarded”.

**80.** Section 39 of Schedule C to the said Charter is amended by striking out the second paragraph.

**81.** Schedule C to the said Charter is amended by inserting the following section after section 44:

“**44.1.** The city council may create a body charged with acting as public protector for the city.

Section 6 of this Schedule does not apply to a body created under the first paragraph.”

**82.** Section 84 of Schedule C to the said Charter is amended

(1) by inserting “and the borough councils” after “committee” in the first line of the first paragraph;

(2) by replacing “The authorization” in the second line of the first paragraph by “A borough council may, similarly, authorize the executive committee to make orders relating to a by-law within its jurisdiction. All authorizations”.

**83.** Schedule C to the said Charter is amended by inserting the following section after section 84:

“**84.1.** The city council may, by by-law and subject to the terms and conditions it determines, delegate its powers in all or part of the following fields within its jurisdiction to a borough council:

(1) the management of a street or road in its arterial system;

(2) the management of a waterworks or sewer system;

(3) the management of any other immovable, infrastructure or facility determined by the city council.

The city council must, so far as possible, pass a by-law under the first paragraph and put it into force before 1 May 2004.

If a by-law amending a by-law passed under the first paragraph restricts the delegation made to the borough council, it must be adopted by a two-thirds majority of the votes cast by the members of the city council.”

**84.** Section 85 of Schedule C to the said Charter is amended

(1) by inserting “or the borough council” after “committee” in the fourth line of the first paragraph;

(2) by inserting “or approving a draft amendment under section 74.1” after “amendment” in the fourth line of the first paragraph;

(3) by inserting “or the borough council” after “committee” in the fifth line of the first paragraph;

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

“The first paragraph ceases to have effect, in respect of a resolution adopted by the executive committee, on the day after the first regular meeting of the city council or the borough council, according to their respective jurisdictions, following the adoption of the resolution if the council did not ratify the resolution at that meeting.

The first paragraph also ceases to have effect,

(1) in the case of a draft amendment to a zoning or subdivision by-law,

(a) on the one hundred and fiftieth day following the adoption of the resolution of the executive committee or the borough council if no notice of motion has been given to the city council or the borough council for the amendment of the provisions that are the subject of the draft amendment; or

(b) on the date provided for in section 114 or 117 of the Act respecting land use planning and development (chapter A-19.1) for the cessation of effect of the notice of motion if the notice was given within the time determined in subparagraph *a*, except if the applicable section provides for the cessation of effect on the date occurring four months after the filing of the notice of motion, in which case the cessation occurs on the sixtieth day after the filing of the notice; and,

(2) in the case of a draft amendment to a building by-law,

(a) on the one hundred and fiftieth day following the adoption of the resolution of the executive committee or the borough council if a by-law amending the provisions that are the subject of the draft amendment has not been adopted on that date by the city council; or

(b) otherwise, on the date of coming into force of the amendment adopted by the council or on the ninetieth day following the adoption of the by-law



amending the provisions that are the subject of the draft amendment, whichever is earlier.”

**85.** Section 88 of Schedule C to the said Charter is amended by inserting “or the borough council” after “committee” in the third, fourth and tenth lines.

**86.** Section 89 of Schedule C to the said Charter is amended by inserting “or the borough council, according to their respective jurisdictions,” after “committee” in the first line.

**87.** Section 90 of Schedule C to the said Charter is amended

(1) by inserting “or the borough council, according to their respective jurisdictions,” after “committee” in the first line;

(2) by inserting “or the borough council” after “committee” in the eighth line.

**88.** Section 91 of Schedule C to the said Charter is amended

(1) by inserting “or the borough council” after “committee” in the first line of subsection 2;

(2) by striking out the second paragraph of subsection 2.

**89.** Section 98 of Schedule C to the said Charter is amended by replacing “The city council” in the first line by “The city”.

**90.** Section 99 of Schedule C to the said Charter is amended by replacing “The city council” in the first line of the first paragraph by “The city”.

**91.** Section 100 of Schedule C to the said Charter is amended by replacing “The city council” in the first line by “The city”.

**92.** Section 101 of Schedule C to the said Charter is amended by replacing “The city council” in the first line by “The city”.

**93.** Section 102 of Schedule C to the said Charter is amended by replacing “The city council” in the first line by “The city”.

**94.** Section 103 of Schedule C to the said Charter is amended by replacing “The city council” in the first line of the first paragraph by “The city”.

**95.** Section 104 of Schedule C to the said Charter is amended by replacing “The city council” in the first line of the first paragraph by “The city”.

**96.** Section 107 of Schedule C to the said Charter is amended by replacing “The city council” in the first line by “The city” and “prescribe in the parts of the territory of the city it” in the third and fourth lines by “prescribe in the parts of its territory it”.

**97.** Section 109 of Schedule C to the said Charter is amended by replacing “The city council” in the first line by “The city”.

**98.** Section 110 of Schedule C to the said Charter is amended

(1) by replacing “The city council” in the first line of the first paragraph by “The city”;

(2) by replacing “of the territory and on the conditions it” in the third line of the first paragraph by “of its territory and on the conditions it”;

(3) by striking out the second sentence of the second paragraph.

**99.** Section 111 of Schedule C to the said Charter is amended

(1) by replacing “The city council” in the first line of the first paragraph by “The city”;

(2) by replacing “il” in the second line of the French text of the first paragraph by “elle”;

(3) by striking out the second sentence of the second paragraph.

**100.** Section 112 of Schedule C to the said Charter is amended

(1) by replacing “The city council” in the first line of subsection 1 by “The city”;

(2) by replacing “council” in the first line of subsection 3 by “city”;

(3) by striking out the second sentence of subsection 4.

**101.** Section 116 of Schedule C to the said Charter is amended

(1) by replacing “city” in the second line of the first paragraph by “borough”;

(2) by striking out “and with section 115” in the sixth line of the first paragraph;

(3) by adding the following paragraph after the second paragraph:

“If a by-law referred to in section 102 of the Act respecting land use planning and development has not been adopted or amended by the borough council to bring it into conformity with the planning program of the city

within the time prescribed in the first paragraph, the city council may adopt such a by-law or amend it.”

**102.** Section 117 of Schedule C to the said Charter is replaced by the following section:

“**117.** The person in charge of receiving permit applications in a borough must, as soon as possible, inform the ward council concerned whenever a permit application has been filed the issue of which is subject to a by-law made under section 145.15 of the Act respecting land use planning and development (chapter A-19.1).”

**103.** Section 124 of Schedule C to the said Charter is amended by adding the following sentence at the end of the second paragraph: “Notwithstanding section 145.18 of that Act, in a historic district within the meaning of the Cultural Property Act (chapter B-4), only the Commission shall be consulted before the plans are approved by the borough council as required under section 117 of this schedule.”

**104.** Schedule C to the said Charter is amended by inserting the following section after section 184:

“**184.1.** For the purposes of section 585 of the Cities and Towns Act (chapter C-19), the city council may, by by-law, provide that the person who must give the notice prescribed in that section, or cause it to be given, may elect to give it, or cause it to be given, either to the clerk or to another officer or employee of the city that the by-law designates.

In such a case, the by-law must designate at least one officer or employee in each borough and indicate, in respect of each, the address of the place where the notice may be given.”

#### CITIES AND TOWNS ACT

**105.** Section 29.3 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following paragraph after the first paragraph:

“However, in the case of a municipality with a population of 100,000 or more, the five-year period mentioned in the first paragraph is replaced by a ten-year period, unless the average annual expenditures entailed by the convention for the fiscal years following the one in which the resolution authorizing the municipality to enter into the convention is adopted exceed 0.5% of the total appropriations provided for in the municipality’s budget for operating expenses for that fiscal year.”

**106.** Sections 29.5 to 29.9 of the said Act are replaced by the following sections:

**“29.5.** A municipality may enter into an agreement with another municipality, a public institution referred to in section 29, a school board, an educational institution or a non-profit agency in order to jointly perform any of the following acts:

- (1) procure equipment, materials or services;
- (2) take out insurance;
- (3) carry out work;
- (4) call for tenders for the purpose of awarding contracts.

The agreement may pertain to only part of the process involved in performing the act concerned.

**“29.6.** A party to an agreement under section 29.5 may delegate any power necessary for carrying out the agreement to another party.

If the power to call for tenders is delegated, the acceptance of a tender by the delegated party shall bind each delegating party to the tenderer.

**“29.7.** Subject to the second paragraph, the rules governing the awarding of contracts by a municipality apply to any contract awarded pursuant to an agreement under section 29.5. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed, the Minister of Municipal Affairs, Sports and Recreation may exercise the power conferred by section 573.3.1 in relation to a contract referred to in the first paragraph.”

**107.** Section 29.9.2 of the said Act is amended by inserting “, to the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed,” after “may” in the fifth line of the third paragraph.

**108.** Section 56 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“56.** The council shall appoint a councillor as acting mayor for the period it determines.”

**109.** The said Act is amended by inserting the following section after section 70:

**“70.0.1.** Where the law provides that persons who are not council members may sit on a permanent or special committee or a council committee, the municipality may provide, by by-law, for the remuneration of such persons. The amount of the remuneration shall be based on their attendance at sittings of the committee.

The municipality may also, following the same procedure as for the reimbursement of expenses to council members, establish rules for the reimbursement of expenses to committee members who are not council members.”

**110.** Section 108 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

**“108.** The council shall appoint an external auditor for not more than three fiscal years, except in the case of a municipality with a population of 100,000 or more, where the external auditor shall be appointed for three fiscal years. At the end of the term, the external auditor shall remain in office until replaced or reappointed.”

**111.** Section 108.1 of the said Act is amended by replacing “at the next sitting” in the second line by “as soon as possible”.

**112.** The said Act is amended by inserting the following section after section 365:

**“365.1.** Where a municipality consolidates two or more by-laws, one of which required approval or authorization, the council need not obtain approval or authorization for the consolidated by-law.”

**113.** Section 412.26 of the said Act is repealed.

**114.** Section 413 of the said Act is amended by striking out subparagraph *b.1* of paragraph 10.

**115.** The said Act is amended by inserting the following sections after section 413:

**“413.0.1.** The municipality may establish and operate an establishment for the salvage and treatment of refuse matters that may be recycled. It may also entrust any person with that function.

**“413.0.2.** The municipality may sell the energy, such as biogas, resulting from the operation of a residual materials disposal facility. It may also entrust any person with that function.”

**116.** Section 464 of the said Act is amended by inserting the following paragraph after the fourth paragraph of subparagraph 10 of the first paragraph:

“The council may, by by-law, authorize any person having been a member of the council of the municipality during any period that the by-law determines, and receiving a retirement pension under a plan in which the members of the council of the municipality were members, to participate in the group insurance taken out by the municipality. The member shall pay the entire amount of the premium.”

**117.** Section 465.1 of the said Act is amended

(1) by inserting “or for any person the municipalities may subsidize under subparagraph *d* of the first paragraph of subsection 2 of section 28 or under section 28.0.1 of this Act” after “(chapter R-9.3)” in the sixth line of the first paragraph;

(2) by inserting “, or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers” after “governed” in the second line of the second paragraph.

**118.** The said Act is amended by inserting the following section after section 465.9.1:

“**465.9.2.** A legal person is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), even if its board of directors is not composed in the majority of members of the council of a municipality.”

**119.** The said Act is amended by inserting the following section after section 465.10:

“**465.10.1.** Sections 573 to 573.4 apply to a legal person, with the necessary modifications, and a legal person is deemed to be a local municipality for the purposes of the regulation made under section 573.3.0.1.”

**120.** Section 465.15 of the said Act, amended by section 260 of chapter 45 of the statutes of 2002, is again amended by replacing “three” in the second line of the first paragraph by “five”.

**121.** Section 465.18 of the said Act is repealed.

**122.** Section 468.32 of the said Act is amended by inserting the following paragraph after paragraph 2.1:

“(2.2) lease its property, although this power does not allow the management board to acquire or build property principally for leasing purposes;”.

**123.** Section 468.38 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“No later than the second regular sitting after receiving the copy, the council of each municipality must approve or reject the by-law. If the council fails to do so, the by-law shall be deemed approved. The clerk shall send a copy of the resolution under which the council approved or rejected the by-law to the secretary of the management board.”

**124.** Section 468.51 of the said Act is amended

(1) by inserting “544.1,” after “477.2,” in the third line of the first paragraph;

(2) by inserting “section 569,” after “567,” in the fourth line of the first paragraph.

**125.** Section 474 of the said Act is amended by replacing “30” in the second line of the first paragraph of subsection 3 by “60”.

**126.** The said Act is amended by inserting the following section after section 474.3:

**“474.3.1.** The executive committee of a municipality with a population of 100,000 or more may revise the budget of the municipality to take into account sums donated for a specific purpose or provided by a subsidy from the Government, a minister or a government body that has already been paid or the payment of which is assured.

The resolution of the executive committee revising the budget must be transmitted to the Minister of Municipal Affairs, Sports and Recreation within 30 days following its adoption.”

**127.** The said Act is amended by inserting the following sections after section 487:

**“487.1.** Where, for the same fiscal year, a municipality imposes a special tax based on taxable value on all the immovables situated in its territory and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may fix specific rates for the special tax on the same categories.

In that case, the proportions between the different special tax rates must correspond to the proportions between the different general property tax rates. If the municipality avails itself of the power provided for in section 244.49.1 of the Act respecting municipal taxation, the proportions between the theoretical specific rates in that section are taken into account.

The following provisions apply, with the necessary modifications, in respect of the special tax imposed at different rates:

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the general property tax at different rates, in particular for the purpose of defining the property taxation specific to the non-residential sector.

**“487.2.** Any municipality resulting from an amalgamation which, under its charter, must finance expenditures from revenues derived exclusively from the whole territory, designated as a “sector”, of a municipality that ceased to exist on amalgamation may obtain those revenues by imposing a special tax based on taxable value on all the taxable immovables situated in the sector, annually or for several years upon the borrowing of money.

Where, for the same fiscal year and in the same sector, the municipality imposes such a special tax and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may avail itself of the power provided for in section 487.1. That section applies in such a case, with the necessary modifications, particularly the modification whereby only the specific rates of the general property tax applicable in the sector are taken into account.

Imposing the special tax does not deprive the municipality of the power conferred on it by its charter to use revenues from the sector that are not reserved for other purposes to finance the same expenditures. However, the revenues so used must not be derived from another tax, except the tax provided for in section 487.3.

The municipality may not impose the special tax in a sector without doing likewise in all the other sectors where the obligation provided for in its charter to finance expenditures by revenues derived exclusively from the whole territory of the sector continues to apply. As long as the obligation continues to apply in a sector, the municipality may not, after imposing the special tax in the sector for a fiscal year, cease to impose the tax for the following fiscal year.

**“487.3.** Where, for the same fiscal year, a municipality imposes the business tax provided for in section 232 of the Act respecting municipal taxation (chapter F-2.1) and a special tax at different rates under section 487.1 or 487.2, it must also impose a special tax on the occupants of business establishments situated in its territory or in the sector within the meaning of section 487.2, as the case may be, based on the rental value of the business establishments, for the purpose of financing the same expenditures as the special tax for the same fiscal year.



The rate of the special tax imposed under the first paragraph must be fixed in such a way that the proportion of the revenues derived from the special tax to those derived from the special tax imposed under section 487.1 or 487.2 is the same as the proportion of the revenues derived from the business tax to those derived from the general property tax.

For the purposes of the second paragraph, the revenues considered are those which, according to the budget established for the fiscal year, must be derived from the territory of the municipality or the sector, as the case may be, for each of the four taxes concerned. The amounts to stand in lieu of taxes that must be paid by the Government in accordance with the second paragraph of section 210, section 254 or the first paragraph of section 255 of the Act respecting municipal taxation, or by the Crown in right of Canada or one of its mandataries are deemed to be tax-generated revenues.

The following provisions apply, with the necessary modifications, as regards the special tax imposed under the first paragraph:

(1) the provisions of Division III of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the business tax;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the business tax.

**“487.4.** The fact that a special tax has the same characteristics as the general property tax or the business tax, particularly with respect to the debtor, the tax base and the basis for the tax, does not justify the integration of the data relating to the special tax with the data relating to the general property tax or the business tax in any document produced by or under the responsibility of the municipality.”

**128.** Section 503 of the said Act is amended by striking out “and transmitted to the Minister of Municipal Affairs and Greater Montréal” in the second and third lines of the first paragraph.

**129.** Section 544.1 of the said Act is amended

(1) by replacing “passage” in the fourth line of the first paragraph by “coming into force”;

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

“Where approval of the loan by-law by persons qualified to vote is not required, the percentage set in the first paragraph is replaced by 10%.”

**130.** Section 547.1 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: “Likewise, if the by-law prescribes the payment of a compensation referred to in section 244.2 of the Act respecting municipal taxation (chapter F-2.1) for the establishment of a sinking fund, it may provide that the owner or occupant from whom the compensation is required may obtain an exemption from the compensation in the same manner, with the necessary modifications.”;

(2) by inserting “, in the case of a property tax,” after “calculated” in the first line of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “In the case of a compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.”

**131.** Section 547.3 of the said Act is amended by inserting “or the owner or occupant from the compensation, as the case may be, ” after “tax” in the second line.

**132.** Section 573.3 of the said Act is amended

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

“(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a non-profit agency, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services;”;

(2) by replacing “results from the use of a software package or software product designed” in the first and second lines of subparagraph 6 of the first paragraph of the English text by “, which stems from the use of a software package or software product, is”;

(3) by replacing “protect” in subparagraph *d* of subparagraph 6 of the first paragraph by “produce”;

(4) by adding the following subparagraphs after subparagraph 6 of the first paragraph:

“(7) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding

to the price usually charged by an undertaking generally performing such work;

“(8) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas; or

“(9) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative.”

## MUNICIPAL CODE OF QUÉBEC

**133.** Articles 14.3 to 14.7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are replaced by the following articles:

“**14.3.** A municipality may enter into an agreement with another municipality, a public institution referred to in article 7, a school board, an educational institution or a non-profit agency in order to jointly perform any of the following acts:

- (1) procure equipment, materials or services;
- (2) take out insurance;
- (3) carry out work;
- (4) call for tenders for the purpose of awarding contracts.

The agreement may pertain to only part of the process involved in performing the act concerned.

“**14.4.** A party to an agreement under article 14.3 may delegate any power necessary for carrying out the agreement to another party.

If the power to call for tenders is delegated, the acceptance of a tender by the delegated party shall bind each delegating party to the tenderer.

“**14.5.** Subject to the second paragraph, the rules governing the awarding of contracts by a municipality apply to any contract awarded pursuant to an agreement under article 14.3. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed, the Minister of Municipal Affairs, Sports and Recreation may exercise the power conferred by article 938.1 in relation to a contract referred to in the first paragraph.”

**134.** Article 14.7.2 of the said Code is amended by inserting “, to the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to any of the municipalities concerned are observed,” after “may” in the fifth line of the third paragraph.

**135.** The said Code is amended by inserting the following article after article 82:

**“82.1.** Where the law provides that persons who are not council members may sit on a permanent or special committee or a council committee, the municipality may provide, by by-law, for the remuneration of such persons. The amount of the remuneration shall be based on their attendance at sittings of the committee.

The municipality may also, following the same procedure as for the reimbursement of expenses to council members, establish rules for the reimbursement of expenses to committee members who are not council members.”

**136.** Article 445 of the said Code is amended by replacing “to the mayors of the local municipalities whose territory is included in that of the regional county municipality and, where applicable, to the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)” in the third, fourth, fifth and sixth lines of the fourth paragraph by “to the members of that council.”

**137.** The said Code is amended by inserting the following article after article 453:

**“453.1.** Where a municipality consolidates two or more by-laws, one of which required approval or authorization, the council need not obtain approval or authorization for the consolidated by-law.”

**138.** The said Code is amended by inserting the following article after article 548.2:

**“548.3.** A local municipality may sell energy, such as biogas, resulting from the operation of a residual materials disposal facility. It may also entrust that function to any person.”

**139.** Article 601 of the said Code is amended by inserting the following paragraph after paragraph 2.1:

“(2.2) lease its property, although this power does not allow the management board to acquire or build property principally for leasing purposes;”

**140.** Article 607 of the said Code is amended by replacing the fourth paragraph by the following paragraph:

“No later than the second regular sitting after receiving the copy, the council of each municipality must approve or reject the by-law. If the council fails to do so, the by-law shall be deemed approved. The secretary-treasurer shall send a copy of the resolution under which the council approved or rejected the by-law to the secretary of the management board.”

**141.** Article 620 of the said Code is amended

- (1) by replacing “72.3” in the first line of the first paragraph by “72.2”;
- (2) by inserting “544.1,” after “477.2,” in the third line of the first paragraph;
- (3) by inserting “section 569,” after “567,” in the fourth line of the first paragraph.

**142.** Article 711 of the said Code is amended by adding the following paragraph at the end:

“The council may, by by-law, authorize any person who was a member of the council of a municipality during any period determined by the by-law and who receives a retirement pension under a plan in which the members of the council of the municipality participated to participate in the group insurance taken out by the municipality. The member shall pay the full amount of the premium.”

**143.** Article 711.2 of the said Code is amended

- (1) by inserting “or for any person the municipalities may subsidize under subparagraph 4 of the first paragraph of article 8 or under article 9.1 of this Code” after “(chapter R-9.3)” in the sixth line of the first paragraph;
- (2) by inserting “, or any supramunicipal body within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers” after “governed” in the second line of the second paragraph.

**144.** The said Code is amended by inserting the following article after article 711.10.1:

**“711.10.2.** A legal person is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), even if its board of directors is not composed in the majority of members of the council of a municipality.”

**145.** The said Code is amended by inserting the following article after article 711.11:

**“711.11.1.** Articles 935 to 938.4 apply to a legal person, with the necessary modifications, and a legal person is deemed to be a local municipality for the purposes of the regulation made under article 938.0.1.”

**146.** Article 711.16 of the said Code, amended by section 272 of chapter 45 of the statutes of 2002, is again amended by replacing “three” in the second line of the first paragraph by “five”.

**147.** Article 711.19 of the said Code is repealed.

**148.** Article 938 of the said Code is amended

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

“(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a non-profit agency, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services;”;

(2) by replacing “results from the use of a software package or software product designed” in the first and second lines of subparagraph 6 of the first paragraph of the English text by “; which stems from the use of a software package or software product, is”;

(3) by replacing “protect” in subparagraph *d* of subparagraph 6 of the first paragraph by “produce”;

(4) by adding the following subparagraphs after subparagraph 6 of the first paragraph:

“(7) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

“(8) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas; or

“(9) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative.”

**149.** Article 954 of the said Code is amended by replacing “30” in the second line of the first paragraph of subarticle 3 by “60”.

**150.** Article 966 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“966.** The council shall appoint an external auditor for not more than three fiscal years. At the end of the term, the external auditor shall remain in office until replaced or reappointed.”

**151.** Article 966.1 of the said Code is amended by replacing “at the next sitting” in the second line by “as soon as possible”.

**152.** The said Code is amended by inserting the following articles after article 979:

**“979.1.** Where, for the same fiscal year, a municipality imposes a special tax based on taxable value on all the immovables situated in its territory and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may fix specific rates for the special tax on the same categories.

In that case, the proportions between the different special tax rates must correspond to the proportions between the different general property tax rates. If the municipality avails itself of the power provided for in section 244.49.1 of the Act respecting municipal taxation, the proportions between the theoretical specific rates in that section are taken into account.

The following provisions apply, with the necessary modifications, in respect of the special tax imposed at different rates:

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation;

(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the general property tax at different rates, in particular for the purpose of defining the property taxation specific to the non-residential sector.

**“979.2.** Any municipality resulting from an amalgamation which, under its charter, must finance expenditures from revenues derived exclusively from the whole territory, designated as a “sector”, of a municipality that ceased to exist on amalgamation may obtain those revenues by imposing a special tax based on taxable value on all the taxable immovables situated in the sector, annually or for several years upon the borrowing of money.

Where, for the same fiscal year and in the same sector, the municipality imposes such a special tax and, pursuant to section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes specific rates for the general property tax on certain categories of immovables, it may avail itself of the power

provided for in section 979.1. That section applies in such a case, with the necessary modifications, particularly the modification whereby only the specific rates of the general property tax applicable in the sector are taken into account.

Imposing the special tax does not deprive the municipality of the power conferred on it by its charter to use revenues from the sector that are not reserved for other purposes to finance the same expenditures. However, the revenues so used must not be derived from another tax, except the tax provided for in section 979.3.

The municipality may not impose the special tax in a sector without doing likewise in all the other sectors where the obligation provided for in its charter to finance expenditures by revenues derived exclusively from the whole territory of the sector continues to apply. As long as the obligation continues to apply in a sector, the municipality may not, after imposing the special tax in the sector for a fiscal year, cease to impose the tax for the following fiscal year.

**“979.3.** Where, for the same fiscal year, a municipality imposes the business tax provided for in section 232 of the Act respecting municipal taxation (chapter F-2.1) and a special tax at different rates under section 979.1 or 979.2, it must also impose a special tax on the occupants of business establishments situated in its territory or in the sector within the meaning of section 979.2, as the case may be, based on the rental value of the business establishments, for the purpose of financing the same expenditures as the special tax for the same fiscal year.

The rate of the special tax imposed under the first paragraph must be fixed in such a way that the proportion of the revenues derived from the special tax to those derived from the special tax imposed under section 979.1 or 979.2 is the same as the proportion of the revenues derived from the business tax to those derived from the general property tax.

For the purposes of the second paragraph, the revenues considered are those which, according to the budget established for the fiscal year, must be derived from the territory of the municipality or the sector, as the case may be, for each of the four taxes concerned. The amounts to stand in lieu of taxes that must be paid by the Government in accordance with the second paragraph of section 210, section 254 or the first paragraph of section 255 of the Act respecting municipal taxation, or by the Crown in right of Canada or one of its mandataries are deemed to be tax-generated revenues.

The following provisions apply, with the necessary modifications, as regards the special tax imposed under the first paragraph:

(1) the provisions of Division III of Chapter XVIII of the Act respecting municipal taxation;



(2) the provisions of the regulations under paragraphs 2 and 7 of section 262 and paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the business tax;

(3) any other provision of an Act or statutory instrument that pertains to the legal effects of imposing the business tax.

**“979.4.** The fact that a special tax has the same characteristics as the general property tax or the business tax, particularly with respect to the debtor, the tax base and the basis for the tax, does not justify the integration of the data relating to the special tax with the data relating to the general property tax or the business tax in any document produced by or under the responsibility of the municipality.”

**153.** Article 1007 of the said Code is amended by striking out “and forwarded to the Minister of Municipal Affairs and Greater Montréal” in the second and third lines of the first paragraph.

**154.** Article 1063.1 of the said Code is amended

(1) by replacing “passage” in the fourth line of the first paragraph by “coming into force”;

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

“Where approval of the loan by-law by persons qualified to vote is not required, the percentage set in the first paragraph is replaced by 10%.”

**155.** Article 1072.1 of the said Code is amended

(1) by adding the following sentence at the end of the first paragraph: “Likewise, if the by-law prescribes the payment of a compensation referred to in section 244.2 of the Act respecting municipal taxation (chapter F-2.1) for the establishment of a sinking fund, it may provide that the owner or occupant from whom the compensation is required may obtain an exemption from the compensation in the same manner, with the necessary modifications.”;

(2) by inserting “, in the case of a property tax,” after “calculated” in the first line of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “In the case of a compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.”

**156.** Article 1072.3 of the said Code is amended by inserting “or the owner or the occupant from the compensation, as the case may be,” after “tax” in the second line.

**157.** The said Code is amended by inserting the following article after article 1132:

**“1132.1.** A local municipality constituted under the Act respecting the municipal reorganization of the territory of the municipality of the North Shore of the Gulf of St. Lawrence (1988, chapter 55) possesses the attributes and powers conferred upon a regional county municipality as regards the sale of immovables for non-payment of taxes.”

#### ACT RESPECTING THE COMMISSION MUNICIPALE

**158.** Section 63 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing “in the municipality” in the third and fourth lines of the second paragraph by “on the territory of the municipality”.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**159.** Section 17 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by adding the following paragraph after the second paragraph:

“At the end of his or her term of office, a member of the council remains in office until a successor takes office. Where applicable, the member of the council also continues to hold office as a member of the executive committee or of a committee of the Community during that period, unless the member is replaced in that capacity before the end of that period.”

**160.** Section 20 of the said Act is amended by adding the following paragraph after the second paragraph:

“The power provided for in the second paragraph may be exercised by the executive committee.”

**161.** Section 50 of the said Act is amended by striking out “ses” in the first line of the French text.

**162.** Section 51 of the said Act is replaced by the following section:

**“51.** The council designates the members of a committee from among the council members and the members of the councils of local municipalities whose territory is included in that of the Community. The council may replace committee members at any time.

The council designates a chair and vice-chair from among the committee members.

At the end of his or her term of office on the council of a local municipality, a committee member who does not sit on the council of the Community remains in office until replaced.”

**163.** Section 64 of the said Act is amended by inserting the following sentence after the first sentence of the first paragraph: “The by-law may grant remuneration and an allowance to the members of a committee who do not sit on the council of the Community.”

**164.** Section 65 of the said Act is amended

- (1) by striking out “of the council” in the second line;
- (2) by striking out “as a member of the council” in the fourth line.

**165.** Section 66 of the said Act is replaced by the following section:

**“66.** No member of the council, the executive committee or any other committee may, as part of that member’s duties, perform any act involving expenses chargeable to the Community except with the prior authorization of the council to perform the act and incur, as a result, expenses not exceeding the amount set by the council.

The Community shall reimburse the member for expenses incurred in keeping with the authorization, once the council has approved the reimbursement on receipt of a statement and supporting documents.”

**166.** Section 67 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“67.** The council may establish a tariff applicable to cases where expenses are incurred on behalf of the Community by a member of the council, the executive committee or any other committee. If such a tariff is in force, the prior authorization required under section 66 for an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.”

**167.** Section 68 of the said Act is amended

(1) by replacing “may incur on behalf of the Community, the executive committee or any other committee on which they sit as a member of the council” in the third and fourth lines of the first paragraph by “of the council, the executive committee or any other committee may incur on behalf of the Community”;

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

“The prior authorization required under section 66 for an act included in a class for which appropriations are provided in the budget is limited to the

authorization to perform the act, without reference to the maximum amount of expenses allowed. This maximum amount is deemed to be the balance of the appropriations provided for that class of acts after subtracting previous reimbursements or, as the case may be, the amount provided for in the tariff for that act.”

**168.** Section 69 of the said Act is amended by replacing “the executive committee or any other committee, otherwise than in the course of the work of those bodies,” in the second and third lines of the first paragraph by “otherwise than in the course of the work of the council, the executive committee or any other committee”.

**169.** Section 106 of the said Act is amended

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

“(2) whose object is the supply of insurance, materials or equipment or the providing of services and which is entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier that is the only one found to be in a position to provide the materials, equipment or services after thorough and documented verification to ensure that that supplier is the only one available in all the provinces and territories of Canada;”;

(2) by striking out “, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information,” in the fourth, fifth and sixth lines of subparagraph 4 of the third paragraph;

(3) by striking out “by a single supplier or” in the first line of subparagraph 6 of the third paragraph;

(4) by replacing “results from the use of a software package or software product designed” in the first and second lines of subparagraph 11 of the third paragraph of the English text by “, which stems from the use of a software package or software product, is”;

(5) by replacing “protect” in subparagraph *d* of subparagraph 11 of the third paragraph by “produce”.

**170.** Section 137 of the said Act is amended

(1) by inserting “; they shall also be transmitted to every school board whose territory is situated entirely or partially within that of the Community” after “131” in the fourth line of the first paragraph;

(2) by replacing “or local municipality” in the first line of the third paragraph by “, local municipality or school board”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE  
QUÉBEC

**171.** Section 8 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by adding the following paragraph at the end:

“At the end of his or her term of office, a member of the council remains in office until a successor takes office. Where applicable, the member of the council also continues to hold office as a member of the executive committee or of a committee of the Community during that period, unless the member is replaced in that capacity before the end of that period.”

**172.** Section 12 of the said Act is amended by adding the following paragraph after the second paragraph:

“The power provided for in the second paragraph may be exercised by the executive committee.”

**173.** Section 42 of the said Act is amended by inserting the following paragraph after the second paragraph:

“At the end of his or her term of office on the council of a local municipality, a committee member who does not sit on the council of the Community remains in office until replaced.”

**174.** Section 55 of the said Act is amended by inserting the following sentence after the first sentence of the first paragraph: “The by-law may grant remuneration and an allowance to the members of a committee who do not sit on the council of the Community.”

**175.** Section 56 of the said Act is amended

(1) by striking out “of the council” in the second line;

(2) by striking out “as a member of the council” in the fourth line.

**176.** Section 57 of the said Act is replaced by the following section:

**57.** No member of the council, the executive committee or any other committee may, as part of that member’s duties, perform any act involving expenses chargeable to the Community except with the prior authorization of the council to perform the act and incur, as a result, expenses not exceeding the amount set by the council.

The Community shall reimburse the member for expenses incurred in keeping with the authorization, once the council has approved the reimbursement on receipt of a statement and supporting documents.”

**177.** Section 58 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“58.** The council may establish a tariff applicable to cases where expenses are incurred on behalf of the Community by a member of the council, the executive committee or any other committee. If such a tariff is in force, the prior authorization required under section 57 for an act covered by the tariff is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed.”

**178.** Section 59 of the said Act is amended

(1) by replacing “may incur on behalf of the Community, the executive committee or any other committee on which they sit as a member of the council” in the third and fourth lines of the first paragraph by “of the council, the executive committee or any other committee may incur on behalf of the Community”;

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

“The prior authorization required under section 57 for an act included in a class for which appropriations are provided in the budget is limited to the authorization to perform the act, without reference to the maximum amount of expenses allowed. This maximum amount is deemed to be the balance of the appropriations provided for that class of acts after subtracting previous reimbursements or, as the case may be, the amount provided for in the tariff for that act.”

**179.** Section 60 of the said Act is amended by replacing “the executive committee or any other committee, otherwise than in the course of the work of those bodies,” in the second and third lines of the first paragraph by “otherwise than in the course of the work of the council, the executive committee or any other committee”.

**180.** Section 99 of the said Act is amended

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

“(2) whose object is the supply of insurance, materials or equipment or the providing of services and which is entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier that is the only one found to be in a position to provide the materials, equipment or services after thorough and documented verification to ensure that that supplier is the only one available in all the provinces and territories of Canada;”;

(2) by striking out “, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information,” in the fourth, fifth and sixth lines of subparagraph 4 of the third paragraph;

(3) by striking out “by a single supplier or” in the first line of subparagraph 6 of the third paragraph;

(4) by replacing “results from the use of a software package or software product designed” in the first and second lines of subparagraph 11 of the third paragraph of the English text by “, which stems from the use of a software package or software product, is”;

(5) by replacing “protect” in subparagraph *d* of subparagraph 11 of the third paragraph by “produce”.

**181.** Section 129 of the said Act is amended

(1) by inserting “; they shall also be transmitted to every school board whose territory is situated entirely or partially within the territory of the Community” after “123” in the fourth line of the first paragraph;

(2) by replacing “or local municipality” in the first line of the third paragraph by “, local municipality or school board”.

**182.** Section 139 of the said Act is amended

(1) by inserting “and the provisions of Title III of that Act concerning sanctions and recourses in respect of the interim control by-law or resolution” after “(chapter A-19.1)” in the second line of the first paragraph;

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

“Where an interim control by-law adopted by the council of the Community under the first paragraph is in force, section 2 and Chapter VI of Title I of the Act respecting land use planning and development apply.”

**ACT RESPECTING MUNICIPAL DEBTS AND LOANS**

**183.** Section 1 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is replaced by the following section:

“**1.** The term for repayment of a loan effected by a municipality may not exceed 40 years nor the useful life of the property that the proceeds of the loan enable the municipality to acquire, repair, restore or build.”

**184.** Section 2 of the said Act is amended by adding the following paragraph after the fifth paragraph:

“The council of a local municipality with a population of 100,000 or more may, by by-law, delegate to the treasurer the exercise of the powers granted under the first, second and fourth paragraphs.”

#### JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

**185.** The James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2) is amended by inserting the following section after section 35:

**“35.1.** The municipality is deemed to be a supramunicipal body for the application of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) to persons referred to in subparagraph 1 of the first paragraph of section 36.

The municipality is deemed to be a local municipality for the application of that Act to persons referred to in subparagraph 2 or 3 of that paragraph. Notwithstanding section 1 of that Act, it may adhere to the pension plan established for them by that Act.”

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**186.** Section 63 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting “, except those hired by the municipality to act as first responders within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2)” after “called “voluntary firemen”” in the third line of paragraph 1.

#### EXECUTIVE POWER ACT

**187.** Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by replacing “and Greater Montréal” in subparagraph 14 of the first paragraph by “, Sports and Recreation”.

#### ACT RESPECTING MUNICIPAL TAXATION

**188.** Section 132 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing “soixante-et-unième” in the fourth and seventh lines of the French text by “soixante et unième”.

**189.** Section 151 of the said Act is amended by replacing “place of business” in the third line of the first paragraph by “business establishment”.

**190.** Section 171 of the said Act is amended by replacing “soixante-et-unième” in the second and third lines of subparagraph 2 and the third line of subparagraph 3 of the second paragraph of the French text by “soixante et unième”.



**191.** The said Act is amended by inserting the following section after section 232.2:

**“232.3.** If the municipality results from an amalgamation, its constituting Act or Order in Council requires or authorizes it, during a transitional period, to fix different rates for the business tax according to the territories of the municipalities having ceased to exist on amalgamation, and meets this requirement or uses this power during a fiscal year within that period, the municipality may provide that, instead of applying to each of the rates it fixes, section 232.2 shall apply to the hypothetical rate it would have fixed for all its territory had it not imposed the different rates for the business tax.

For the purpose of fixing the hypothetical rate, no account shall be taken of that part of the revenues from the business tax that is to be used to finance expenditures related to the debts of the municipalities that ceased to exist on amalgamation if the Act or Order in Council referred to in the first paragraph institutes a transitional scheme to limit variations in the tax burden established for the territory of each such municipality and provides that the revenues used to finance such expenditures are not taken into account in establishing that tax burden.

For the purposes of the second paragraph, the expenditures related to debts include what the Act or Order in Council referred to in the first paragraph considers as such and the revenues from the business tax include amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or with section 254 and the first paragraph of section 255, or by the Crown in right of Canada or one of its mandataries.”

**192.** Section 244.1 of the said Act is amended by adding the following paragraph after the second paragraph:

“A municipality may, in the same manner, provide that all or part of the amount it must pay in return for services provided by the Sûreté du Québec shall be financed as in the first paragraph.”

**193.** Section 244.36 of the said Act is amended by replacing the third paragraph by the following:

“Serviced land is land whose owner or occupant may, under section 244.3, be the debtor of a mode of tariffing related to the benefits derived from the presence of water and sewer services in the right of way of a public street.”

**194.** Section 244.39 of the said Act is amended by inserting “and, if applicable, the revenues from the tax provided for in section 487.3 of the Cities and Towns Act (chapter C-19) or article 979.3 of the Municipal Code of Québec (chapter C-27.1) and the revenues, among those from any special tax imposed at different rates under any of sections 487.1 and 487.2 of the Cities and Towns Act or articles 979.1 and 979.2 of the Municipal Code of Québec,

that are not taken into account in establishing the aggregate taxation rate of the municipality under the regulation made under paragraph 3 of section 263 of this Act” after “business tax” in the second line of subparagraph 3 of the third paragraph.

**195.** Section 244.45 of the said Act is amended

(1) by inserting “, which result from the addition of the values of units of assessments or parts thereof,” after “totals” in the second line of the second paragraph;

(2) by replacing “of the taxable values of the non-residential, other than industrial, units of assessment” in the first and second lines of subparagraph 1 of the second paragraph by “that constitutes the tax base for the rate specific to the category of non-residential immovables”;

(3) by replacing “of the taxable values of the non-residential, other than industrial, units of assessment” in the first and second lines of subparagraph 2 of the second paragraph by “that constitutes the tax base for the rate specific to the category of non-residential immovables”;

(4) by inserting “, which result from the addition of the values of units of assessments or parts thereof,” after “totals” in the first line of the third paragraph;

(5) by replacing “of the taxable values of the industrial units of assessment” in the first and second lines of subparagraph 1 of the third paragraph by “that constitutes the tax base for the rate specific to the category of industrial immovables”;

(6) by replacing “of the taxable values of the industrial units of assessment” in the first and second lines of subparagraph 2 of the third paragraph by “that constitutes the tax base for the rate specific to the category of industrial immovables”;

(7) by replacing “the units of assessment and the values are those” in the first and second lines of the fourth paragraph by “the tax bases for rates are the totals of values”;

(8) by replacing “would be listed on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary under the following headings” in the fifth and sixth lines of the fourth paragraph by “would appear on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary in the section entitled “ASSIETTES D’APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE” under the following headings”;

(9) by replacing subparagraphs 1 and 2 of the fourth paragraph by the following subparagraphs:

“(1) in the case of the tax base for applying the rate specific to the category of non-residential immovables, the total of the values entered in the box in the last line under the heading “TAUX NON RÉSIDENTIEL”;

“(2) in the case of the tax base for applying the rate specific to the category of industrial immovables, the total of the values entered in the box in the last line under the headings “TAUX INDUSTRIEL (CLASSE 2)” and “TAUX IND. (SAUF CL. 1 ET 2)”.”

**196.** Section 244.45.1 of the said Act is amended by replacing “unit of assessment referred to in section 244.45 to enter on the roll the taxable value” in the second and third lines of paragraph 3 by “value to be taken into account in establishing a tax base referred to in section 244.45 to enter the value”.

**197.** Section 244.45.2 of the said Act is amended

(1) by striking out “of taxable values” in the second and third lines of the second paragraph;

(2) by striking out “of taxable values” in the first and second lines of the third paragraph.

**198.** Section 244.45.3 of the said Act is amended

(1) by striking out “of the taxable values” in the third line of the third paragraph;

(2) by striking out “taxable” in the seventh line of the third paragraph;

(3) by striking out “taxable” in the second line of the fourth paragraph;

(4) by striking out “taxable” in the fifth line of the fifth paragraph.

**199.** Section 244.48 of the said Act is amended

(1) by inserting “, which result from the addition of the values of units of assessment or parts thereof,” after “totals” in the second line of the second paragraph;

(2) by replacing “of the taxable values of the residential units of assessment other than units in which there are six or more dwellings” in the first and second lines of subparagraph 1 of the second paragraph by “that constitutes the tax base for the basic rate”;

(3) by replacing “of the taxable values of the residential units of assessment other than units in which there are six or more dwellings” in the first and second lines of subparagraph 2 of the second paragraph by “that constitutes the tax base for the basic rate”;

(4) by inserting “, which result from the addition of the values of units of assessments or parts thereof,” after “totals” in the first line of the third paragraph;

(5) by replacing “of the taxable values of the residential units of assessment in which there are” in the first and second lines of subparagraph 1 of the third paragraph by “that constitutes the tax base for the rate specific to the category of immovables consisting of”;

(6) by replacing “of the taxable values of the residential units of assessment in which there are” in the first and second lines of subparagraph 2 of the third paragraph by “that constitutes the tax base for the rate specific to the category of immovables consisting of”;

(7) by replacing “the units of assessment and the values are those” in the first and second lines of the fourth paragraph by “the tax bases for rates are the totals of values”;

(8) by replacing “would be listed on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary under the following headings” in the fourth, fifth and sixth lines of the fourth paragraph by “would appear on the form prescribed by the regulation made under paragraph 1 of section 263 pertaining to such a summary in the section entitled “ASSIETTES D’APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE” under the following headings”;

(9) by replacing subparagraphs 1 and 2 of the fourth paragraph by the following subparagraphs:

“(1) in the case of the tax base for applying the basic rate, the total of the values entered in the box in the last line under the heading “TAUX DE BASE”;

“(2) in the case of the tax base for applying the rate specific to the category of immovables consisting of six or more dwellings, the total of the values entered in the box in the last line under the heading “TAUX 6 LOGEMENTS OU PLUS”.”

**200.** The said Act is amended by inserting the following after section 244.49:

“F. — Transitional rules for certain municipalities resulting from an amalgamation

“**244.49.1.** If the municipality results from an amalgamation, its constituting Act or Order in Council requires or authorizes it, during a transitional period, to fix different general property tax rates specific to a given category according to the territories of the municipalities having ceased to exist on amalgamation, and the municipality meets this requirement or uses this power during a fiscal year within that period, the municipality may

provide that, instead of applying to each of the specific rates it fixes, the provisions of any of subdivisions A to E shall apply to the hypothetical specific rate it would have fixed for that category for all its territory had it not imposed different general property tax rates specific to that category.

For the purpose of fixing the hypothetical specific rate, no account shall be taken of that part of the revenues from the general property tax generated by the application of all or part of the rate specific to the category that is to be used to finance expenditures related to the debts of the municipalities that ceased to exist on amalgamation if the Act or Order in Council referred to in the first paragraph institutes a transitional scheme to limit variations in the tax burden established for the territory of each such municipality and provides that the revenues used to finance such expenditures are not taken into account in establishing that tax burden.

For the purposes of the second paragraph, the expenditures related to debts include what the Act or Order in Council referred to in the first paragraph considers as such and the revenues from the general property tax include amounts to stand in lieu of the general property tax that must be paid by the Government in accordance with the second paragraph of section 210 or with section 254 and the first paragraph of section 255, or by the Crown in right of Canada or one of its mandataries.”

**201.** Section 263.2 of the said Act is amended

(1) by replacing “place of business” in the first line of the second paragraph by “business establishment”;

(2) by replacing “place” in the third line of the second paragraph by “establishment”.

#### HYDRO-QUÉBEC ACT

**202.** Section 30 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by striking out “under a municipal law” in the fourth line of the first paragraph.

#### EDUCATION ACT

**203.** Section 211 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing the first paragraph by the following paragraph:

“**211.** Each year, after consulting any municipality or metropolitan community whose territory is situated entirely or partially within its own, the school board shall establish a three-year plan for the allocation and destination of its immovables. The school board shall transmit the plan to every municipality or metropolitan community consulted.”

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES  
ET DE LA MÉTROPOLE

**204.** The title of the Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., chapter M-22.1) is amended by replacing “ET DE LA MÉTROPOLE” by “, DU SPORT ET DU LOISIR”.

**205.** Section 1 of the said Act is amended by replacing “Ministère des Affaires municipales et de la Métropole” by “Ministère des Affaires municipales, du Sport et du Loisir” and by replacing “Minister of Municipal Affairs and Greater Montréal” by “Minister of Municipal Affairs, Sports and Recreation”.

**206.** Section 2 of the said Act is amended by replacing “and Greater Montréal” by “, Sports and Recreation”.

**207.** Section 7.1 of the said Act is amended by replacing “recreation, sport and outdoor activities” by “sports and recreation”.

**208.** Section 17.6.1 of the said Act is amended

(1) by replacing “performance” in the fourth line of the first paragraph by “management”;

(2) by replacing “performance” in the second line of the second paragraph by “management”;

(3) by replacing “performance” in the third line of the third paragraph by “management”;

(4) by replacing “performance” in the second line of the fourth paragraph by “management”.

GOVERNMENT DEPARTMENTS ACT

**209.** Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 63 of chapter 72 of the statutes of 2002 and by section 5 of chapter 8 of the statutes of 2003, is again amended by replacing “Ministère des Affaires municipales et de la Métropole” in paragraph 13 by “Ministère des Affaires municipales, du Sport et du Loisir” and by replacing “Minister of Municipal Affairs and Greater Montréal” by “Minister of Municipal Affairs, Sports and Recreation”.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**210.** Section 210.29.3 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by striking out the commas in the first line of paragraph 3 of the French text.

## ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

**211.** Section 36 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the second sentence by the following sentence: “Even in the absence of an application, the Commission may pay the pension referred to in the first paragraph of section 27 or in section 28 to a person entitled thereto.”

**212.** Section 47 of the said Act is amended by inserting “and the amounts paid under any supplementary benefits plan referred to in section 76.4 or 80.1” after “plan” in the second line of the first paragraph.

**213.** Section 67.1 of the said Act is amended by adding the following sentence at the end of the first paragraph: “The by-law may provide, where the oath is taken after the constitution of the municipality, that participation in the plan begins as of that constitution in respect of the council members of the municipality who acted as members of the provisional council of that municipality.”

## ACT RESPECTING RETIREMENT PLANS FOR THE MAYORS AND COUNCILLORS OF MUNICIPALITIES

**214.** Section 28 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16) is amended by striking out the second paragraph.

**215.** Section 42 of the said Act is amended by adding the following subparagraph after subparagraph *l* of the first paragraph:

“(m) establish any measure to eliminate an unfunded liability of this plan, in particular by requiring the payment of additional contributory amounts by every municipality which has joined the plan or by every municipality which succeeded such a municipality.”

**216.** The said Act is amended by inserting the following section after the heading of Division X:

“**42.1.** The Minister of Municipal Affairs, Sports and Recreation is responsible for the administration of this Act.”

## ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

**217.** Section 1 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by replacing “678.0.6” in the third line of paragraph *a* by “678.0.2.1”.

**218.** Section 56.1 of the said Act is amended by replacing “678.0.6” in the second line of the second paragraph by “678.0.2.1”.

#### ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

**219.** Section 14 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01) is amended by replacing “du gouvernement” in the fourth line of the second paragraph of the French text by “de l’État”.

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**220.** Section 93 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended

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

“(2) whose object is the supply of insurance, materials or equipment or the providing of services and which is entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier that is the only one found to be in a position to provide the materials, equipment or services after thorough and documented verification to ensure that that supplier is the only one available in all the provinces and territories of Canada;”;

(2) by striking out “, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information” in the fourth, fifth and sixth lines of subparagraph 3 of the third paragraph;

(3) by striking out “by a single supplier or” in the first line of subparagraph 4 of the third paragraph;

(4) by replacing “results from the use of a software package or software product designed” in the first and second lines of subparagraph 9 of the third paragraph of the English text by “, which stems from the use of a software package or software product, is”.

#### ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

**221.** The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by inserting the following section after section 25:



**“25.1.** The council may, by by-law, exempt members of the executive committee or borough chairs from having to obtain the prior authorization referred to in the first paragraph of section 25 when they perform an act as part of their duties.

The by-law must state the annual amount, not greater than \$1,500, up to which the exemption is granted.”

## MUNICIPAL WORKS ACT

**222.** Section 2 of the Municipal Works Act (R.S.Q., chapter T-14) is replaced by the following section:

**“2.** Notwithstanding section 1 or any other provision of a general law or special Act, a municipality may proceed by resolution to order works covered by that section, if the resolution provides for the appropriation of the sums necessary to pay the cost of the works from:

- (1) a part of its general fund not otherwise appropriated;
- (2) a subsidy from the Government, a minister or a government body that has already been paid or the payment of which is assured;
- (3) a letter of credit by a financial institution issued in the name of the municipality and guaranteeing the payment of a sum on the conditions specified in the letter of credit; or
- (4) a combination of two or three of the sources of financing described in paragraphs 1 to 3.”

## ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**223.** Section 204.3 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is replaced by the following section:

**“204.3.** Sections 204 and 204.1 do not apply

- (1) to a contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof;
- (2) to a contract for the supply of insurance, equipment, materials or services entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services;

(3) to a contract to devise energy saving measures for the municipality if the contract involves both professional services and the performance of work or the supply of equipment, materials or services other than professional services.”

**224.** The said Act is amended by inserting the following section after section 351.2:

“**351.3.** The Regional Government has, by operation of law, all the powers required to carry out the obligations under any agreement between the Regional Government and the Government or any of its ministers or bodies, a mandatory of the State or, in respect of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (chapter M-30) or an agreement having obtained the prior authorization required under that Act, the Government of Canada or any of its ministers or bodies.”

**225.** Section 358.3 of the said Act is replaced by the following section:

“**358.3.** Sections 358 and 358.1 do not apply

(1) to a contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof;

(2) to a contract for the supply of insurance, equipment, materials or services entered into with a non-profit organization, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services; or

(3) to a contract to devise energy saving measures for the Regional Government if the contract involves both professional services and the performance of work or the supply of equipment, materials or services other than professional services.”

#### ACT RESPECTING THE TOWN OF BROSSARD

**226.** Section 2 of the Act respecting the town of Brossard (1969, chapter 99) is amended by striking out “and of the Minister of Industry and Commerce” in the fourth and fifth lines.

#### ACT RESPECTING THE CITY OF RIMOUSKI

**227.** Section 3 of the Act respecting the city of Rimouski (1984, chapter 66) is replaced by the following section:

**3.** Any sale or leasing for purposes other than industrial or commercial purposes requires the authorization of the Minister of Municipal Affairs, Sports and Recreation.”

#### ACT RESPECTING THE ACQUISITION OF IMMOVABLES BY THE TOWN OF BERTHIERVILLE

**228.** Section 2 of the Act respecting the acquisition of immovables by the town of Berthierville (1985, chapter 56) is amended by replacing “and the Minister of Industry and Commerce” in the second and third lines of the first paragraph by “, Sports and Recreation”.

**229.** Section 4 of the said Act is amended by replacing “of Industry and Commerce and the Minister of Municipal Affairs may” in the third and fourth lines by “of Municipal Affairs, Sports and Recreation may”.

**230.** Section 5 of the said Act is amended by replacing “of Industry and Commerce and the Minister of Municipal Affairs may” in the first and second lines of the first paragraph by “of Municipal Affairs, Sports and Recreation may”.

#### ACT RESPECTING THE CITY OF GRAND-MÈRE

**231.** Section 2 of the Act respecting the city of Grand-Mère (1993, chapter 90) is amended by replacing “of the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs, and on the conditions the ministers determine” in the first, second and third lines of the first paragraph by “of the Minister of Municipal Affairs, Sports and Recreation and on the conditions the Minister determines”.

**232.** Section 5 of the said Act is amended by replacing “of Industry, Trade and Technology and to the Minister of Municipal Affairs” in the third and fourth lines by “of Municipal Affairs, Sports and Recreation”.

**233.** Section 6 of the said Act is amended by replacing “of Industry, Trade and Technology and the Minister of Municipal Affairs” in the second and third lines of the second paragraph by “of Municipal Affairs, Sports and Recreation”.

#### ACT TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCEDURE FOR REAL ESTATE ASSESSMENT AND TO AMEND OTHER LEGISLATIVE PROVISIONS

**234.** Section 68 of the Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67), amended by section 177 of chapter 93 of the statutes of 1997, by section 104 of chapter 54 of the statutes of 2000 and by section 93 of chapter 77 of the statutes of 2002, is again amended by replacing “2003” in the first paragraph by “2004”.

## ACT RESPECTING VILLE DE CHAPAIS

**235.** Section 2 of the Act respecting Ville de Chapais (1999, chapter 98), amended by section 94 of chapter 77 of the statutes of 2002, is again amended by replacing “2003” in the second paragraph by “2004”.

## ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

**236.** Section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 228 of chapter 25 of the statutes of 2001, by section 113 of chapter 68 of the statutes of 2001, by section 263 of chapter 37 of the statutes of 2002 and by sections 44 and 52 of chapter 68 of the statutes of 2002, is again amended

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

“However,

(1) the examination of the conformity of the planning program or a by-law adopted by the city council with the city’s land use planning and development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14 of the Act respecting land use planning and development, with the necessary modifications, rather than in accordance with sections 59.2 to 59.4 and 109.6 to 109.10 of that Act in the case of the planning program or sections 137.2 to 137.8 of that Act in the case of by-laws, and a time limit of 15 days shall apply rather than the time limit of 45 days prescribed in the second paragraph of section 137.11 of that Act;

(2) the examination of the conformity of a by-law adopted by a borough council with the city’s land use planning and development plan shall be effected in accordance with sections 137.2 to 137.8 of the Act respecting land use planning and development, with the necessary modifications and in particular the modifications applicable under the third, fourth and fifth paragraphs of section 117 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5).”;

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

“Before 31 December 2004 and in accordance with sections 81 to 100 of the Act respecting land use planning and development, with the necessary modifications, the city must adopt a planning program applicable to the whole territory of the city, called the “Master Land Use and Development Program”.

Sections 101 to 106 of that Act, except the second and third paragraphs of section 102, apply, with the necessary modifications, after the coming into force of the program. However, the time limit of 90 days set by the first paragraph of section 102 of that Act is replaced by a time limit of 12 months.”

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS  
CONCERNING MUNICIPAL AFFAIRS

**237.** Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) is amended by replacing “2004” in the second line of the tenth paragraph by “2006”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS  
CONCERNING MUNICIPAL AFFAIRS

**238.** Section 107 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 77) is amended by inserting “that were, on 3 May 1992,” after “operations” in the third line of the first paragraph.

**239.** Section 110 of the said Act is amended by adding the following sentence at the end of the fourth paragraph: “If the pension committee fails to transmit the report, the municipality may transmit it on or before 18 March 2004.”

ACT RESPECTING VILLE DE CONTRECOEUR

**240.** Section 20 of the Act respecting Ville de Contrecoeur (2002, chapter 95) is amended by replacing “Taxation Act (R.S.Q., chapter I-3)” in the second and third lines of the English text by “Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS  
CONCERNING MUNICIPAL AFFAIRS

**241.** Section 11 of the Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3) is amended by adding the following sentence at the end of the third paragraph: “If the pension committee fails to send the report, the municipality may send it on or before 18 March 2004.”

**242.** Section 13 of the said Act is amended by inserting “or an association representing the majority of the executive officers of the municipality or body party to the pension plan” after “certified association” in the third line.

OTHER AMENDING PROVISIONS

**243.** Order in Council 841-2001 dated 27 June 2001 respecting Ville de Saguenay is amended by inserting the following division after section 29:

### **“DIVISION III.1**

#### **“PROVISIONS RELATING TO THE SIGNATURE OF CONTRACTS AND OTHER DOCUMENTS**

**“29.1.** Contracts within the jurisdiction of the city council or the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may designate in writing, generally or specially, another member of the executive committee to sign the contracts in his or her place.

On the proposal of the mayor, the executive committee may authorize the director general, a department head or another designated officer, generally or specially, to sign contracts or documents of a nature it determines that are within the jurisdiction of the city council or the executive committee, except by-laws and resolutions, and, in that case, may prescribe that certain contracts or documents or certain classes of contracts or documents do not require the clerk’s signature.

Contracts within the jurisdiction of a borough council shall be signed on behalf of the city by the chair of the borough council and by the clerk or the person the clerk designates. The chair of the borough council may authorize in writing another member of the borough council, generally or specially, to sign the contracts in his or her place.

On the proposal of the chair of the borough council, the borough council may authorize the director general, the borough director, a department head or another officer it designates, generally or specially, to sign contracts or documents of a nature it determines that are within the jurisdiction of the borough council, except by-laws and resolutions, and, in that case, may prescribe that certain contracts or documents or certain classes of contracts or documents do not require the clerk’s signature.

For the purposes of the first paragraph of section 53 of the Cities and Towns Act, when, under this section, a contract must be signed by a member of the executive committee other than the mayor or by a member of a borough council, the contract shall be presented to that other member rather than the mayor.”

**244.** Section 155 of the said Order in Council, amended by Order in Council 1474-2001 dated 12 December 2001, is again amended by replacing “debts” in the second paragraph by “the debt service”.

**245.** Section 5 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke is amended by adding the following paragraph at the end:

“The city council may assign a name to each borough by by-law.”

**246.** Section 60.7 of the said Order in Council, enacted by Order in Council 509-2002 dated 1 May 2002, is repealed.

**247.** Section 147 of the said Order in Council is amended by replacing “value determined under the third paragraph” in the fourth paragraph by “net value”.

**248.** Order in Council 851-2001 dated 4 July 2001 respecting Ville de Trois-Rivières is amended by inserting the following section after section 34:

“§7. *Miscellaneous powers*

“**34.1.** The city may adopt a grant program by by-law to defray the costs incurred by a person to acquire, plant and maintain trees, shrubs or other plants on the conditions and in the parts of the territory of the city it determines. The grants may be uniform or may vary in the different parts of the territory of the city.

“**34.2.** The city may authorize, by by-law, the police chief or any other officer designated in the by-law to prohibit parking on certain streets or parts of streets during road maintenance operations.

The by-law must prescribe the appropriate means to be used and the advance notice to be given by the chief of police or officer in announcing road maintenance operations.

Appropriate means include the erection of signs in the places determined by the executive committee indicating the means of obtaining information on road maintenance operations where telephone, radio or television messages or any other similar media are used to transmit the information.

When parking is prohibited, a police officer may have contravening vehicles towed or moved to a place the police officer determines.

“**34.3.** The city may fix by by-law a tariff of costs for the removal or towing of a vehicle parked in violation of a provision of a by-law adopted under section 34.2, under the Cities and Towns Act (R.S.Q., chapter C-19) or under the Highway Safety Code (R.S.Q., chapter C-24.2).

By the same by-law, the city may establish that, in every case where it is provided that a vehicle may be removed or towed for a parking offence, the amount prescribed under the first paragraph may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 of the Code of Penal Procedure (R.S.Q., chapter C-25.1).

“**34.4.** For the purposes of section 463 of the Cities and Towns Act (R.S.Q., chapter C-19), all expenses incurred by the city to remove nuisances or cause nuisances to be removed or to enforce any measure designed to eliminate or prevent nuisances constitute a claim, regarded as a property tax, against the immovable where the nuisances were located, and they may be recovered in the same manner.”

**249.** Section 26 of Order in Council 1478-2001 dated 12 December 2001 respecting Ville de Rouyn-Noranda is amended by adding the following paragraph after paragraph 2:

“Notwithstanding subparagraph 1 of the first paragraph, where a consultation of the citizens of a sector made up of the territory of a former municipality leads to the abandonment of a project initially intended for that sector, the amounts reserved for those purposes are used in accordance with subparagraph 2 of that paragraph.”

**250.** The words “et de la Métropole” are replaced by “, du Sport et du Loisir” and the words “and Greater Montréal” are replaced by “, Sports and Recreation” in the following provisions:

(1) subparagraph 2 of the second paragraph of section 24 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3);

(2) paragraph 4 of section 1, the second paragraph of section 75.8 and the first paragraph of section 75.11 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(3) section 6 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

(4) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 80, the second paragraph of section 86, the first paragraph of section 89, the first paragraph of section 91, the second paragraph of section 100, the first paragraph of section 119, the first paragraph of section 120, section 134, the second paragraph of section 135 and the third paragraph of section 24 of Schedule B to the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

(5) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 104, the second paragraph of section 113, the first paragraph of section 132, the first paragraph of section 133, the first paragraph of section 146 and the second paragraph of section 147 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

(6) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 90, the second paragraph of section 99, the first paragraph of section 118, the first paragraph of section 119, the first paragraph of section 133, the second paragraph of section 134, section 46 of Schedule C and the second paragraph of section 47 of Schedule C to the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);

(7) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, section 39.1, the first paragraph of section 153, the second paragraph of section 162, the first paragraph of section 181, the first paragraph of section 182, the first paragraph of section 196, the second paragraph of section 197, subparagraph 1 of the second paragraph of section 2 of Schedule C,



section 69 of Schedule C, section 118 of Schedule C, the second paragraph of section 122 of Schedule C, the first paragraph of section 133 of Schedule C, section 136 of Schedule C, the fifth paragraph of section 139 of Schedule C, the third paragraph of section 220 of Schedule C, section 239 of Schedule C and section 271 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

(8) the first paragraph of section 8.3, subparagraph 3 of the second paragraph of section 9, the first paragraph of section 133, the second paragraph of section 142, the first paragraph of section 161, the first paragraph of section 162, the first paragraph of section 174, the second paragraph of section 175, the second paragraph of section 38 of Schedule C, the fourth paragraph of section 41 of Schedule C, the fifth paragraph of section 165 of Schedule C and the first paragraph of section 183 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5);

(9) paragraph *f* of section 1, subparagraph 13 of the first paragraph of section 6, the second paragraph of subsection 3 of section 28, the first paragraph of section 29.3, the second paragraph of section 29.7, the third paragraph of section 29.9.2, the fourth paragraph of section 29.10.1, sections 54 and 55, paragraph 3 of section 100, the second paragraph of section 105, the second and third paragraphs of section 105.2, the third paragraph of section 108, the first paragraph of section 108.2, subparagraph 2 of the first paragraph of section 108.2.1, subparagraph 1 of the first paragraph of section 116, the heading of Division V.1, section 318, the second paragraph of section 365, the first paragraph of section 465.1, the second paragraph of section 466.1, the first paragraph of section 468.1, the first paragraph of section 468.11, the first paragraph of section 468.36.1, section 468.37, subparagraph 3 of the second paragraph of section 468.38, the first paragraph of section 468.39, section 468.48, the first paragraph of section 468.49, the first paragraph of section 468.51, the first paragraph of section 468.53, the sixth paragraph of section 469.1, the first paragraph of subsections 2 and 3 of section 474, the third paragraph of section 477.2, the first paragraph of section 503, the first and second paragraphs of subsection 2 of section 541, the first, third and fourth paragraphs of section 554, the first paragraph of section 555, the first paragraph of section 556, the first paragraph of section 561.1, the first paragraph of section 562, the first paragraph of section 563.1, the third paragraph of section 564, the first paragraph of section 565, the second paragraph of subsection 2 and subsection 3 of section 567, section 572, subsection 7 of section 573, the first paragraph of section 573.3.1, the first paragraph of section 573.5, section 573.7, the first paragraph of section 573.8 and the second paragraph of section 592 of the Cities and Towns Act (R.S.Q., chapter C-19);

(10) section 422 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(11) subparagraph *e* of the first paragraph of article 670, article 687.1 and the first paragraph of article 905 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(12) the third paragraph of article 2, the second paragraph of article 9, the first paragraph of article 14.1, the second paragraph of article 14.5, the third paragraph of article 14.7.2, the fourth paragraph of article 14.8.1, paragraph 16 and paragraph 37 of article 25, the first and second paragraphs of article 140, subarticles 5 and 6 of article 142, the third paragraph of article 148, article 169, the second paragraph of article 176, the first, second and third paragraphs of article 176.2, the third paragraph of article 206, subparagraph 3 of the first paragraph of article 269, the heading of Title XI, subparagraph 1 of the first paragraph of article 486, the second paragraph of article 488, the first paragraph of article 570, the first paragraph of article 580, the first paragraph of article 605.1, article 606, subparagraph 3 of the second paragraph of article 607, the first paragraph of article 608, article 617, the first paragraph of article 618, the first paragraph of article 620, the first paragraph of article 622, the sixth paragraph of article 624, the second paragraph of article 627.1, the first paragraph of article 688.3.2, the first paragraph of article 688.5, the first paragraph of article 711.2, subarticle 7 of the first paragraph of article 935, the first paragraph of article 938.1, the first paragraph of article 939, article 941, the first paragraph of article 942, the first paragraph of subarticles 2 and 3 of article 954, the third paragraph of article 961.1, the second paragraph of article 966, the first paragraph of article 966.2, the fourth paragraph of article 975, the second paragraph of article 976, the first paragraph of article 1007, the second paragraph of article 1061, subarticles 1 and 2 of article 1065, the first paragraph of article 1066, the first paragraph of article 1071.1, the first paragraph of article 1075, the third paragraph of article 1076, the first paragraph of article 1077, the first paragraph of article 1084.1, the second paragraph of article 1093, article 1093.1, the first paragraph of article 1094.3, article 1104.1, the second paragraph of article 1114, the fourth paragraph of subarticle 1 of article 1128 and the third paragraph of article 1133 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(13) paragraph 2 of section 1, the second paragraph of section 55 and the first paragraph of section 100.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35);

(14) section 128, the first paragraph of section 148, the third paragraph of section 150, the first paragraph of section 232, section 237, the first paragraph of section 264 and the sixth paragraph of section 265.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

(15) section 120, the first paragraph of section 140, the fourth paragraph of section 143, the first paragraph of section 219, section 224, the first paragraph of section 227 and the sixth paragraph of section 229 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

(16) section 29 of the Chartered Accountants Act (R.S.Q., chapter C-48);

(17) the first paragraph of section 10 and section 98 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);

(18) the second paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

(19) paragraph 3 of section 15.1 and the first paragraph of section 128.2, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(20) the first and second paragraphs of section 18.1, the third paragraph of section 18.3, the fourth paragraph of section 18.4, the first paragraph of section 21, the first paragraph of section 23, the second paragraph of section 89, sections 91 and 98, the first paragraph of section 109 and the first paragraph of section 111 of the Act respecting municipal courts (R.S.Q., chapter C-72.01);

(21) the second paragraph of section 37 of the Public Curator Act (R.S.Q., chapter C-81);

(22) the first paragraph of section 1, the third and fifth paragraphs of section 2, sections 3 and 11, the first and fourth paragraphs of section 12, the first and fourth paragraphs of section 15, the first paragraph of section 15.1, the first paragraph of section 20, sections 22.1, 22.2 and 35, the second paragraph of section 48.1 and the second and fourth paragraphs of section 49 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7);

(23) paragraph *c* of section 17 and section 28 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

(24) the first paragraph of section 10, the first paragraph of section 41.1, the first paragraph of section 45, paragraph 4 of section 62, the second paragraph of section 88, the second paragraph of section 90.5, section 251, the second paragraph of section 278, paragraph 4 of section 307, the second paragraph of section 337, the second paragraph of section 339, the heading of Division III of Chapter XI of Title I, section 345, the first paragraph of section 366, the second paragraph of section 377, subparagraph *c* of paragraph 1 of section 514, the second paragraph of section 551, the second paragraph of section 565, the second paragraph of section 568, the first paragraph of section 580, the first paragraph of section 649, the first paragraph of section 659.2, section 659.3, the first paragraph of section 867, section 878, the first paragraph of section 881 and section 887 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(25) the third paragraph of section 6 and the first paragraph of section 12, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(26) section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(27) the second paragraph of section 53.11 of the Expropriation Act (R.S.Q., chapter E-24);

(28) paragraph 6 of section 4 and paragraph 4 of section 14 of the Act respecting Financement-Québec (R.S.Q., chapter F-2.01);

(29) the first paragraph of section 1, the first paragraph of section 80.2, the first paragraph of section 126, the first paragraph of section 131.1, sections 132 and 133, the first paragraph of section 138.1, subparagraph 4 of the second paragraph of section 138.5, paragraph 4 of section 138.9, paragraph 2 of section 154, the fourth paragraph of section 180 and subparagraph 4 of the third paragraph of section 183 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(30) the first paragraph of section 1, the first paragraph of section 5, section 8, the first paragraph of section 9, section 11, the second paragraph of section 22, the first paragraph of section 24 and section 25 of the Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01);

(31) the fourth and sixth paragraphs of section 6, the first paragraph of section 6.1, the second paragraph of section 13.8 and section 19 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);

(32) section 38 of the Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);

(33) section 1129.30 of the Taxation Act (R.S.Q., chapter I-3);

(34) the second paragraph of section 311 and the first and second paragraphs of section 426 of the Education Act (R.S.Q., chapter I-13.3);

(35) subparagraph 28 of the first paragraph of section 1, subsections 2 and 6 of section 220, the first and second paragraphs of section 222 and the first and second paragraphs of section 508 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

(36) section 2 of the Municipal Aid Prohibition Act (R.S.Q., chapter I-15);

(37) the first paragraph of section 24.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2);

(38) subparagraph 1.1 of the first paragraph of section 2, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);

(39) subparagraph 4 of the third paragraph of section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);

(40) section 66 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001);

(41) subparagraph *l* of the second paragraph of section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

(42) sections 16 and 18, the first, third, fourth and fifth paragraphs of section 30, the second paragraph of section 36, the first paragraph of section 45, the fourth paragraph of section 58, the first paragraph of section 90, the first paragraph of section 92, the fourth paragraph of section 106, the first paragraph of section 111, section 124, the first paragraph of section 125.13, section 125.15, the second paragraph of section 125.24, the first paragraph of section 125.26, subparagraphs 13 and 20 of the first paragraph of section 125.27, the first paragraph of section 125.30, the third paragraph of section 131, the first paragraph of section 139, the fifth paragraph of section 153, the first paragraph of section 162, amended by section 6 of chapter 8 of the statutes of 2003, the second paragraph of section 176.27, subparagraph 1 of the first paragraph and the third paragraph of section 176.28, the first paragraph of section 179, the first paragraph of section 193, sections 201, 210.3.1, 210.8 and 210.11, the first paragraph of section 210.31, subparagraph 3 of the second paragraph of section 210.44, subparagraph 3 of the second paragraph of section 210.53, section 210.63, the fourth paragraph of section 210.79, the first paragraph of section 214.1, the first paragraph of section 214.3 and sections 279 and 289 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(43) sections 18 and 19 of the Pesticides Act (R.S.Q., chapter P-9.3);

(44) the fourth paragraph of section 73, the third paragraph of section 100 and the second paragraph of section 108 of the Police Act (R.S.Q., chapter P-13.1);

(45) section 79.10, amended by section 6 of chapter 8 of the statutes of 2003, of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(46) the third paragraph of section 43, the second paragraph of section 104 and sections 118.3.1 and 118.3.2 of the Environment Quality Act (R.S.Q., chapter Q-2);

(47) the second paragraph of section 72 and sections 76 and 82 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(48) the first paragraph of section 20 and section 73 of the Act respecting safety in sports (R.S.Q., chapter S-3.1);

(49) paragraph *e* of section 1 and sections 59, 74, 82 and 95 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

(50) section 32 of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

(51) subparagraph 10 of the first paragraph of section 18, the third paragraph of section 19, the first paragraph of section 21, section 27, the first paragraph of section 27.1, the second paragraph of section 35.1, section 37, the first and second paragraphs of section 38 and sections 42 and 46 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1);

(52) the first paragraph of section 4, the first paragraph of section 5, section 8, the first paragraph of section 9, the first paragraph of section 17, sections 18 to 20, the first paragraph of section 30, the second paragraph of section 48, the second paragraph of section 61, section 62 and section 69 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);

(53) the third paragraph of section 77, the eighth paragraph of section 95, the first paragraph of section 103, the first paragraph of section 119, section 122, the first and second paragraphs of section 123, section 124, the second paragraph of section 136, the first paragraph of section 139, the first paragraph of section 150 and section 262 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01);

(54) paragraph *b* of subsection 2 of section 14 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);

(55) the first paragraph of section 23, the first paragraph of section 24 and the first and second paragraphs of section 25 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(56) section 67 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

(57) the third paragraph of section 1 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

(58) paragraph 13 of section 1 of the Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1);

(59) paragraph *m* of section 2, section 18.1, subparagraph 1 of the first paragraph of section 20 and sections 157, 338, 361.1 and 408 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(60) section 18, the second paragraph of section 22 and the first paragraph of section 27 of the Act respecting the Agence de développement Station Mont-Tremblant (1997, chapter 100), amended by section 13 of chapter 43 of the statutes of 1999;

(61) section 45 of the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2), amended by section 13 of chapter 43 of the statutes of 1999;

(62) section 42 of the Act respecting certain facilities of Ville de Montréal (1998, chapter 47), amended by section 14 of chapter 43 of the statutes of 1999;

(63) the first paragraph of section 1 and sections 2 and 6 of the Act respecting the amalgamation of Municipalité de Mont-Tremblant, Ville de Saint-Jovite, Municipalité de Lac-Tremblant-Nord and Paroisse de Saint-Jovite (1999, chapter 88);

(64) section 257 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

(65) sections 24 and 30 of the Act respecting the Agence de développement de Ferme-Neuve (2002, chapter 83).

**251.** Unless otherwise indicated by the context, in any other Act, statutory instrument or other document.

(1) a reference to the Minister or Deputy Minister of Municipal Affairs and Greater Montréal is a reference to the Minister or Deputy Minister of Municipal Affairs, Sports and Recreation and a reference to the Ministère des Affaires municipales et de la Métropole is a reference to the Ministère des Affaires municipales, du Sport et du Loisir;

(2) a reference to the Act respecting the Ministère des Affaires municipales et de la Métropole or to one of its provisions is a reference to the Act respecting the Ministère des Affaires municipales, du Sport et du Loisir or to the corresponding provision of that Act.

#### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**252.** Sections 95, 105 and 114 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) have effect from 1 January 2002.

**253.** Paragraph 1 of section 7 of the Act to amend the Act respecting labour standards and other legislative provisions (2002, chapter 80) has effect from 1 January 2002.

**254.** Where, under its constituting Act or Order in Council, a municipality resulting from an amalgamation is subject to a transitional scheme limiting the variation in the tax burden established for the territory of each municipality that ceased to exist upon the amalgamation, and under the scheme, that burden is established separately for each group formed of the units of assessment situated in such a territory and to which all or part of the general property tax rate applies, the municipality may provide that, instead, the tax burden is established separately for each group formed of the units of assessment or the parts of such units that are situated in such a territory and the total of whose values, determined under this section, is the tax base for applying such a rate.

The values taken into consideration are those appearing in the section entitled “ASSIETTES D’APPLICATION DES TAUX DE LA TAXE FONCIÈRE GÉNÉRALE” in the form entitled “SOMMAIRE DU RÔLE D’ÉVALUATION FONCIÈRE”, the use of which is prescribed by the regulation under paragraph 1 of section 263 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and that is filled out in anticipation of the fiscal year for which the municipality is to establish the tax burden referred to in the first paragraph.

Where the municipality imposes the general property tax for the fiscal year concerned at the five specific rates permitted,

(1) the values the total of which is the tax base for applying the basic rate are the values the sum of which is entered in the box in the last line under the heading “TAUX DE BASE”;

(2) the values the total of which is the tax base for applying the rate specific to the category of immovables consisting of six or more dwellings are the values the sum of which is entered in the box in the last line under the heading “TAUX 6 LOGEMENTS OU PLUS”;

(3) the values the total of which is the tax base for applying the rate specific to the category of non-residential immovables are the values the sum of which is entered in the box in the last line under the heading “TAUX NON RÉSIDENTIEL”;

(4) the values the total of which is the tax base for applying the rate specific to the category of industrial immovables are the values the sum of which is entered in the box in the last line under the headings “TAUX INDUSTRIEL (CLASSE 2)” and “TAUX IND. (SAUF CL. 1 ET 2)”;

(5) the values the total of which is the tax base for applying the rate specific to the category of serviced vacant land are the values resulting from adding the values the sum of which is entered in each of the two boxes in the last line under the heading “SERVICED VACANT LAND RATE”.

Where the municipality imposes the general property tax for the fiscal year concerned at less than the five specific rates permitted, the values described in the subparagraphs of the third paragraph are combined so as to reflect the composition of the various categories of immovables that results from the municipality’s decision regarding the specific rates it fixes under subdivision 2 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation.

Schedule I to the regulation referred to in the second paragraph must be applied as if the reference “Code MAMM” appearing in parentheses after the name of each prescribed form were deleted. Notwithstanding section 8 of chapter 3 of the statutes of 2003, Forms 6 to 8 and 10 to 14 prescribed in that schedule apply in respect of the property assessment roll of Ville de Montréal that comes into force on 1 January 2004. Form 14 prescribed in that schedule, as it exists following the 2003 updating of Volume 2 of the manual to which



the regulation refers, is applicable in anticipation of the notice to be given by the Minister of Municipal Affairs, Sports and Recreation regarding that updating under paragraph 1 of section 263 of the Act respecting municipal taxation.

**255.** Where a unit of assessment that belongs to the group described in section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is the subject of a lease that is in force on the first day following the fiscal year of reference, within the meaning of the second paragraph, and that does not allow the owner to increase the rent stipulated to take into account new taxes of which the owner becomes the debtor, or to have the lessee otherwise assume payment of such a tax, the owner may nonetheless, in accordance with the rules set out in this section, increase the rent stipulated to take into account all or part of the additional amount payable by the owner for a fiscal year in relation to the fiscal year of reference by reason of the imposition of a mode of property taxation specific to the non-residential sector.

The fiscal year of reference is the last fiscal year for which the municipality imposes the business tax provided for in section 232 of the Act respecting municipal taxation in respect of the sector where the unit of assessment is situated, either separately or within the whole territory of the municipality. The fiscal year of reference may not, however, be prior to the fiscal year 2003.

The rent that may be so increased is the rent payable for the period, subsequent to the fiscal year of reference, in which the lease applies and that includes all or part of a fiscal year for which the amount referred to in the first paragraph is payable.

However, the rent stipulated in a lease covering part of the unit of assessment that does not constitute premises within the meaning of the last two paragraphs of section 244.34 of the Act respecting municipal taxation, cannot be so increased.

Where the lease covers such premises among other premises within the unit of assessment, the increase in rent must take into account only the proportion of the amount referred to in the first paragraph that corresponds to the proportion that such leased premises are of the total of the rental values of all the leased premises at the end of the fiscal year of reference. However, another proportion, as agreed upon by the owner and all the lessees of the premises, may be established.

The amount payable for a fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector only exists where, under section 244.29 of the Act respecting municipal taxation, the municipality fixes a general property tax rate specific to the category provided for in section 244.33 of that Act. Subject to the seventh paragraph, the amount then corresponds to the difference obtained by subtracting the amount of the tax that would be payable if only the basic rate provided for in section 244.38 of that Act were applied from the amount of the tax payable in respect of the unit of assessment for the fiscal year.

For the fiscal year before the end of which the lease ceases to apply, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is the product obtained by multiplying the amount determined under the sixth paragraph by the quotient resulting from the division of the number of whole days in the fiscal year that have elapsed at the time at which the lease ceases to apply, by 365 or by 366 in the case of a leap year.

Sections 491 and 244.64 of the Act respecting municipal taxation apply, with the necessary modifications, for the purpose of interpreting the words “owner” and “tax” used in this section.

This section does not apply to Ville de Montréal.

**256.** Notwithstanding sections 468.10 and 468.15 of the Cities and Towns Act (R.S.Q., chapter C-19) and articles 579 and 584 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), the Régie intermunicipale de police de la Rivière-du-Nord may continue to be the owner of the police station that belongs to it in the territory of Ville de Prévost, and may continue to operate the police station and to maintain its head office there, so long as the police station remains necessary for the organization and management of a police force and places of detention for the purpose of serving the municipalities that are parties to the agreement concerning the board.

**257.** Any act performed by a municipality under a provision enacted by any of sections 68, 127, 152, 191, 192 and 200 or under section 254 may apply for the purposes of any fiscal year as of the fiscal year 2004.

Sections 193 to 199 have effect for the purposes of any fiscal year as of the fiscal year 2004. However, anything done for the fiscal year 2004 in accordance with a provision as it existed before being amended or replaced by any of those sections remains valid.

Any budget adopted for the fiscal year 2004 and any resolution or by-law related to the budget that was adopted in anticipation of the coming into force of any of the sections mentioned in the first two paragraphs or section 234 or 235 are valid.

**258.** The fifth paragraph of section 121 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 69, is deemed to have always applied, as so amended, to the city and to the former Ville de Montréal to which the city succeeded on 1 January 2002.

**259.** Every resolution and every by-law adopted by the council of Ville de Québec before 1 May 2004 with regard to a power conferred on the borough council as of that date are deemed to have been adopted by the borough council.

**260.** A process of adoption or amendment begun before 1 May 2004 in respect of a by-law provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1) or in Chapter VII of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5), is continued by the city council according to the rules applicable before that date.

**261.** The council of Ville de Québec may amend a by-law in order to prohibit a project permitted by the applicable by-laws. Such an amending by-law has no effect against a project for which a permit application was filed with the city before the executive committee of the city requested the appropriate department to prepare the draft amending by-law.

The by-law is not subject to approval by way of referendum. It ceases to have effect in a borough on the date of coming into force of the last by-law adopted by the council of that borough in accordance with section 116 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5), amended by section 101.

**262.** Any municipality resulting from an amalgamation that paid the Commission administrative des régimes de retraite et d'assurances contributions collected from members of its council without or before adhering to the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) and before 13 November 2003 is deemed to have adhered to the plan for those persons as of the beginning of the period for which contributions were collected.

**263.** Any municipality resulting from an amalgamation and referred to in section 67.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) that paid the Commission administrative des régimes de retraite et d'assurances contributions collected from members of its council after the date of constitution of the municipality and before 13 November 2003 is deemed to have adhered to the plan for those persons as of the beginning of the period for which contributions were collected.

**264.** Any municipality resulting from an amalgamation before 13 November 2003 and referred to in section 67.1 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) may adopt a by-law provided for in the first paragraph of that section, provided the by-law comes into force before 31 December 2004.

**265.** Section 238 has effect from 19 December 2002.

**266.** Section 242 has effect from 16 July 2003.

**267.** This Act comes into force on 18 December 2003, except sections 74, 77, 78, 85 to 87, 89 to 96, 98 to 102 and 261, and sections 74.4 to 74.6 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) enacted by section 75, which come into force on 1 May 2004.