



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 62
(2005, chapter 6)

Municipal Powers Act

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EXPLANATORY NOTES

This bill is part of the municipal legislation revision process and represents an effort to group together and simplify the provisions of various Acts that concern municipal powers.

Thus, the bill assigns general administrative and regulatory powers in various areas of jurisdiction to local municipalities and regional county municipalities in order to give them more flexibility. The bill favours a wider application of the Civil Code provisions applicable to legal persons.

Under the bill, by-laws are made only to formulate decisions of a normative nature.

The bill reaffirms the powers of local municipalities in the areas of culture, recreation, community activities and parks, local economic development, power and telecommunications, the environment, sanitation, nuisances, safety and transportation. In the case of regional county municipalities, the bill maintains existing powers, as regards both the powers exercised concurrently with local municipalities and the powers that are exclusive to regional county municipalities; it also clarifies their jurisdiction over watercourses and lakes.

For those purposes and for purposes of cohesion, the bill amends or repeals various Acts relating to municipal affairs.

LEGISLATION AMENDED BY THIS BILL:

- Agricultural Abuses Act (R.S.Q., chapter A-2);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cultural Property Act (R.S.Q., chapter B-4);
- 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);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- 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 Régie du logement (R.S.Q., chapter R-8.1);
- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);
- Fuel Tax Act (R.S.Q., chapter T-1);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);
- Act respecting roads (R.S.Q., chapter V-9);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29).

LEGISLATION REPEALED BY THIS BILL:

- Peddlers Act (R.S.Q., chapter C-30);
- Act respecting sales of municipal public utilities (R.S.Q., chapter V-4);
- Temperance Act (R.S.Q., 1964, chapter 45).

Bill 62

MUNICIPAL POWERS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

SCOPE AND INTERPRETATION

- 1.** This Act applies to local municipalities and regional county municipalities but not to Northern, Cree or Naskapi villages.
- 2.** Under this Act, municipalities are granted powers enabling them to respond to various changing municipal needs in the interest of their citizens. The provisions of the Act are not to be interpreted in a literal or restrictive manner.
- 3.** A provision of a municipal by-law adopted under this Act that is inconsistent with a provision of an Act or regulation of the Government or one of its ministers is inoperative.

TITLE II

POWERS OF A LOCAL MUNICIPALITY

CHAPTER I

GENERAL PROVISIONS

- 4.** In addition to the areas of jurisdiction conferred on it by other Acts, a local municipality has jurisdiction in the following fields:
 - (1) culture, recreation, community activities and parks;
 - (2) local economic development, to the extent set out in Chapter III;
 - (3) power development and community telecommunications systems;
 - (4) the environment;
 - (5) sanitation;
 - (6) nuisances;

(7) safety; and

(8) transportation.

A local municipality may adopt non-regulatory measures in the fields listed in the first paragraph and as regards childcare. However, a local municipality may not delegate a power in those fields except to the extent set out in this Act.

5. Under this Act and to the extent provided for in it, a local municipality adopts a by-law when it wishes to make a rule of a general and impersonal nature mandatory.

6. In exercising a regulatory power under this Act, a local municipality may, in particular,

(1) prescribe prohibitions;

(2) specify the cases where a permit is required, limit the number of permits and prescribe the cost, conditions and terms of issue and the rules governing the suspension or revocation of a permit;

(3) provide that one or more provisions of a by-law apply to part or all of its territory;

(4) create classes and make specific rules for each of them;

(5) prescribe the obligation to furnish security to ensure that premises are restored to their original state when a person carries on an activity or carries out work in the public domain; and

(6) prescribe rules that refer to standards made or approved by a third person. These rules may provide that changes made to the standards form part of the standards as if they had been adopted by the local municipality. Such changes come into force on the date set by the municipality under a resolution the adoption of which must be the subject of a public notice in accordance with the Act governing that municipality.

When a local municipality requires an itinerant merchant to obtain a permit under subparagraph 2 of the first paragraph, that permit may only be issued to a person who provides proof of having first obtained a permit in accordance with the Consumer Protection Act (R.S.Q., chapter P-40.1).

CHAPTER II

CULTURE, RECREATION, COMMUNITY ACTIVITIES AND PARKS

7. A local municipality may make by-laws governing the cultural, recreational and community services it offers and the use of its parks.

8. In cooperation with a non-profit body, a school board or an educational institution, a local municipality may establish or operate a cultural, recreational or community facility in its territory or, after notifying the municipality concerned, outside its territory.

It may also grant assistance to a person outside its territory for the establishment and operation of facilities and public places intended for cultural, recreational or community activities.

CHAPTER III

LOCAL ECONOMIC DEVELOPMENT

9. In order to promote its economic development, a local municipality may establish and operate

- (1) a convention centre or an exhibition centre;
- (2) a public market;
- (3) a railway siding; and
- (4) a tourist information office.

It may entrust a person with the operation of a centre referred to in subparagraph 1 of the first paragraph.

10. A local municipality may, by by-law, regulate

- (1) the use of the services offered in the facilities listed in the first paragraph of section 9;
- (2) economic activities; and
- (3) the exhibiting, carrying or distribution of printed matter or other objects on a public road or a private immovable.

11. A local municipality may establish a non-profit body whose purpose is to provide technical support to an enterprise situated in its territory.

12. A local municipality whose territory is included in that of a regional county municipality must make an annual contribution in support of the local development centre by paying a sum the amount of which is determined by by-law of the regional county municipality or according to rules prescribed in the by-law.

In the absence of a by-law referred to in the first paragraph when the budget of the regional county municipality is adopted for a fiscal year, the amount to be paid by each local municipality for the fiscal year is determined in accordance with the regulation under the third paragraph.

The Government may, by regulation, prescribe the rules for determining the amount that each local municipality is required to pay in the circumstance described in the second paragraph. The regulation may prescribe separate rules that vary from one regional county municipality to another.

The sum is integrated into the share that the local municipality is required to pay to the regional county municipality under section 205.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

13. Section 12 applies, with the necessary modifications, to a local municipality whose territory is not included in that of a regional county municipality.

In the case of Ville de Montréal, if two or more local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph of section 12 must prescribe rules for the apportionment of the sum among those centres.

The second and third paragraphs of section 12 do not apply to Ville de Laval.

CHAPTER IV

POWER AND TELECOMMUNICATIONS

14. A local municipality may, by by-law, regulate the use of the power it develops.

15. A local municipality may entrust a person with selling the power produced by a residual materials disposal facility or water purification works.

16. A local municipality may make by-laws on the placing of wires, including wire burial.

It may also prescribe, by by-law, that poles and other supportive facilities must be used in common by any persons operating a telecommunications or electric company or any other service of the same nature.

17. A local municipality may form a limited partnership with Hydro-Québec for the purpose, among other things, of producing electricity.

Hydro-Québec must at all times provide at least half of the contribution to the common stock of the limited partnership, and must be the partnership's general partner.

18. A local municipality may make by-laws on the use of any community telecommunications system it possesses.

The municipality may not acquire existing community telecommunications systems by expropriation.

CHAPTER V

ENVIRONMENT

DIVISION I

GENERAL PROVISIONS

19. A local municipality may adopt by-laws on environmental matters.

20. A local municipality may mandate a social trust that it has constituted for environmental purposes to carry out work on an immovable resulting from a program referred to in the second paragraph of section 92.

DIVISION II

WATER SUPPLY, SEWERS AND WATER PURIFICATION

§1. — General provisions

21. The municipality is not liable for damage caused to an immovable or its contents if the owner of the immovable neglects or omits to install an apparatus intended to reduce the risk of malfunction of a water supply system or sewer system in accordance with the by-law adopted under section 19. Such a by-law may apply to an immovable already erected if it prescribes a minimum period of one year to allow the owner to comply with that obligation.

22. A local municipality may entrust a person with the construction and operation of its waterworks system, sewer system or other water supply or water purification works, for a maximum term of 25 years. It may also entrust a person with the operation of those systems or works for such a term.

The resolution authorizing a contract made under the first paragraph must be submitted for approval to the qualified voters and the Government.

23. Despite its by-laws governing the water supply, a local municipality may enter into agreements with a person whose activities require an unusually high water consumption.

24. In exercising its powers as regards water supply, sewers and water purification, a local municipality may carry out work on a private road and is not bound to pay any compensation for the use of that road to carry out the work.

25. A local municipality may install private conduits, water intakes and sewer outlets and connect private conduits to public conduits at the expense of the owner.

26. In order to serve its territory, a local municipality may also exercise, outside its territory, its powers as regards water supply and sewers.

The by-laws adopted under section 19 apply to the owner or occupant of an immovable outside its territory served by the municipality under an intermunicipal agreement.

§2. — *Water supply*

27. The municipality may suspend the supply of water only

(1) if a person makes abusive use of the water or controls equipment that causes water to be wasted or the quality of the water to deteriorate, and fails to take the required corrective measures within 10 days after the municipality sends a notice exposing the problem, indicating the corrective measures to be taken and informing the person that the water supply could be suspended. The suspension continues until corrective measures are taken;

(2) if a person refuses to admit the municipal employees responsible for ensuring the proper functioning of the water supply system or the application of a by-law adopted under a provision of this chapter. The supply of water is suspended so long as the refusal continues;

(3) if a person operating an enterprise fails to pay for the water supply and has not remedied the situation within 30 days of a notice to that effect sent by the municipality.

The sum required for the water supply, except to the extent that it is related to actual consumption, remains payable throughout the period in which the service is suspended under the first paragraph.

28. A local municipality is not bound to guarantee the quantity of water to be supplied.

No person may refuse to pay the water rate on account of a lack of water.

§3. — *Sewers and water purification*

29. A local municipality may enter into an agreement with the Minister under which it is authorized to negotiate a turn-key contract in exercising its powers as regards waste water purification.

The municipality and the Minister may agree upon conditions as regards the contract.

30. The turn-key contract must state the objectives set by the municipality and, as applicable, the cost limits and other general conditions the purification facilities must respect.

The contract confers on the contracting partner the responsibility for designing purification facilities that meet the objectives and respect the limits and conditions set out, and for building and operating the facilities for a period specified in the contract, which must not be less than five years.

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

31. The municipality must submit to the Minister the draft turn-key contract it negotiates following the agreement.

Once it has the Minister's approval, the municipality may sign the contract. No other approval is required.

32. The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work done under a turn-key contract.

33. In accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 979 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), a local municipality may impose a special tax for the purpose of paying all or part of its obligations arising from a turn-key contract.

The municipality may also impose such a tax for the purpose of paying all or part of its share of the expenses arising from such a contract to another local municipality, a regional county municipality, an intermunicipal management board or a metropolitan community.

DIVISION III

RECYCLABLE MATERIALS

34. A local municipality may entrust a person with the establishment and operation of its facility for salvaging and treating recyclable material.

DIVISION IV

COMMON FENCE, COMMON DITCH, DRAINAGE DITCH AND CLEARANCE

35. A local municipality may designate a person to try to resolve the disagreements referred to in section 36.

Subject to the conditions set out in the instrument of designation, the local municipality may broaden the designated person's mandate to cover all the owners in its territory.

The remuneration and eligible expenses of the designated person are specified in the instrument of designation.

36. The owner of land situated in the agricultural zone of a local municipality within the meaning of subparagraph 17 of the first paragraph of section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), the owner of land situated outside that zone and who carries on an agricultural activity within the meaning of subparagraph 0.1 of the first paragraph of section 1 of that Act on that land, or the owner of land who carries on forest activities on that land may, regarding that land, request the designated person in writing to examine a matter and try to resolve a disagreement relating to

(1) the construction, repair or maintenance of a common fence or common ditch under article 1002 of the Civil Code;

(2) drainage work on that land involving the creation, improvement or maintenance of a drainage ditch

(a) used solely for drainage or irrigation;

(b) that was artificially created; or

(c) the watershed of which has an area of less than 100 hectares; or

(3) clearances under article 986 of the Civil Code.

The application must describe the nature, extent and expected cost of the proposed work and provide an estimate of the contribution the interested owners must make.

The owner of land adjacent to land referred to in the first paragraph may exercise the rights set out in that paragraph regarding that land, even if the owner does not meet the criteria specified in the paragraph.

The designated person does not lose his or her mandate simply because

(1) there is a maximum discrepancy of 10% in the evaluation of the drained area; or

(2) the application also concerns land situated in the territory of another local municipality.

37. After serving a three-day notice on the interested owners, to which is attached a copy of the application, the designated person goes to the premises to examine the situation and endeavour to bring the owners to an agreement.

38. The designated person may visit land that is the subject of an application at any reasonable time and require the production of any document or information considered necessary.

39. If the designated person is of the opinion that land belonging to an interested owner who was not notified under section 37 will be affected by the work, the designated person may inform that owner so that the owner may submit observations.

40. After giving all the interested owners an opportunity to submit observations, the designated person may communicate his or her conclusions to them, endeavour to bring them to an agreement, and, if applicable, order the carrying out of work, specifying the place, nature and extent of the work, the time limit for carrying it out, the contribution to be made by the interested parties, and the nature of their contribution.

The designated person may also order that all or part of the work be carried out by the local municipality, at the expense of the interested parties.

If there is a disagreement relating to drainage work, the contribution of an interested owner is determined according to the area of the owner's land that drains into the drainage ditch, or, if it is impossible to determine it according to that criterion, according to the number of interested owners.

41. The designated person's remuneration and expenses are borne by the interested owners proportionally to their share of the work.

In the case of an application that is not followed by an agreement or an order for the carrying out of work, the owner who made the application must pay the remuneration and expenses of the designated person.

42. If an interested owner fails to carry out his or her share of the work within the time stipulated in the order, the local municipality is authorized to do it at the expense of that owner.

43. A decision of the designated person must be communicated in writing and include reasons. It is notified to the interested owners and is executory on the expiry of 20 days after the date it is received.

44. The original of the decision is filed in the archives of the local municipality where the application to do the work was made and a copy of the decision is sent to any other local municipality concerned.

45. If land situated in the territory of more than one local municipality benefits from the work, any work not done by an interested owner is carried out under the authority of the council of the local municipality in whose territory the application to do the work was made under section 36.

46. The work is carried out according to the decision of the designated person and is inspected by the latter while being carried out and after being completed to ensure that the decision is complied with.

47. Once the work is completed, the designated person sends the inspection report to the local municipality where the application to do the work was made.

48. The local municipality where the application to do the work was made collects the contribution payable by an owner according to the decision of the person designated or because of the owner's failure under section 42.

An amount owed by the owner of property situated in the territory of a neighbouring local municipality is paid by the latter on receipt, after the work is completed, of a copy of the inspection report by the designated person and a claim accompanied by vouchers sent to the neighbouring local municipality by the local municipality where the application to do the work was made. Section 96 applies to the recovery of the amount disbursed by the neighbouring local municipality.

49. No person may hinder a designated person in the exercise of the functions of office.

On request, the designated person must provide identification and produce proof of appointment signed by the clerk or the secretary-treasurer.

50. A person designated under section 35 may not be prosecuted for acts performed in good faith in the exercise of the functions of office.

51. An interested owner may apply to the Court of Québec for a review of the decision made by the designated person.

The motion must be made and served on the other interested owners within 20 days of receipt of the decision of the designated person. However, on reasonable grounds, the Court may relieve the applicant from failure to act within that time limit.

The filing of the motion with the office of the Court suspends the execution of the designated person's decision until the judge has rendered a decision.

The Court may render any decision the person designated under section 40 could have rendered, and make any order designed to protect the rights of the parties. It may decide on every matter of fact or of law.

The decision is communicated in writing and includes reasons. It may not be appealed.

DIVISION V

OTHER PROVISIONS

52. A local municipality may, by by-law, prohibit the spreading of manure, sludge or residues from pulp and paper mills for up to 12 days, the dates of which are determined by the municipality so that the prohibition applies after 31 May and before 1 October and for not more than three consecutive days.

In order for the prohibition to apply in the course of a year, the by-law establishing it must be adopted by the last day of February and published by the last day of March of that year.

The clerk or the secretary-treasurer may, in writing and on request, authorize a person to carry out spreading prohibited by the by-law. Where it has rained for three consecutive days, the clerk or the secretary-treasurer must grant the authorization.

The by-law may prescribe maximum numbers of days that are greater than the numbers set out in the first paragraph if an agreement to that effect is entered into beforehand between the municipality and the regional federation that is affiliated with the association certified in accordance with section 8 of the Farm Producers Act (R.S.Q., chapter P-28) and whose territory includes the greatest part of the municipality's territory.

If most of the farm producers in the territory of the municipality are members of a syndicate, as defined in paragraph *e* of section 1 of the Farm Producers Act, affiliated with the regional federation referred to in the fourth paragraph, the agreement may be made with that syndicate.

53. A local municipality may apply pesticides on an immovable, with the consent of the owner.

54. A local municipality may plant and maintain plants on an immovable, with the consent of the owner.

CHAPTER VI

SANITATION

55. A local municipality may adopt by-laws in matters of sanitation.

Despite any provision of a special Act, a by-law under the first paragraph may not pertain to matters covered by the Food Products Act (R.S.Q., chapter P-29).

56. If the owner or occupant of an immovable is convicted of an offence against a sanitation by-law, a judge, in addition to imposing any other penalty, may order the offender to abate the unsanitary condition within the time the

judge prescribes or to have the necessary work carried out to prevent its recurrence. If the person fails to comply within the prescribed time, the unsanitary condition may be abated by the municipality at the expense of that person.

Prior notice of the application for an order must be given by the prosecutor to the person, who could be compelled, under such an order, to abate the unsanitary condition, except if the parties are in the presence of the judge.

57. If the municipality notes unsanitary conditions in connection with an immovable, it may send a formal notice to the owner or occupant of the immovable requiring the owner or occupant, within the time the municipality prescribes, to abate them or do the necessary work to prevent their recurrence.

58. If the formal notice sent under section 57 is not acted upon within the time mentioned, a judge of the Superior Court sitting in the district where the immovable is situated may, upon a motion presented even during the suit, require the owner or occupant of the immovable to take the steps required to abate the unsanitary condition within the time the judge determines or to prevent its recurrence, and order that, on failure to do so, the municipality may itself take the required steps at the expense of the owner or occupant.

When the owner and occupant of the immovable are unknown, unconfirmed or cannot be found, the judge may authorize the municipality to take immediate steps to remedy the situation and eventually claim the cost from the owner or occupant.

CHAPTER VII

NUISANCES

59. A local municipality may adopt by-laws on nuisances.

60. Section 56 applies, with the necessary modifications, to an offence against a by-law adopted under section 59.

61. If the municipality notes a nuisance in or on an immovable, sections 57 and 58 apply, with the necessary modifications.

CHAPTER VIII

SAFETY

62. A local municipality may adopt by-laws in matters of safety.

The municipality may remove an obstacle in the public domain at the expense of a person who fails to comply with a municipal by-law to that effect.

63. A local municipality may impound, sell for profit or eliminate a stray or dangerous animal. It may also have an animal suffering from a contagious disease isolated until cured, or eliminated, on a certificate from a veterinary surgeon.

The municipality may also enter into an agreement to authorize a person to enforce a by-law concerning animals. The person with whom the municipality enters into an agreement and the person's employees have the powers of employees of the municipality for the purposes of the enforcement of the municipal by-law.

This section applies despite any inconsistent provision of the Agricultural Abuses Act (R.S.Q., chapter A-2).

64. A local municipality may entrust a person with the organization and management of its fire prevention department.

65. A local municipality may authorize a peace officer to interrupt the sound signal of an alarm system and, for that purpose, to enter an immovable not belonging to the municipality if no one is in it at that time.

The local municipality may claim an amount it determines, by a by-law adopted under section 62, where such a system is defective or malfunctions or is set off for no valid reason.

CHAPTER IX

TRANSPORTATION

DIVISION I

ROADS

66. A local municipality has jurisdiction over public roads that are not under the authority of the Government of Québec or the Government of Canada or one of their departments or bodies.

In this Act, a public road includes any highway, road, street, lane, square, bridge, footpath or bicycle path, sidewalk or other road that is not in the private domain, and all the works or installations, including a ditch, needed for its improvement, operation or management.

67. A local municipality may adopt by-laws to regulate

(1) any use of a public road not covered by the regulatory powers conferred on it by the Highway Safety Code (R.S.Q., chapter C-24.2);

(2) any encroachment on a public road;

- (3) excavations in the public roads of the municipality;
- (4) the construction and maintenance of works over or under a public road;
and
- (5) the numbering of immovables.

68. A local municipality may regulate access to a public road.

A regulatory provision adopted under this section must not cause the immovable to be enclosed, or provide access, from that immovable, only to a public road situated in the territory of another municipality, or cause a no-access servitude acquired by the Minister of Transport to be inoperative or reduce the effect of the servitude, without the authorization of that Minister.

69. A local municipality may project snow that covers a public road onto adjoining private land.

70. A local municipality may maintain a private road open to the public by permission of the owner or occupant, on a request by a majority of the owners or occupants of the abutting property.

71. A contract under which a local municipality entrusts a person with the responsibility for converting its public lighting network and administering and maintaining the network during the period determined in the contract may also stipulate that that person is responsible for financing the cost for the municipality of acquiring the network and for reimbursing the cost through the fees the municipality pays that person in instalments the size and number of which are determined in the contract.

The Municipal Works Act (R.S.Q., chapter T-14) does not apply to work carried out under a contract entered into in accordance with the first paragraph.

72. A private road open to public traffic for 10 years or more becomes the property of the local municipality upon the observance of the following formalities:

- (1) the municipality approves by resolution a description, based on the cadastre in force, of the private road to which it proposes to apply this section;

- (2) a copy of the description, certified by a land surveyor, is filed with the office of the municipality;

- (3) the municipality has a notice published in the *Gazette officielle du Québec* and in a daily newspaper in the territory of the municipality twice, with an interval of not less than three months and not more than four months between publications. The notice contains

- (a) the full text of this section;

(b) a summary description of the private road concerned;

(c) a declaration that the formalities prescribed by subparagraphs 1 and 2 have been observed.

The municipality submits to the Minister responsible for the cadastre a cadastral plan showing the private road that has become its property because of this section. In addition, in the case of a plan involving a renumbering, the municipality must give notice of the deposit to any person whose address has been registered, but the consent of the creditors or the beneficiary of a declaration of family residence is not required in order to obtain the new cadastral numbering.

A right that third parties might claim to the ownership of the site of the private road in question is prescribed unless the appropriate recourse is exercised before the competent court within one year after the last publication in the *Gazette officielle du Québec*.

The municipality cannot apply this section to a private road on which it has levied a tax within the preceding 10 years.

73. If a local municipality notes that the site of an existing public road is not in conformity with the titles, it approves by resolution a description of the land prepared by a land surveyor that corresponds to that site and is based on the cadastre in force.

A copy of the description, certified by a land surveyor, must be filed with the office of the municipality.

The municipality sends a notice to any owner of the land concerned and any holder of another real right in the land, by any means providing evidence that it was sent,

(1) identifying the land to which the resolution provided for in the first paragraph applies, using the name of the public road concerned wherever possible;

(2) identifying the resolution approving the description of the land and mentioning its date and the fact that the site of the land is based on that description; and

(3) reproducing the text of section 74 and making the necessary links with the purpose of the notice.

The land to which the resolution provided for in the first paragraph applies becomes the property of the municipality on the date the notice provided for in the third paragraph is sent. The municipality submits to the Minister responsible for the cadastre a cadastral plan showing the land that has become its property because of this section. In addition, in the case of a plan involving a

renumbering, the municipality must give notice of the deposit to any person whose address has been registered, but the consent of the creditors or the beneficiary of a declaration of family residence is not required in order to obtain the new cadastral numbering.

74. A real right that could be asserted in respect of land that is the subject of a description referred to in section 73 is extinguished as of the sending of the notice provided for in that section.

The holder of a real right extinguished under the first paragraph may, however, claim an indemnity from the municipality as compensation for the loss of the right. Failing an agreement, the amount of the indemnity is determined by the Administrative Tribunal of Québec on the application of the person claiming the indemnity or the municipality, and sections 58 to 68 of the Expropriation Act (R.S.Q., chapter E-24) apply, with the necessary modifications.

The right to the indemnity under the second paragraph is prescribed three years after the notice is sent in accordance with section 73.

75. When a public road is divided by the boundary of two local municipalities in such a way that a single municipality must be responsible for managing that road, the municipalities concerned must enter into an intermunicipal agreement.

76. If the municipalities fail to enter into an agreement under section 75, either one may request that the Minister appoint an arbitrator to rule on whether the management of the parts of the public road concerned need be the responsibility of a single municipality, decide, if necessary, which municipality is to be responsible and prescribe rules for the sharing of expenses.

As soon as possible after the adoption of the resolution setting out the request, the municipality making the request must forward a certified copy of it to the other municipality.

The arbitrator appointed under the first paragraph may, after hearing the parties, either rule that there is no need for a single municipality to be responsible for the management of the parts of the public road concerned or rule that uniform management is necessary, decide which municipality is to be responsible and prescribe rules for the sharing of expenses. The arbitrator may issue any other order necessary to preserve the rights of the parties.

The arbitrator's decision ceases to have effect if the two municipalities reach an agreement under section 75.

Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, with the necessary modifications, to the arbitration referred to in the third paragraph.

The arbitrator's remuneration is determined by the Minister. The costs of the arbitration are divided equally among the municipalities, unless the arbitrator decides otherwise, giving reasons.

77. Sections 75 and 76 apply, with the necessary modifications, to a public road that runs along the boundary of two local municipalities.

78. Work done to construct or reconstruct a sidewalk must facilitate access to the sidewalk by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1).

DIVISION II

PARKING

79. A local municipality may regulate parking by by-law.

In exercising its power under the first paragraph and after obtaining the consent of the owner, the local municipality may determine the private parking areas to which the by-law applies.

80. A local municipality may, by by-law, regulate the towing and impounding of vehicles parked in violation of a regulatory provision adopted under this Act or the Highway Safety Code (R.S.Q., chapter C-24.2), set the tariff of towing or removal costs, and prescribe who is to pay the costs.

81. A person authorized by a local municipality to enforce its parking by-laws may move a vehicle or have it moved and store it, at the owner's expense, for the purposes of maintenance work or in other cases determined by by-law by the municipality.

DIVISION III

PORT AND AIRPORT FACILITIES

82. A local municipality may regulate access to its port and airport facilities.

83. A local municipality may also establish, acquire and operate a port or airport facility outside its territory after notifying the municipality that has jurisdiction over the territory concerned.

84. A local municipality may entrust a person with the operation of its port or airport facilities.

CHAPTER X

OTHER POWERS

85. In addition to the regulatory powers under this Act, a local municipality may adopt a by-law to ensure peace, order, good government, and the general welfare of its citizens.

86. A local municipality may, by by-law, regulate the use of vehicles or trailers for housing or commercial purposes.

87. A local municipality may adopt by-laws

- (1) to regulate the burial and disinterment of bodies; and
- (2) to regulate the establishment of cemeteries.

88. A local municipality may agree to administer a cemetery under an agreement with the cemetery administrator.

89. A local municipality may have bodies interred in violation of the law removed, close a cemetery, and have bodies removed from the cemetery.

CHAPTER XI

GENERAL PROVISIONS

90. In addition to the financial assistance otherwise provided for, a local municipality may grant any assistance it considers appropriate with respect to the matters referred to in sections 4 and 85 to 89.

It may also contribute financially to the costs of moving or burying an electric power distribution or telecommunications system.

The Municipal Aid Prohibition Act (R.S.Q., chapter I-15) does not apply to assistance granted

(1) for the establishment or operation of a convention centre or an exhibition centre;

(2) to a non-profit body that provides technical support to an enterprise situated in its territory;

(3) to the owner of an immovable to help the owner comply with the obligation to install an apparatus intended to reduce the risk of malfunction of a water supply system or sewer system and keep the apparatus in good working order;

(4) for damage to property caused by persons riotously or tumultuously assembled;

(5) to the owner of a dwelling or a building to cover the cost of installing a fire alarm, a fire extinguishing or fire fighting apparatus, or a fire escape; or

(6) under the second paragraph.

91. In addition, a local municipality may grant assistance in the following matters:

(1) assistance to disadvantaged natural persons or natural persons in need;

(2) the undertaking and furtherance, in or outside its territory, of education, cultural activities, youth training, works of charity and any action for the general welfare;

(3) the operation of a health care institution; and

(4) agriculture.

In exercising the power under subparagraph 1 of the first paragraph, a local municipality may establish shelters.

92. A local municipality may, by by-law, establish a program under which it grants subsidies or tax credits to professional artists within the meaning of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01) and to artists within the meaning of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1). A legal person controlled by such an artist or a group of such artists that is not a legal person is eligible under the program in place of the artist who controls the legal person or the artists who make up the group.

A local municipality may, by by-law, establish an environmental restoration program and grant a subsidy for work on an immovable consistent with that program. The amount of the subsidy must not exceed the actual cost of the work. With the consent of the owner, the municipality may carry out any work required on an immovable under such a program.

In exercising the power to grant assistance under this Act, a local municipality may also establish any other assistance program.

The first and second paragraphs apply despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

93. A local municipality may establish a body for the following purposes:

(1) industrial, commercial or tourism promotion;

(2) organization and promotion of cultural and recreational activities; and

(3) environmental protection.

It may entrust to the bodies referred to in the first paragraph the organization and management of activities relating to the purposes they pursue.

94. A local municipality may entrust to non-profit partnerships or legal persons the organization and management, on its behalf, of activities or bodies referred to in the first paragraph of section 93.

95. A local municipality may install any equipment or device on an immovable or do any work on the immovable necessary for the exercise of its powers.

For the purposes of the first paragraph, the employees of the municipality or the persons it authorizes may enter or move about on any immovable at any reasonable time.

The exercise of the powers granted under this section is subject, however, to the restoration of the premises to their former state and to compensation of the owner or person in charge of the premises for any damage. In addition, the municipality is bound, except in an emergency, to give the owner or any other person in charge of the immovable prior notice of at least 48 hours of its intention to enter or move about on the immovable for the purposes mentioned in the first paragraph.

96. An amount owed to the municipality following its intervention under this Act is considered a property tax if the claim is related to an immovable and if the debtor is the owner of the immovable. Otherwise, the claim is considered a non-property tax.

97. The resolution by which a local municipality alienates a public utility must be approved by the qualified voters and the Government.

The first paragraph does not apply when the acquirer of the utility is another municipality, an intermunicipal board or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

TITLE III

POWERS OF A REGIONAL COUNTY MUNICIPALITY

CHAPTER I

GENERAL PROVISIONS

98. A local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality for the purposes of this Title, with the necessary modifications.

99. A regional county municipality may make by-laws on any regional matter relating to its citizens that is not otherwise regulated.

100. The Municipal Aid Prohibition Act (R.S.Q., chapter I-15) does not apply to assistance granted under sections 122 to 126.

CHAPTER II

POWERS EXERCISED CONCURRENTLY WITH A LOCAL MUNICIPALITY

101. A regional county municipality may exercise the powers set out in subparagraph 3 of the first paragraph of section 9, paragraph 1 of section 10 as regards a railway siding, sections 11, 17, 82 to 84 and 88, section 91, the first and third paragraphs of section 92, and sections 93 and 94, with the necessary modifications.

Sections 5 and 6, section 81 as regards a regional park, the fourth paragraph of section 92 and section 96 apply to regional county municipalities, with the necessary modifications.

A regional county municipality may adopt non-regulatory measures regarding port or airport facilities. However, it may delegate only the operation of those facilities.

102. A regional county municipality may grant assistance

(1) to a person for the establishment and operation in or outside its territory of equipment and public places for cultural, recreational and community activities;

(2) to a partnership or legal person devoted to the pursuit of the purposes mentioned in paragraph 1 of this section, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93.

CHAPTER III

EXCLUSIVE POWERS OF A REGIONAL COUNTY MUNICIPALITY

DIVISION I

WATERCOURSES AND LAKES

§1. — *Watercourses*

103. A regional county municipality has jurisdiction over continuously or intermittently flowing watercourses, including those artificially created or modified, except

(1) watercourses or parts of watercourses that the Government determines, after consultation with the Minister of Sustainable Development, Environment and Parks, by an order in council that comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the order;

(2) a ditch along a public road;

(3) a common ditch within the meaning of article 1002 of the Civil Code; and

(4) a drainage ditch

(a) used solely for drainage or irrigation;

(b) that was artificially created; and

(c) the watershed of which has an area of less than 100 hectares.

The part of a watercourse used as a ditch remains under the jurisdiction of the regional county municipality.

104. A regional county municipality may adopt by-laws to regulate matters relating to water flow in watercourses, including crosspieces, obstructions and nuisances.

If a person does not carry out work required by a by-law under the first paragraph, the regional county municipality may carry it out at the person's expense.

105. If informed of the presence in a watercourse of an obstacle that threatens the safety of persons or property, a regional county municipality must carry out the work required to restore normal water flow.

An employee designated by a regional county municipality for that purpose may immediately withdraw from a watercourse any obstructions that prevent or hamper normal water flow, without prejudice to the municipality's right to recover the costs relating to their withdrawal from any person responsible for their presence.

106. A regional county municipality may carry out work to create, improve or maintain a watercourse. The work may be carried out in the bed or on the banks of the watercourse or on the land bordering on them.

107. The owner or occupant of land must allow the employees or representatives of the regional county municipality access to the watercourse for the inspections necessary in the performance of their duties. The owner or occupant must also allow machinery and equipment any access required to carry out work.

Before undertaking work, a regional county municipality must give the owner or occupant of the land at least 48 hours' prior notice of its intention to move about on that land, unless prevented from doing so by the urgent need to remedy the situation.

The regional county municipality is bound to restore the premises to their original state and to pay compensation for any damage caused by its intervention.

108. A regional county municipality may assign the enforcement of the by-laws, the recovery of claims and the management of the work provided for in this subdivision to a local municipality in its territory by an agreement made in accordance with Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

Section 107 applies, with the necessary modifications, to a local municipality and to its employees and representatives to whom a function is assigned under the first paragraph.

109. A watercourse linking or separating the territory of two or more regional county municipalities is under the joint jurisdiction of those regional county municipalities. Joint jurisdiction is exercised under an agreement or through the board of delegates, as the regional county municipalities concerned choose. Failing an agreement on the exercise of the joint jurisdiction within 60 days of the sending of a notice for that purpose by one regional county municipality to the other regional county municipalities concerned, jurisdiction is exercised through the board of delegates.

The board of delegates possesses and exercises all the powers of a regional county municipality regarding that watercourse.

§2. — *Lakes*

110. A regional county municipality may carry out work to regulate the water level of a lake and do bed maintenance work.

Sections 107 and 108 apply, with the necessary modifications.

DIVISION II

POWER

111. A regional county municipality may form a limited partnership with a private-sector enterprise for the purpose of producing electric power at a hydro-electric power station with a generating capacity of 50 megawatts or less provided by hydraulic power in the domain of the State. The private-sector enterprise must at all times provide at least half of the contribution to the common stock of the limited partnership, and must be the partnership's general partner.

DIVISION III

REGIONAL PARKS

112. A regional county municipality may, by by-law, determine the location of a regional park, whether or not it is the owner of the land. Before the by-law is passed, the regional county municipality must give notice and post the notice in accordance with the fourth paragraph of article 445 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

In the by-law referred to in the first paragraph, the regional county municipality may mention the local municipalities that may not exercise the right of withdrawal granted by the third paragraph of section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) as regards the exercise of the powers provided for in this section and in sections 113 to 120. In the case of a local municipality that exercised the right of withdrawal as regards those powers before the coming into force of the by-law, it may also indicate the date on which the withdrawal ends. As of that date, the representative of the local municipality again participates in the deliberations of the council of the regional county municipality that concern the exercise of those powers.

The by-law referred to in the first paragraph is without effect for third persons as long as the regional county municipality is not the owner of the land or has not made an agreement with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land, allowing it to operate the park.

113. As of the coming into force of a by-law under section 112, the regional county municipality may make an agreement with a person holding a right of ownership or any other right in an immovable situated in the park concerned.

114. The regional county municipality may take any non-regulatory measure relating to regional parks. However, a regional county municipality may only assign a power to the extent set out in sections 116 and 117.

115. As regards a regional park, the regional county municipality may adopt by-laws on any matter relating to

- (1) park administration and operation;
- (2) the protection and conservation of nature;
- (3) user safety;
- (4) the use or parking of vehicles;
- (5) the possession or keeping of animals;

- (6) the posting of information;
- (7) the operation of businesses;
- (8) recreational activities; and

(9) any use of a public road not covered by the regulatory powers conferred on it by the Highway Safety Code (R.S.Q., chapter C-24.2).

116. The regional county municipality may operate or entrust a person with the operation of sleeping-accommodation, catering or commercial establishments or parking lots in a regional park.

117. The regional county municipality may entrust the organization or operation of the park concerned to a non-profit body constituted as a legal person.

It may also entrust to that body the exercise of any power under section 113 or 116.

118. The regional county municipality may stand surety for the body referred to in section 117. However, it must obtain the authorization of the Minister to stand surety for an obligation of \$50,000 or more.

Before giving the authorization, the Minister may order the regional county municipality to submit the decision authorizing the surety to the approval of the persons qualified to vote in the local municipalities that must contribute to the payment of the expenditures relating to the regional park.

The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies, with the necessary modifications, to the approval sought under the second paragraph.

The regional county municipality may also grant subsidies to the body referred to in section 117.

119. Articles 935 to 936.3 and 938 to 938.4 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), on the awarding of contracts, apply to the non-profit body referred to in section 117, with the necessary modifications.

The body is deemed to be a regional county municipality for the purposes of the regulation made under article 938.0.1 of the Code.

120. The regional county municipality, a local municipality or a metropolitan community may make an agreement with respect to parks in accordance with Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

121. If a local municipality that is considered to be a regional county municipality stands surety for the body referred to in section 117, subsection 3 of section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 9 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) applies, as the case may be.

The first paragraph applies despite the first three paragraphs of section 118.

DIVISION IV

REGIONAL ECONOMIC DEVELOPMENT

122. A regional county municipality may grant technical assistance to a private-sector enterprise by providing it with the services of an economic development agent.

123. A regional county municipality may grant assistance to a non-profit body that provides technical support to an enterprise situated in its territory.

124. A regional county municipality must provide financial support to the local development centre operating in its territory commensurate with the contributions collected for that purpose from the local municipalities in the territory.

125. A regional county municipality may give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase.

The fund must be administered by a non-profit body established for that purpose.

The resolution must indicate the maximum contribution the regional county municipality may make to the fund. The amount it may commit under this section may not exceed \$500,000.

126. A regional county municipality may establish a fund to provide financial support for operations to develop land or forest resources in the domain of the State or private land or forest resources.

This fund must be administered by the regional county municipality. The regional county municipality may delegate to a person all or part of the administration of the fund.

In addition to the sums provided for in article 14.16 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) or section 29.18 of the Cities and Towns Act (R.S.Q., chapter C-19), the fund receives, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of Title I of the Forest Act (R.S.Q., chapter F-4.1).

TITLE IV

AMENDING PROVISIONS

AGRICULTURAL ABUSES ACT

127. Section 6 of the Agricultural Abuses Act (R.S.Q., chapter A-2) is amended by replacing “the road or rural inspector” in the seventh line of subsection 2 by “a municipal employee designated by the municipality”.

128. Section 7 of the Act is amended

(1) by replacing “one or more inspectors charged with” in the second and third lines of subsection 3 by “one or more persons responsible for”;

(2) by replacing “the inspector” in the third line of the first paragraph of subsection 4 by “the person responsible”;

(3) by replacing “the inspector shall himself have the right to destroy the said noxious weeds” in the second and third lines of the second paragraph of subsection 4 by “the person responsible shall have the right to destroy the said noxious weeds himself”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

129. Section 85 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by adding the following sentence at the end of the third paragraph: “The municipality may carry out the program of acquisition of immovables when the special planning program and the planning by-laws consistent with the program are in force.”;

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

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

130. The Act is amended by inserting the following section after section 85:

“85.0.1. For the purposes of the third and fourth paragraphs of section 85, the municipality may, in particular,

- (1) expropriate an immovable;
- (2) hold and manage the immovable; and
- (3) carry out the required development, restoration, demolition or clearing work on the immovable.”

131. The Act is amended by inserting the following sections after section 85.1:

“85.2. Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may, by by-law, adopt a revitalization program for a sector it delimits within a zone specified in the zoning by-law in which most of the buildings are at least 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, as applicable,

- (1) the persons or classes of persons that may benefit from it;
- (2) the buildings or classes of buildings covered by it;
- (3) the nature of activities covered;
- (4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which may not exceed five years; and
- (5) the terms and conditions governing its implementation.

“85.3. Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may exercise the powers mentioned in section 85.0.1 within the framework of a revitalization program.

“85.4. Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may, by by-law, adopt a revitalization program for that part of its territory designated as the “centre” or “central sector” pursuant to a special planning program. It may, on the conditions it determines, make an order granting a subsidy for work consistent with the revitalization program. The amount of the subsidy must not exceed the actual cost of the work.

The municipality may establish classes of immovables and classes of work, and combine them, for the purposes mentioned in the first paragraph. It may establish different conditions for different classes and combinations of classes and order that a subsidy be granted only for one or some of them.

The municipality may have recourse to the second paragraph in a different manner for different sectors of its territory that it determines.

Furthermore, a municipality whose territory includes several “centres” or “central sectors” under a special planning program may have recourse to the second paragraph in a different manner for each of them.”

132. Section 113 of the Act, amended by section 7 of chapter 20 and section 71 of chapter 31 of the statutes of 2004, is again amended

(1) by inserting the following subparagraphs after subparagraph 14 of the second paragraph:

“(14.1) to regulate or restrict by zone the installation, maintenance, number and height of telecommunications antennae and other similar devices;

“(14.2) to regulate or restrict by zone the construction, installation, alteration, upkeep and continued use of awnings;”;

(2) by replacing subparagraph 15 of the second paragraph by the following subparagraphs:

“(15) to regulate or restrict by zone the location, layout, height and maintenance of fences, walls, hedges, shrubs and trees;

“(15.1) to require that a fence be built around a landowner’s property;”.

133. Section 119 of the Act is amended by inserting “15,” after “14,” in the first line of paragraph 2.

134. The Act is amended by inserting the following chapter after section 148:

“CHAPTER V.0.1

“DEMOLITION OF IMMOVABLES

“**148.0.1.** In this chapter, “dwelling” means a dwelling within the meaning of the Act respecting the Régie du logement (chapter R-8.1).

“**148.0.2.** The council of a municipality may, by by-law,

(1) prohibit the demolition of an immovable or an immovable that includes one or more dwellings unless the owner has obtained authorization from the committee referred to in section 148.0.3;

(2) prescribe the procedure to be followed in applying for an authorization; and

(3) provide that, for certain categories of immovables that it shall specify, the public notice provided for in section 148.0.5 is not required.

“148.0.3. A council that has adopted a by-law under section 148.0.2 must establish a committee to authorize applications for demolition and to exercise any other powers conferred on it by this chapter.

This committee shall be composed of three council members designated by the council for one year. Their term is renewable.

By the by-law adopted under section 148.0.2, the council may assign itself the functions conferred on the committee by this chapter, in which case sections 148.0.1, 148.0.2, 148.0.4 to 148.0.18 and 148.0.21 to 148.0.24 apply to the council, with the necessary modifications.

“148.0.4. The by-law referred to in section 148.0.2 may prescribe that, before an application for authorization is considered, the owner submit to the committee, for approval, a preliminary program for the utilization of the vacated land. The by-law may also prescribe that, if the program is approved, the owner must provide the municipality, prior to the issuance of an authorization certificate, with a monetary guarantee of execution of the program in an amount not exceeding the value on the assessment roll of the immovable to be demolished.

That program may only be approved if it is in conformity with the municipal by-laws. To determine conformity, the committee must consider the by-laws in force at the time the program is submitted to it, except when the issuance of a building permit for the proposed program is suspended by reason of a notice of motion. When the issuance of permits is suspended, the committee may not approve the program before the suspension expires or the amending by-law that was the subject of the notice of motion comes into force, if such coming into force occurs before the suspension expires; the decision of the committee is then rendered having regard to the by-laws in force at the time of the decision.

“148.0.5. On being seized of an application for authorization to demolish, the committee must have a notice of the application, easily visible to passers-by, posted on the immovable referred to in the application. Furthermore, it must immediately have a public notice of the application published, except in the cases provided for in the by-law adopted under section 148.0.2.

Every notice referred to in this section must reproduce the first paragraph of section 148.0.7.

“148.0.6. The applicant must send a notice of the application to each of the lessees of the immovable, where applicable.

“148.0.7. A person wishing to oppose the demolition must do so by writing to the clerk or secretary-treasurer of the municipality, giving the reasons for objecting, within 10 days of publication of the public notice or, failing such notice, within 10 days following the posting of the notice on the immovable concerned.

Before rendering its decision, the committee must consider the objections received. Its sittings are public.

The committee may also hold a public hearing if it considers it advisable.

“148.0.8. When the immovable that is the subject of the application includes one or more dwellings, a person wishing to acquire that immovable and preserve it as rental housing may, as long as the committee has not rendered its decision, intervene in writing with the clerk or the secretary-treasurer to ask for time to undertake or pursue negotiations to acquire the immovable.

“148.0.9. The committee shall postpone its decision if it believes that the circumstances justify it, and shall grant the intervener a period of not more than two months from the end of the hearing to terminate the negotiations. The committee may not postpone its decision for that reason more than once.

“148.0.10. The committee shall grant the authorization if it is convinced of the advisability of the demolition, taking into account the public interest and the interest of the parties.

Before deciding an application for authorization to demolish, the committee must consider the condition of the immovable that is the subject of the application, the deterioration of the architectural appearance or aesthetic character of the neighbourhood or of the quality of life in the neighbourhood, the cost of restoration, the intended use of the vacated land and any other pertinent criterion, in particular, when the immovable includes one or more dwellings, the prejudice caused to lessees, the housing needs in the area and the possibility of relocating the lessees.

“148.0.11. In addition, the committee must reject the application for authorization if the preliminary program for the utilization of the vacated land has not been approved or if the exigible fees have not been paid.

“148.0.12. If the committee grants the authorization, it may impose conditions for the demolition of the immovable or the utilization of the vacated land. It may, in particular, determine the conditions on which a lessee may be relocated, when the immovable includes one or more dwellings.

“148.0.13. The lessor to whom authorization to demolish has been granted may evict a lessee to demolish a dwelling.

However, no lessee may be compelled to leave a dwelling before the term of the lease or before the expiry of three months from the issuance of the authorization certificate, whichever is later.

“148.0.14. The lessor must pay an indemnity equal to three months' rent and moving expenses to a lessee evicted from a dwelling. If the damages

resulting from the prejudice caused to the lessee exceed that sum, the lessee may apply to the Régie du logement to set the amount of the damages.

The indemnity is payable when the lessee leaves the dwelling, and the moving expenses, on presentation of the vouchers.

“148.0.15. If the committee grants the authorization, it may set the time within which the demolition work must be undertaken and completed.

It may, for reasonable cause, change the time set, provided that the application for the change is made before the time has expired.

“148.0.16. If the demolition work is not undertaken before the expiry of the time set by the committee, the authorization is without effect.

If a lessee continues to occupy a dwelling on the expiry date, the lease is extended of right and the lessor may, within one month, apply to the Régie du logement to set the rent.

“148.0.17. If the work is not completed within the time set, the council may have it carried out and recover the costs of the work from the owner. The costs constitute a prior claim on the land where the immovable was situated, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec; the costs are secured by a legal hypothec on the land.

“148.0.18. The committee’s decision concerning the demolition must be substantiated and immediately sent to every party concerned by registered or certified mail.

“148.0.19. Within 30 days of a decision of the committee, a person may appeal the decision to the council.

Every member of the council, including a member of the committee, may sit on the council to hear an appeal made under the first paragraph.

“148.0.20. The council may confirm a decision of the committee or make the decision that the committee should have made.

“148.0.21. No certificate authorizing demolition may be issued by the person designated under paragraph 7 of section 119 before the expiry of 30 days as provided in section 148.0.19 or, if there has been an appeal under that section, before the council has rendered a decision authorizing the demolition.

“148.0.22. A person who demolishes an immovable or has it demolished without the committee’s authorization or in contravention of the conditions of the authorization is liable to a fine of not less than \$5,000 and not more than \$25,000.

In addition, the by-law referred to in section 148.0.2 may require that person to restore the immovable so demolished to its former condition. If the offender fails to restore the immovable in accordance with the by-law, the council may have the work carried out and recover the costs from the offender, in which case section 148.0.17 applies, with the necessary modifications.

“148.0.23. Throughout the demolition work, a copy of the authorization certificate must be in the possession of a person in authority on the premises. A municipal officer designated by the council may enter the premises where the work is being carried out at any reasonable time to ascertain whether the demolition is in conformity with the committee’s decision. On request, the officer must provide identification and produce a certificate issued by the municipality attesting the authority vested in the officer.

A person who

(1) refuses to allow a municipal officer on the premises where the demolition work is being carried out; or

(2) is the person in authority responsible for the demolition work and who, on the premises where the demolition work is to take place, refuses to show a municipal officer a copy of the authorization certificate

is liable to a fine not exceeding \$500.

“148.0.24. A member of the council who ceases to be a member of the committee before the end of that member’s term of office, is unable to act, or has a direct or indirect personal interest in a matter of which the committee is seized, is replaced by another member of the council designated by the council for the unexpired portion of the term, for the duration of the inability or for the duration of the hearing of the matter in which the member has an interest, as the case may be.

“148.0.25. Despite the Municipal Aid Prohibition Act (chapter I-15), the municipality may, by by-law, on the conditions and in the sectors of the territory of the municipality it determines, order that a subsidy be granted for the demolition of buildings beyond repair, unsuited to their purpose or incompatible with their environment, or for landscaping or repairing immovables following a demolition project.

The maximum amount of a subsidy must not exceed the actual cost of the work.

“148.0.26. The municipality may establish classes of immovables and classes of work, and combine them, for the purposes mentioned in section 148.0.25. It may establish different conditions for different classes and combinations of classes and order that a subsidy be granted only for one or some of them.

The municipality may have recourse to the first paragraph in a different manner for different sectors of its territory that it determines.”

135. Section 188 of the Act is amended by adding the following subparagraphs after subparagraph 4 of the fourth paragraph:

“(5) the exercise of its jurisdiction over watercourses, under Division I of Chapter III of Title III of the Municipal Powers Act (2005, chapter 6);

“(6) a contribution to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase, under section 125 of the Municipal Powers Act;

“(7) a function of a regional county municipality provided for in section 12 or 124 of the Municipal Powers Act.”

CULTURAL PROPERTY ACT

136. Section 60 of the Cultural Property Act (R.S.Q., chapter B-4) is replaced by the following section:

“**60.** Subject to section 96.1, this chapter applies to every local municipality.”

137. The Act is amended by inserting the following division after Division IV:

“DIVISION IV.1

“DEMOLITION PROHIBITED

“**96.1.** A local municipality or a regional county municipality may adopt a by-law to prohibit, for a period not exceeding 12 months, the demolition of any immovable that could be declared cultural property or that is situated in a territory that could be declared a historic or natural district.

The prohibition shall take effect as of the notice of motion of the by-law prohibiting the demolition.

However, if the by-law is not adopted and enforced within three months of the date of the notice of motion, the prohibition ceases to apply.

Within 15 days after the adoption of such a by-law, the municipality must request the Minister of Culture and Communications to have the immovable concerned recognized or classified as cultural property, or the territory concerned declared a historic or natural district.

At the expiry of 12 months from the date of the notice of motion, if the immovable concerned has not been recognized or classified as cultural property, or the territory concerned has not been declared a historic or natural district, or if the Minister has not given a notice of intention or published a notice of recommendation, the by-law ceases to have effect.

The owner of an immovable who demolishes it or has it demolished while it is under the prohibition provided for in the first paragraph is liable to a fine not exceeding \$25,000.”

CHARTER OF VILLE DE GATINEAU

138. Section 46 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is replaced by the following section:

“**46.** The city may exercise outside its territory its powers as regards residual materials management provided for in the Municipal Powers Act (2005, chapter 6).”

139. Section 10 of Schedule B to the Charter is replaced by the following section:

“**10.** When a vehicle may be removed or towed for an offence under a parking by-law, the prescribed removal or towing costs may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (chapter C-25.1).”

140. Section 14 of Schedule B to the Charter is amended by replacing “412.2 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “148.0.2 of the Act respecting land use planning and development (chapter A-19.1)”.

141. Section 26 of Schedule B to the Charter is amended by replacing “sections 471.0.5 and 471.0.6 of the Cities and Towns Act (chapter C-19)” in the second and third lines of the second paragraph by “section 9 and paragraph 1 of section 10 of the Municipal Powers Act (2005, chapter 6)”.

142. Sections 53 to 58 of the Charter and sections 9, 11 to 13 and 15 to 17 of Schedule B to the Charter are repealed.

CHARTER OF VILLE DE LÉVIS

143. Section 74 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by striking out “, by by-law,” in the first line.

144. Sections 75 to 80 of the Charter are repealed.

145. Section 82 of the Charter is amended by replacing “under the management of the city pursuant to section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

146. Section 92 of the Charter is amended by replacing “by-law adopted under section 74, except those provided for in section 79” in the third and fourth lines of the first paragraph by “decision made under section 74, except the power provided for in section 120 of the Municipal Powers Act (2005, chapter 6)”.

CHARTER OF VILLE DE LONGUEUIL

147. Section 60.2 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3), amended by section 143 of chapter 29 of the statutes of 2003, is again amended by replacing “466.3 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “13 of the Municipal Powers Act (2005, chapter 6)”.

148. Section 61 of the Charter is amended by striking out “, by by-law,” in the first line.

149. Section 69 of the Charter is amended by replacing “under the management of the city pursuant to section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

150. Section 78 of the Charter is amended

(1) by replacing “by-law adopted” in the third line of the first paragraph by “decision made”;

(2) by replacing “those provided for in section 66” in the third and fourth lines of the first paragraph by “the power referred to in section 120 of the Municipal Powers Act (2005, chapter 6)”.

151. Section 45 of Schedule C to the Charter is amended by replacing “paragraph 2 of section 463 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “the by-laws relating to nuisances adopted under section 59 of the Municipal Powers Act (2005, chapter 6)”.

152. Section 47 of Schedule C to the Charter, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by replacing “542.1 and section 542.2 and 542.6 of the Cities and Towns Act (chapter C-19)” in the fifth and sixth lines of the first paragraph by “85.2, section 85.3 and the second, third and fourth paragraphs of section 85.4 of the Act respecting land use planning and development (chapter A-19.1)”.

153. Sections 62 to 67 of the Charter and sections 28 to 31, 33, 34 and 43 of Schedule C to the Charter are repealed.

CHARTER OF VILLE DE MONTRÉAL

154. Section 34.1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “section 28 of the Cities and Towns Act (chapter C-19)” in the first and second lines of paragraph 2 by “the second paragraph of section 8 and sections 90 to 92 of the Municipal Powers Act (2005, chapter 6)”.

155. Section 92 of the Charter is replaced by the following section:

“**92.** The city may exercise outside its territory its powers as regards residual materials management provided for in the Municipal Powers Act (2005, chapter 6).”

156. Section 94 of the Charter is amended by striking out “by by-law” in the first line of the second paragraph.

157. Section 105 of the Charter is amended by replacing “The city shall identify by by-law from among the streets and roads for whose management it is responsible under section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “The city shall identify from among the streets and roads over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

158. Section 141 of the Charter is amended by replacing “in a by-law” in the third line of the first paragraph by “in a decision made”.

159. Section 66 of Schedule C to the Charter is amended by replacing “paragraph 14 of section 415 of the Cities and Towns Act (chapter C-19)” in the second line by “subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (2005, chapter 6)”.

160. Section 69 of Schedule C to the Charter is amended by striking out “, by by-law” in the first line.

161. Section 87 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

162. Section 88 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the second and third lines of the first paragraph by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

163. Section 89 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the second and third lines of the first paragraph by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

164. Section 90 of Schedule C to the Charter is amended by replacing “542.5 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “148.0.25 of the Act respecting land use planning and development (chapter A-19.1)”.

165. Section 152 of Schedule C to the Charter is amended by replacing “28.1 and 28.2 of the Cities and Towns Act (chapter C-19)” in the first line of the second paragraph by “85 and 85.0.1 of the Act respecting land use planning and development (chapter A-19.1)”.

166. Section 169 of Schedule C to the Charter is amended

(1) by replacing “412.1 to 412.26 of the Cities and Towns Act (chapter C-19)” in the second line of the first paragraph by “148.0.1 to 148.0.24 of the Act respecting land use planning and development (chapter A-19.1)”;

(2) by replacing “Cities and Towns Act” in the first line of the second paragraph by “Act respecting land use planning and development”;

(3) by replacing “412.23” in the second line of the second paragraph by “148.0.3”.

167. Section 187 of Schedule C to the Charter is amended by replacing “contemplated by subparagraph 14 of the fifth paragraph of section 415 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “referred to in subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (2005, chapter 6)”.

168. Section 188 of Schedule C to the Charter is replaced by the following section:

“**188.** Section 187 of this Schedule and subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (2005, chapter 6) do not affect any contract made before 19 March 1911.”

169. Section 202 of Schedule C to the Charter is amended by replacing “subparagraph 17 of the first paragraph of section 415 of the Cities and Towns Act (chapter C-19)” in the third and fourth lines of the second paragraph by “section 16 of the Municipal Powers Act (2005, chapter 6)”.

170. Section 222 of Schedule C to the Charter is amended

(1) by replacing the part preceding paragraph 1 by the following:

“222. In exercising the powers provided for in the Municipal Powers Act (2005, chapter 6) as regards power development, residual materials management and lighting in its territory, the city may”;

(2) by replacing “subparagraph 10 of the first paragraph of section 413, sections 445 and 446 of the Cities and Towns Act (chapter C-19) and section 71 of this Schedule” in the second, third and fourth lines of paragraph 3 by “the Municipal Powers Act (2005, chapter 6) as regards power development, residual materials management and lighting in its territory”.

171. Sections 93, 95 to 99, 101, 103 and 105.1 of the Charter and sections 72 to 75, 78, 79 and 161 of Schedule C to the Charter are repealed.

CHARTER OF VILLE DE QUÉBEC

172. Section 76 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is replaced by the following section:

“76. The city may exercise outside its territory its powers as regards residual materials management provided for in the Municipal Powers Act (2005, chapter 6).”

173. Section 81 of the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “The contract” in the first line of the second paragraph by “A contract granted to operate one or more residual materials disposal sites or establishments for recycling residual materials”.

174. Section 82 of the Charter is amended by replacing “79” in the second line of the first paragraph by “19 of the Municipal Powers Act (2005, chapter 6) as regards residual materials management”.

175. Section 84 of the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “The prescribed” in the first line of the second paragraph by “When fines are prescribed for offences under a city by-law relating to residual materials management, the”;

(3) by replacing “subparagraph 6 of the second paragraph of section 79,” in the first and second lines of subparagraph 2 of the second paragraph by “a by-law adopted under section 19 of the Municipal Powers Act (2005,

chapter 6) relating to procedures for separating and conditioning residual materials for the purposes of removal, selective collection or recycling.”.

176. Section 85 of the Charter is amended by striking out “, by by-law” in the first line.

177. Section 94 of the Charter is amended by replacing “under the management of the city pursuant to section 467.16 of the Cities and Towns Act (chapter C-19)” in the first, second and third lines of the first paragraph by “over which it has jurisdiction under the Municipal Powers Act (2005, chapter 6)”.

178. Section 95 of the Charter is amended by striking out the second paragraph.

179. Section 111 of the Charter is amended by replacing “sections 96 to 110” in the first line by “this subdivision”.

180. Section 121 of the Charter is amended

(1) by replacing “by-law adopted” in the third line of the first paragraph by “decision made”;

(2) by replacing “those provided for in section 90” in the third and fourth lines of the first paragraph by “the power referred to in section 120 of the Municipal Powers Act (2005, chapter 6)”.

181. Section 55 of Schedule C to the Charter is amended by replacing “bicycle riding or other modes of locomotion listed in section 91 of the Charter” in the fourth and fifth lines by “bicycling, rollerblading, skateboarding, roller skiing or any other similar mode of locomotion”.

182. Section 73 of Schedule C to the Charter is amended by replacing “paragraph 10 of section 413 of the Cities and Towns Act (chapter C-19)” in the first and second lines of the first paragraph by “section 19 of the Municipal Powers Act (2005, chapter 6) relating to residual materials management”.

183. Section 96 of Schedule C to the Charter is amended

(1) by replacing “412.2 of the Cities and Towns Act (chapter C-19)” in the fourth and fifth lines by “148.0.2 of the Act respecting land use planning and development (chapter A-19.1)”;

(2) by replacing “412.2” in the sixth line by “148.0.2”.

184. Section 132 of Schedule C to the Charter is amended by replacing “paragraph 22 of section 415 of the Cities and Towns Act (chapter C-19)” in the first and second lines by “section 62 of the Municipal Powers Act (2005, chapter 6)”.

185. Section 133 of Schedule C to the Charter is amended by replacing “paragraph 23 of section 415 of the Cities and Towns Act (chapter C-19), the rate” in the first and second lines by “winter maintenance of public roads, as defined in the second paragraph of section 66 of the Municipal Powers Act (2005, chapter 6), the city council may impose a special tax on the taxable property of the owners living along those roads, based on the value, area or frontage of the property. The rate”.

186. Sections 77, 79, 86 to 92, 96 and 110 of the Charter and sections 51, 54, 75, 77, 80, 127 to 130, 146 and 160 of Schedule C to the Charter are repealed.

CITIES AND TOWNS ACT

187. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

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

“(1) A municipality may have a seal.

“(1.0.1) Unless otherwise provided, no property of a municipality may be alienated otherwise than in return for valuable consideration. Each month the clerk of a municipality must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the municipality otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

“(1.0.2) Unless otherwise provided, no municipality may acquire or build property mainly for leasing purposes.”;

(2) by replacing subsection 1.1 by the following subsection:

“(1.1) A transfer by gratuitous title or a loan for use of the rights to and licences for the processes developed by a municipality may only be made in favour of the Government, one of its Ministers or bodies, a municipality, a metropolitan community, a school board or a non-profit body.”;

(3) by striking out subsection 2;

(4) by replacing “subsection 2” in the third line of the first paragraph of subsection 3 by “the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of the Municipal Powers Act (2005, chapter 6)”.

188. Section 29.14.1 of the Act, amended by section 26 of chapter 5 of the statutes of 2003, is again amended by replacing the second paragraph by the following paragraph:

“The fine belongs to the local municipality if it instituted the proceedings, and must be paid into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality. If a local municipality whose territory is not contained in the territory of a regional county municipality institutes the proceedings, the fine belongs to the local municipality and must be paid into a fund established by it under that same section. The Minister of Natural Resources and Wildlife may authorize payment into any other such fund the Minister determines.”

189. Section 29.18 of the Act is amended by replacing the first paragraph by the following paragraph:

“29.18. Moneys deriving from the leasing, development or alienation of land in the domain of the State, or land acquired from the domain of the State, and moneys deriving from the management of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1) must be paid either by the local municipality into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality, or by the local municipality whose territory is not contained in that of a regional county municipality into a fund established by it under that same section.”

190. Section 71 of the Act, amended by section 94 of chapter 20 of the statutes of 2004, is again amended by inserting “, designated under section 35 of the Municipal Powers Act (2005, chapter 6)” after “development (chapter A-19.1)” in the fourth line of the third paragraph.

191. Section 465.1 of the Act is amended by replacing “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” in the first paragraph by “or for any person the municipalities may subsidize under the first paragraph of section 92 of the Municipal Powers Act (2005, chapter 6) or for any partnership or legal person devoted to the pursuit of the purposes mentioned in the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of that Act that the municipalities may subsidize”.

192. Section 468.32 of the Act is replaced by the following sections:

“468.32. In the pursuit of its objects, the management board may

- (1) have a seal; and
- (2) acquire movable or immovable property by expropriation.

When the object of the agreement is the supply of drinking water, the management of waste water or the development or operation of an airport

facility, the management board may acquire immovables within a radius of 50 kilometres outside the territory in which it has jurisdiction, by agreement or expropriation.

“468.32.1. Unless otherwise provided, no property of the management board may be alienated otherwise than in return for valuable consideration. Each month the secretary must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the management board otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

“468.32.2. Unless otherwise provided, no management board may acquire or build property mainly for leasing purposes.”

193. Section 468.51 of the Act is amended

(1) by striking out “, sections 573.5 to 573.10” in the fourth and fifth lines of the first paragraph;

(2) by inserting “sections 29 to 33 of the Municipal Powers Act (2005, chapter 6),” before “sections 1, 2, 4” in the sixth line of the first paragraph.

194. Sections 28.0.0.1 to 28.2, 29.11, 29.12.1, 110, 111, 360.1, 410, 412, 412.1 to 412.25, 413 to 415, 422 to 458, 459, 460, 462 to 463.2, subparagraphs 1 to 7 and 9 of section 464, sections 466 to 467.8, 467.10.1 to 467.20, 471 to 471.0.7, 482, 542.1, 542.2, 542.4 to 542.7 and 573.5 to 573.13 of the Act are repealed.

HIGHWAY SAFETY CODE

195. Section 498 of the Highway Safety Code (R.S.Q., chapter C-24.2) is replaced by the following section:

“498. No person may dispose of, deposit or abandon any objects or substances on a public highway, unless authorized to do so by the person responsible for the maintenance of that highway.

No driver may allow any substance to fall from the vehicle.”

196. Section 626 of the Code, amended by section 73 of chapter 2 of the statutes of 2004, is again amended

(1) by adding the following at the end of paragraph 3: “the municipality may, on the conditions it determines, appoint persons it authorizes to collect on its behalf the sums payable for the registration of non-motorized vehicles and to perform any other operation it indicates, and may determine the amount and mode of their remuneration;”;

(2) by adding the following paragraph after paragraph 14:

“(15) regulate the laying out of reserved lanes for emergency vehicles in the vicinity of buildings subject to Chapter III of the Building Act (chapter B-1.1) and prohibit the parking in those lanes of any other vehicle, even without the consent of the owner of the building.”;

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

“Regional county municipalities shall exercise the regulatory powers provided for in this section only in regional parks.”

MUNICIPAL CODE OF QUÉBEC

197. Articles 6 and 6.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) are replaced by the following articles:

“6. A municipality may have a seal.

“6.1. Unless otherwise provided, no property of a municipality may be alienated otherwise than for a consideration. Each month the secretary-treasurer of a municipality must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the municipality otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

“6.2. A transfer by gratuitous title or a loan for use of the rights to and licences for the processes developed by a municipality may only be made in favour of the Government, one of its ministers or bodies, a municipality, a metropolitan community, a school board or a non-profit body.

“6.3. Unless otherwise provided, no municipality may acquire or build property mainly for leasing purposes.”

198. Article 9 of the Code is amended by replacing “article 8” in the second line of the first paragraph by “the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of the Municipal Powers Act (2005, chapter 6)”.

199. Article 14.12.1 of the Code is amended by replacing the second paragraph by the following paragraph:

“The fine belongs to the local municipality if it instituted the proceedings, and must be paid into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality. If a regional county municipality or a local municipality whose territory is not contained in the territory of a regional county municipality institutes the proceedings, the fine belongs to that municipality and must be paid into a fund established by it under that

same section. The Minister of Natural Resources and Wildlife may authorize payment into any other such fund the Minister determines.”

200. Article 14.16 of the Code is amended by replacing the first paragraph by the following paragraph:

“**14.16.** Moneys deriving from the leasing, development or alienation of land in the domain of the State, or land acquired from the domain of the State, and moneys deriving from the management of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1) must be paid either by the local municipality into a fund established under section 126 of the Municipal Powers Act (2005, chapter 6) by the regional county municipality whose territory contains that of the local municipality or, in the case of a regional county municipality or a local municipality whose territory is not contained in that of a regional county municipality, by that municipality into a fund established by it under that same section.”

201. Article 14.18 of the Code is amended by replacing “14.17” in the fifth line by “14.16”.

202. Article 25 of the Code, amended by section 250 of chapter 19 of the statutes of 2003, is again amended

(1) by striking out paragraphs 28, 31 and 36;

(2) by striking out “, except in article 737,” in the first line of paragraph 38.

203. Article 207 of the Code is amended by inserting “, orders of a person designated under section 35 of the Municipal Powers Act (2005, chapter 6)” after “judgments” in the fourth line.

204. Article 267.0.1 of the Code, amended by section 109 of chapter 20 of the statutes of 2004, is again amended by inserting “under section 35 of the Municipal Powers Act (2005, chapter 6), or” after “development or” in the fourth line of the third paragraph.

205. Article 440 of the Code is replaced by the following article:

“**440.** Every municipality may also, by resolution, order a census to be taken of the inhabitants of all or part of its territory.”

206. Article 601 of the Code is replaced by the following articles:

“**601.** In the pursuit of its objects, the management board may

(1) have a seal; and

(2) acquire movable or immovable property by expropriation.

When the object of the agreement is the supply of drinking water, the management of waste water or the development or operation of an airport facility, the management board may acquire immovables within a radius of 50 kilometres outside the territory in which it has jurisdiction, by agreement or expropriation.

“601.1. Unless otherwise provided, no property of the management board may be alienated otherwise than by onerous title. Each month the secretary must publish a notice concerning the properties with a value greater than \$10,000 that were alienated by the management board otherwise than by auction or public tender. The notice must describe each property and indicate for each the price of alienation and the identity of the purchaser.

“601.2. Unless otherwise provided, no management board may acquire or build property mainly for leasing purposes.”

207. Article 620 of the Code is amended

(1) by striking out “, 573.5 to 573.10” in the fourth and fifth lines of the first paragraph;

(2) by inserting “sections 29 to 33 of the Municipal Powers Act (2005, chapter 6),” before “sections 1, 2, 4” in the seventh line of the first paragraph.

208. Article 678 of the Code is replaced by the following article:

“678. A regional county municipality may adopt by-laws or resolutions on each of the matters mentioned in articles 491, 492, 520, 569 to 624 and 626.”

209. Article 678.0.3 of the Code is amended by striking out “, *procès-verbaux*” in the first line of the second paragraph.

210. Article 711.2 of the Code is amended by replacing “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” in the first paragraph by “or for any person the municipalities may subsidize under the first paragraph of section 92 of the Municipal Powers Act (2005, chapter 6) or for any partnership or legal person devoted to the pursuit of the purposes mentioned in the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of that Act that the municipalities may subsidize”.

211. Article 724 of the Code is amended

(1) by striking out the first, second, third and fourth paragraphs;

(2) by replacing “any such” in the first line of the fifth paragraph by “a”;

(3) by striking out the sixth and seventh paragraphs.

212. Article 934 of the Code is amended by striking out “, or by day labour under the direction of the municipal inspector” in the fourth line.

213. Article 1103 of the Code is amended by striking out “under article 739” in the third line of the first paragraph.

214. Articles 8 to 8.2, 9.1, 11, 12, 14.9, 14.17, 29 to 31, 213, 214, 219, 221 to 267, 443, 490, 493, 494 to 519, 521 to 533, 535.1 to 540, paragraphs *b* and *c* of subarticle 1 and subarticles 2 and 3 of article 541, articles 542 to 548.3, 550 to 565, 566.1 to 568, 625 to 625.2, 627, 627.1 to 628, 630 to 633, 681, 688 to 688.5, 688.7 to 688.12, 711.20 to 719, 722, 723, 726 to 765, 773 to 792, 794 to 932, 939 to 944.3, 953, 994, 1008, 1009, 1011 to 1011.3 and 1128 to 1131 of the Code are repealed.

PEDDLERS ACT

215. The Peddlers Act (R.S.Q., chapter C-30) is repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

216. The Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by inserting the following section after section 159.18:

“**159.19.** The local municipalities whose territory is situated within the territory of the Community shall lose the powers and jurisdiction provided for in this division as soon as the Community exercises them.

The regulatory, administrative and other acts of a local municipality for which the Community is substituted that relate to the powers and jurisdiction referred to in the first paragraph remain in force until they are replaced or repealed. They are deemed to be instruments of the Community.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

217. Section 27 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by replacing “467 of the Cities and Towns Act (chapter C-19) or article 525 of the Municipal Code (chapter C-27.1)” in the first, second and third lines of the first paragraph by “48.18 of the Transport Act (chapter T-12)”.

218. Section 27.3 of the Act is amended by replacing “467.11 of the Cities and Towns Act (chapter C-19) or article 536 of the Municipal Code of Québec (chapter C-27.1)” in the third and fourth lines by “48.39 of the Transport Act (chapter T-12)”.

219. Section 27.4 of the Act is amended by replacing “467.7.4 of the Cities and Towns Act (chapter C-19) or article 532.4 of the Municipal Code of Québec (chapter C-27.1)” in the third and fourth lines by “48.30 of the Transport Act (chapter T-12)”.

220. Section 28 of the Act is amended by replacing “467 of the Cities and Towns Act (chapter C-19) or article 525 of the Municipal Code (chapter C-27.1)” in the first, second and third lines of the first paragraph by “48.18 of the Transport Act (chapter T-12)”.

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

221. Section 35 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2) is amended by inserting “and the Municipal Powers Act (2005, chapter 6)” after “(chapter C-19)” in the second line of the first paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

222. Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended

(1) by striking out paragraph 3.0.1;

(2) by inserting the following paragraph after paragraph 3.4:

“(3.5) proceedings under section 74 of the Municipal Powers Act (2005, chapter 6);”.

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

223. The Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by inserting the following section after section 22:

“**22.1.** When the draining of one or more pieces of land necessitates work both in Québec and in a neighbouring province, the Minister, upon the application of the municipalities concerned or the neighbouring province, may, after an agreement with the latter, designate what work is to be done, order it carried out and, if the persons concerned refuse to comply with the order, have the work done at their expense.”

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

224. Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), amended by section 6 of chapter 8 of the statutes of 2003, is again amended by replacing “a road opened in conformity with section 422 of the Cities and Towns Act (chapter C-19), a street or road opened pursuant to a municipal by-law, resolution or *procès-verbal*” in the first, second and third lines of subparagraph 4 of the first paragraph by “a public road opened in accordance with the second paragraph of section 4 of the Municipal Powers Act (2005, chapter 6)”.

ENVIRONMENT QUALITY ACT

225. Sections 71, 76 to 82, 84 and 85 of the Environment Quality Act (R.S.Q., chapter Q-2) are repealed.

226. Section 124 of the Act is amended by adding the following sentence at the end of the fourth paragraph: “This paragraph applies despite section 3 of the Municipal Powers Act (2005, chapter 6).”

ACT RESPECTING THE RÉGIE DU LOGEMENT

227. Section 35 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing “paragraph 5 of section 412 of the Cities and Towns Act or pursuant to paragraph 1 of article 493 of the Municipal Code (chapter C-27.1)” in the third and fourth lines of the third paragraph by “section 96.1 of the Cultural Property Act (chapter B-4)”.

WATERCOURSES ACT

228. Section 69.2 of the Watercourses Act (R.S.Q., chapter R-13) is amended by replacing “the second paragraph of article 678 of the Municipal Code of Québec (chapter C-27.1)” in the third and fourth lines of the second paragraph by “section 111 of the Municipal Powers Act (2005, chapter 6)”.

ACT RESPECTING MUNICIPAL AND PRIVATE ELECTRIC POWER SYSTEMS

229. Section 2 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) is amended by replacing “a by-law” in the second line of paragraph 2 by “a resolution”.

230. Section 3 of the Act is replaced by the following section:

“3. A local municipality may establish an electricity system for public and private needs.

It may adopt by-laws on the administration of the system.”

231. Section 5 of the Act is amended by striking out “contemplated by the by-law” in the second line of the first paragraph.

232. Section 7 of the Act is amended by striking out paragraph 1.

233. Section 12 of the Act is amended

(1) by replacing “a by-law” in the first line of subsection 1 by “a resolution”;

(2) by replacing “by-law” in the second line of subsection 2 by “resolution”.

234. Section 13 of the Act is amended by replacing the second paragraph of subsection 1 by the following paragraph:

“The resolution by which each municipality concerned exercises the power provided for in the first paragraph must be submitted to the qualified voters for approval.”

235. Section 15 of the Act is replaced by the following section:

“**15.** The resolution by which a municipality alienates or stops operating an electricity system belonging to it must be submitted to the qualified voters for approval.”

FUEL TAX ACT

236. Section 10.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by replacing “467 of the Cities and Towns Act (chapter C-19), article 525 of the Municipal Code of Québec (chapter C-27.1) or section 3 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1)” in the fifth, sixth, seventh and eighth lines of the third paragraph by “3 of the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1) or section 48.18 of the Transport Act (chapter T-12)”.

TRANSPORT ACT

237. The Transport Act (R.S.Q., chapter T-12) is amended by inserting the following divisions after section 48.17:

“DIVISION V.3

“MUNICIPAL PUBLIC TRANSIT SERVICE

“**48.18.** A local municipality may, by a by-law a copy of which must be sent to the Minister, organize a public transit service in the territory of the municipality and provide links to points outside the territory. The proposed service must be described in the by-law.

“48.19. The public transit service may only be supplied by a carrier that is a public body providing public transit, a holder of a bus transport permit, a holder of a taxi permit, a group of taxi permit holders or a school bus carrier under contract with the municipality.

When the contract is made with a school bus carrier, the carrier may use vehicles other than school buses or minibuses. In such a case, the carrier may not use those vehicles to transport pupils.

“48.20. When a municipality organizes for the first time a public transit service other than shared transportation by taxi, and when the holder of a bus transport permit of the class determined by regulation of the Government operates in its territory, the municipality must first deliver its specifications for the proposed public transit service to that permit holder.

Within 30 days following the delivery of the specifications, the permit holder may submit a proposal to the municipality.

The Government may, by regulation, determine the class of bus transport permit a person is required to hold under this section.

“48.21. Failing an agreement with the permit holder within 90 days following the delivery of the specifications, the municipality may call for tenders.

The municipality must negotiate with the permit holder again within 30 days after the opening of tenders, having notified all the tenderers in writing, and make a contract with the permit holder if the latter agrees to execute it at or below the price of the lowest tender.

No changes may be made to the specifications for the purposes of the call for tenders or the negotiation.

“48.22. After receiving a copy of the contract made by the municipality to organize a public transit service other than shared transportation by taxi, and despite section 40, the Commission shall amend or, if necessary, revoke any bus transport permit of the class determined by the regulations under section 48.20 authorizing its holder to operate, in the territory of the municipality, a service that would compete with the service provided under the contract. The permit may be amended or revoked only to the extent necessary to eliminate competing services.

This section applies even when the permit holder is a party to the contract. It does not apply when the municipality organizes a public transit service for the first time and the contract is for a period of less than six months.

Before amending or revoking a permit under the first paragraph, the Commission must notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the permit holder at least 10 days to submit observations.

“48.23. Upon making a contract, a local municipality must send a copy to the Minister and to the Commission.

When the contract provides that the remuneration of the carrier is to be based, in whole or for the greater part, on the number of passengers carried, it must indicate, on an annual basis, the number of passengers projected by the parties and contain a clause whereby the municipality undertakes to make up any insufficiency of receipts attributable to a smaller number of passengers than the number projected in the contract.

“48.24. The municipality shall, by resolution, set the various passenger fares for the classes of users it determines.

The municipality may make changes in the service; the changes are made by by-law, except schedule changes, which may be made by resolution.

A certified copy of any resolution concerning fares or schedules must be published in a newspaper in the territory of the municipality and be posted in every vehicle. No fare or schedule change may come into force before the expiry of 30 days after the date of publication and posting.

The carrier must collect fares and provide the new service. The contract must contain clauses for adjusting the contract price to take account of changes in the service.

“48.25. A member of the council who proposes that a by-law be adopted to make a change in the service must table a draft by-law. A summary of the draft must be published in a newspaper in the territory of the municipality and be posted in the carrier’s vehicles at least 30 days before the adoption of the by-law.

“48.26. A copy of a by-law making a change in the service must be sent to the Minister.

“48.27. When a local municipality makes a by-law under section 48.18 or 48.24 by which it provides for the establishment of links to points outside the territory of the municipality or for changes in those links, the Minister may, within 30 days after receiving a copy of the by-law, disallow it as regards such links. The Minister shall then notify the municipality and cause the decision to be published in the *Gazette officielle du Québec*.

However, the Minister may inform the municipality before the 30 days expires that the by-law will not be disallowed.

“48.28. A draft by-law of a council providing for the establishment of links to points within the territory of a public body providing public transit, or for changes in those links, must be sent to the body and to each local municipality whose territory is included in that of the body and is concerned by the proposed route at least 30 days before the date set for the adoption of the by-law.

“48.29. In the cases provided for in section 48.28, a local municipality, when sending its by-law to the Minister, must attach a copy of the notices it has received from the public body providing public transit and from the municipalities to which the draft by-law has been sent.

“48.30. On the occasion of a special event, a local municipality may make a contract by resolution with a carrier referred to in section 48.19 to provide a temporary public transit service in the territory of the municipality that does not compete with the service provided by the holder of a permit pursuant to that permit.

“48.31. A local municipality may lease or acquire property for the purpose of organizing a public transit service, and entrust the property to the carrier under contract with it. It may also make service contracts.

“48.32. Transport supplied under sections 48.18 to 48.31 is not under the jurisdiction of the Commission.

“48.33. The Commission may not issue a bus transport permit or alter the service that the holder of a bus transport permit is authorized to supply in the territory of a municipality, a group of municipalities or an intermunicipal board that organizes a public transit service, without the prior authorization of the municipality, the municipality that is the mandatary of the group of municipalities or the intermunicipal board.

If the municipality or the intermunicipal board does not indicate its refusal to the Commission within 60 days after the Commission’s application for authorization, it is deemed to have given its authorization.

This section does not apply in the case of a cancellation or reduction of service or in the case of the establishment of a new service that does not compete with the public transit service organized by the municipality, the municipality that is the mandatary of the group of municipalities or the intermunicipal board.

“48.34. For the purposes of this division, unless the context indicates another meaning, the service consists of the routes, frequency and schedule of trips.

“48.35. A local municipality may take any appropriate measure to promote the organization and operation of public transit services it does not organize itself and to provide support services to the users and organizers of those services.

“48.36. A local municipality, by resolution, may grant a subsidy to the holder of a bus transport permit that serves the territory of the municipality or maintains a route in the territory.

“48.37. This division applies, with the necessary modifications, to an intermunicipal board exercising powers under it.

“48.38. This division does not apply to a municipality whose territory forms part of the territory of a public body providing public transit.

“DIVISION V.4

“MUNICIPAL PUBLIC TRANSIT SERVICE FOR HANDICAPPED PERSONS

“48.39. A local municipality whose territory is not served by a public transit authority or other public body providing public transport that offers paratransit services must, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract to make paratransit available within its territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution.

Similarly, a local municipality may, by resolution, a copy of which must be sent to the Minister of Transport, enter into a contract to provide links to points outside the territory. The nature of the measures to be implemented for the purposes of this section must be described in the resolution.

“48.40. As soon as the contract is made, the local municipality must send a copy of it to the Minister and to the Commission.

“48.41. A local municipality, by resolution, shall set the various passenger fares for the classes of users it determines. It may also make changes in the service by resolution.

A certified copy of any resolution concerning fares must be published in a newspaper in the territory of the municipality and be posted in each vehicle. No fare may come into force before the expiry of 30 days after the date of publication and posting.

The carrier shall collect fares and provide the new service. Every contract must contain clauses for adjusting the contract price to take account of changes in the service.

“48.42. Sections 48.39 to 48.41 apply, with the necessary modifications, to an intermunicipal board exercising powers under those sections.

“48.43. A local municipality may also make a resolution, a copy of which must be sent to the Minister, to grant a subsidy to a non-profit body that organizes a special transportation service for handicapped persons in the territory of the municipality and, where applicable, provides links to points situated outside the territory. No such subsidy may be granted before the municipality and the body have made an agreement on the service to be operated.

Upon making the agreement, the local municipality must send a copy to the Minister.”

ACT RESPECTING OFF-HIGHWAY VEHICLES

238. Section 8 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by replacing “article 688.2 of the Municipal Code of Québec (chapter C-27.1)” in the second and third lines of subparagraph 2 of the first paragraph by “section 115 of the Municipal Powers Act (2005, chapter 6)”.

ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

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

ACT RESPECTING ROADS

240. Section 2 of the Act respecting roads (R.S.Q., chapter V-9) is amended by replacing “subdivision 22.2 of Division XI of the Cities and Towns Act (chapter C-19), or, as the case may be, Chapter 0.1 of Title XIX of the Municipal Code of Québec (chapter C-27.1)” in the third, fourth and fifth lines of the second paragraph by “Chapter I and Division I of Chapter IX of Title II of the Municipal Powers Act (2005, chapter 6)”.

241. Section 3 of the Act is amended by replacing “subdivision 22.2 of Division XI of the Cities and Towns Act (chapter C-19), or, as the case may be, Chapter 0.1 of Title XIX of the Municipal Code of Québec (chapter C-27.1)” in the fourth, fifth and sixth lines of the first paragraph by “Chapter I and Division I of Chapter IX of Title II of the Municipal Powers Act (2005, chapter 6)”.

242. Section 66 of the Act is repealed.

TEMPERANCE ACT

243. The Temperance Act (R.S.Q., 1964, chapter 45) is repealed.

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

244. Section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29) is amended by inserting “lakes and” after “municipal” in paragraph 7.

TITLE V

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

245. No provision of an Act or an order made under the Act respecting municipal territorial organization (R.S.Q., chapter O-9) and governing the powers of a particular municipality, in force on 1 January 2006, may operate to restrict the scope of a power granted by this Act.

246. In the Acts and the statutory instruments under them, a reference to a provision repealed or replaced by this Act is a reference to the corresponding provision of this Act.

247. Municipal roads that existed on 2 November 1871 may retain the width they had on 17 June 2004, even though that width may be less than required by the law under which those roads were established.

248. The by-laws, resolutions, minutes, agreements and other acts of a local municipality or a regional county municipality that were adopted in accordance with a provision replaced or repealed by this Act remain in force or continue to have effect until they are replaced or repealed or until their purposes have been achieved.

249. A local municipality has 24 months as of 1 January 2006 to adopt a by-law relating to a matter referred to in articles 250 to 267 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) or section 438 of the Cities and Towns Act (R.S.Q., chapter C-19), as they read on 23 May 2005, the substance of which has been preserved in the form of a regulatory power by this Act. In the meantime, those sections continue to have effect.

250. The Minister of Municipal Affairs and Regions is responsible for the administration of this Act.

251. This Act comes into force on 1 January 2006.

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