



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 56
(2007, chapter 33)

An Act to amend various legislative provisions respecting municipal affairs

Introduced 14 November 2007
Passed in principle 21 November 2007
Passed 6 December 2007
Assented to 13 December 2007

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EXPLANATORY NOTES

This bill makes a number of amendments that concern the urban agglomerations of Mont-Laurier, La Tuque, Îles-de-la-Madeleine, Sainte-Agathe-des-Monts, Mont-Tremblant, Cookshire-Eaton, Rivière-Rouge and Sainte-Marguerite–Estérel.

Under the bill, the urban agglomeration council of any of those urban agglomerations may, with the consent of any reconstituted municipalities, delegate acts under its jurisdiction to the regular council of the central municipality. The bill also lists certain acts that may not be so delegated.

The urban agglomeration council of any of those urban agglomerations may also, with the consent of any reconstituted municipalities, make a transition towards a system of aliquot shares paid by the related municipalities in the proportion determined by the council. This power must be exercised by 1 October of the fiscal year preceding the year in which the decision becomes effective.

The bill introduces the possibility for those urban agglomeration councils, with the prior consent of any reconstituted municipalities, to modify the rules pertaining to the financing of debts dating back to before the reorganization. It also renders optional the identification by those urban agglomerations of the thoroughfares forming the arterial road system.

It authorizes those urban agglomeration councils to hold regular meetings less than once a month, provided any reconstituted municipalities consent to it. It also authorizes them, with the consent of any reconstituted municipalities, to prescribe rules that differ from those set out in their respective urban agglomeration orders for the sending of the agenda and other relevant documents and the requirement for the central municipality to keep those documents up to date.

The bill grants local municipalities the power to install and maintain the waste water treatment system of an isolated dwelling within the meaning of the Regulation respecting waste water disposal systems for isolated dwellings or bring it into conformity with the regulation, at the expense of the owner.

It amends the Act respecting elections and referendums in municipalities to allow municipalities, under certain conditions, to maintain the same division into electoral districts for the purposes of a general election following the election for which the division was made.

The bill extends to the fiscal year 2010 the permission granted to Ville de Montréal to depart from section 110 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations and to apply rules allowing a progressive transition towards standardization of the urban agglomeration tax structure throughout its territory.

The power granted to municipal bodies to enter into an agreement with school boards on the implementation, operation or use of a broadband telecommunications network linking various buildings is also extended to 1 April 2010.

Lastly, the bill contains various provisions relating to certain specific situations in municipal affairs.

LEGISLATION AMENDED BY THIS BILL:

- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37);
- Act to amend various legislative provisions concerning municipal affairs (2006, chapter 31);
- Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60).

Bill 56

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

MUNICIPAL POWERS ACT

1. Section 25.1 of the Municipal Powers Act (R.S.Q., chapter C-47.1), enacted by section 7 of chapter 10 of the statutes of 2007, is replaced by the following section:

“25.1. A local municipality may install or maintain the waste water treatment system of an isolated dwelling within the meaning of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, chapter Q-2, r. 8), or bring it into conformity with the regulation, at the expense of the owner of the immovable. It may also clean the septic tanks of any other immovable.

For the purposes of the first paragraph, the second and third paragraphs of section 95 apply with the necessary modifications.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

2. Section 11 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting “and borough” after “parish” in the third line.

3. Section 12 of the Act is amended by replacing “Each” in the first line of the first paragraph by “Subject to section 12.0.1, each”.

4. The Act is amended by inserting the following section after section 12:

“12.0.1. If an electoral district is to be used only for the purposes of borough councillor elections, it shall be delimited in such a manner that, according to the document provided for in section 12.1, the number of electors in the district is not more than 15% above or below the quotient obtained by dividing the total number of electors of the borough by the number of districts in the borough. The percentage shall be 25% in the case of a borough having a population of under 20,000 on the date of passage of the draft by-law dividing the territory of the municipality into electoral districts.

A municipality may make exceptions to the first paragraph; the by-law dividing its territory into electoral districts is then submitted to the Commission de la représentation for approval.”

5. Section 15 of the Act is amended

(1) by replacing “, using the names of thoroughfares wherever possible, and it shall indicate” in the second and third lines of the first paragraph by “according to the standards established by the Commission de la représentation. It shall, wherever possible, use the names of thoroughfares and mention”;

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

“The Commission is not governed by the Regulations Act (chapter R-18.1) when establishing standards.

If the draft by-law does not comply with the first or second paragraphs, the municipality must start the procedure for dividing its territory into electoral districts over again, unless it is complying with another measure submitted by the Commission de la représentation.”

6. Section 21 of the Act is amended by adding the following paragraph after the second paragraph:

“On a written recommendation of the Commission de la représentation to the municipality, and if the number of electors is not affected, the council of the municipality may amend a provision of the by-law referred to in the first paragraph in order to correct a clerical error or an error in concordance between the description and the accompanying map or sketch, or to comply with the standards referred to in section 15. The amendment forms an integral part of the by-law, as if it had been adopted with it. The clerk or the secretary-treasurer shall transmit a certified copy of the amended by-law to the Commission without delay.”

7. The Act is amended by inserting the following division after Division III of Chapter III of Title I:

“DIVISION III.1

“MAINTAINING OF THE DIVISION INTO ELECTORAL DISTRICTS

“40.1. If the division of the territory of a municipality into electoral districts complies with sections 9 and 11 and the first paragraph of section 12 or the first paragraph of section 12.0.1, the municipality may maintain the existing division into electoral districts for the purposes of the general election following that for which the division into electoral districts was made or was maintained under this division. The municipality must first apply to the Commission for confirmation that it meets the requisite conditions for maintaining the division.

“40.2. The application to the Commission to maintain the same division into electoral districts must be made before 1 March of the calendar year preceding the year in which the general election is to be held and must be accompanied by the document referred to in section 12.1. The document must mention the number of electors in each of the electoral districts in force.

The Commission shall transmit to the municipality a certified copy of the decision confirming whether the municipality meets the conditions for maintaining the existing division into electoral districts or informing the municipality that it must follow the procedure set out in Division III for dividing its territory into electoral districts.

“40.3. If the municipality meets the conditions for maintaining the existing division of its territory into electoral districts, within 15 days after transmission of the decision, the clerk or the secretary-treasurer shall publish, in a newspaper having general circulation in the municipality, a notice setting forth

- (1) the object of the Commission’s decision;
- (2) the description of the boundaries of the electoral districts;
- (3) the number of electors in each electoral district;
- (4) every elector’s right to inform the clerk or the secretary-treasurer in writing, within 15 days of publication of the notice, of the elector’s objection to the maintaining of the division into electoral districts;
- (5) the address to which objections must be sent; and
- (6) the number of objections required to oblige the municipality to follow the procedure for dividing its territory into electoral districts.

In addition to or in lieu of the description required under subparagraph 2 of the first paragraph, the notice may include a map or a sketch of the electoral districts.

Within five days of publication of the notice, the clerk or the secretary-treasurer shall transmit a certified copy of it to the Commission, with an attestation of the date of publication.

“40.4. Within 15 days of publication of the notice, an elector may inform the clerk or the secretary-treasurer in writing of the elector’s objection to the maintaining of the division into electoral districts. Section 17.1 applies in such case.

“40.5. The municipality is required to follow the procedure set out in Division III for dividing its territory into electoral districts if the number of objections received within the prescribed time is equal to or exceeds the

number required under section 18 for the council to hold a public meeting on the draft by-law. The clerk or the secretary-treasurer shall inform the Commission of the situation.

“40.6. If the number of objections received is insufficient, the division into electoral districts is maintained as of the day after the expiry of the time in which electors may make objections to its being maintained.

“40.7. The division into electoral districts maintained under this division applies for the purposes of the first general election following the date as of which it is maintained under section 40.6. It also applies for the purposes of any subsequent by-election held before the second general election following the maintaining of that division.

“40.8. Sections 36.1 to 40 apply to this division with the necessary modifications.”

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

8. Section 20 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by adding the following paragraph at the end:

“It also applies in the case of an urban agglomeration referred to in Title IV.1 or IV.2, taking into consideration the provisions included in that title.”

9. The Act is amended by inserting the following title after section 118.23, enacted by section 19 of chapter 10 of the statutes of 2007:

“TITLE IV.2

“SPECIAL PROVISIONS APPLICABLE TO THE URBAN AGGLOMERATIONS OF MONT-LAURIER, LA TUQUE, ÎLES-DE-LA-MADELEINE, SAINTE-AGATHE-DES-MONTS, MONT-TREMBLANT, COOKSHIRE-EATON, RIVIÈRE-ROUGE AND SAINTE-MARGUERITE-ESTÉREL

“CHAPTER I

“DELEGATION TO THE REGULAR COUNCIL OF THE CENTRAL MUNICIPALITY

“118.24. Subject to the third paragraph, the urban agglomeration council may, by by-law and with the prior consent of any reconstituted municipalities, delegate any act under its jurisdiction to the regular council of the central municipality.

The by-law must prescribe the conditions and manner of the delegation, in particular its duration and, if applicable, how it is to be renewed.

The following may not be delegated:

(1) the adoption of the part of the central municipality's budget or capital expenditure program that is within the jurisdiction of the urban agglomeration council;

(2) the adoption of a by-law made to collect the revenue provided for in the part of the budget of the central municipality that is within the jurisdiction of the urban agglomeration council; and

(3) the adoption of a decision under section 69, 118.26, 118.28 or 118.75.

“118.25. If the urban agglomeration council delegates under section 118.24 an act referred to in section 57 that is related to the general administration of the central municipality, the by-law may provide that the expenditures entailed by the act are not mixed expenditures.

To compensate for such a decision, the by-law may provide that the part of the central municipality's budget that is within the jurisdiction of the urban agglomeration council must include an amount for expenditures. That amount is credited to the part of the central municipality's budget that is within the jurisdiction of the regular council. The rules governing the determination of the amount are specified in the by-law.

For the purposes of the first paragraph, a decision involving an expenditure concerning the city hall or a decision involving an expenditure that is ordinarily provided for in the budget under the heading “municipal council”, “financial and administrative management”, “clerk's office” or “personnel management” is an act related to general administration.

“CHAPTER II

“ALIQUOT SHARES

“DIVISION I

“DECISION OF THE URBAN AGGLOMERATION COUNCIL

“118.26. With the prior consent of any reconstituted municipalities, the urban agglomeration council may decide that an expenditure incurred by the central municipality in the exercise of an urban agglomeration power is financed by aliquot shares paid by the related municipalities of the urban agglomeration.

The urban agglomeration council's decision under the first paragraph must be made before 1 October of the fiscal year preceding the fiscal year in which it becomes effective.

The central municipality must notify the Minister of Municipal Affairs and Regions as soon as possible of the decision under the first paragraph. The Minister then has a notice of the decision published in the *Gazette officielle du Québec*; the notice must specify the date on which the decision becomes effective.

“118.27. From the first fiscal year for which the urban agglomeration council's decision under section 118.26 applies, an expenditure incurred by the central municipality in the exercise of an urban agglomeration power is financed by aliquot shares paid by the related municipalities of the urban agglomeration.

The first paragraph does not prevent the central municipality from financing such an expenditure using revenue from a source other than a tax or compensation. The only mode of tariffing the central municipality may provide for for that purpose is an amount referred to in subparagraph 3 of the second paragraph of section 244.2 of the Act respecting municipal taxation (chapter F-2.1) or exigible in a manner similar to a subscription.

“118.28. Urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective standardized property values within the meaning of section 261.1 of the Act respecting municipal taxation (chapter F-2.1).

However, the urban agglomeration council may, with the prior consent of any reconstituted municipalities, pass a by-law stipulating

(1) that all or part of the urban agglomeration expenditures are to be apportioned on the basis of another criterion, including any change to an element of the criterion set out in the first paragraph; and

(2) that a related municipality is not required to contribute to the payment of a part of those expenditures.

“118.29. The urban agglomeration council may, by a by-law adopted by a majority vote of the council members and subject to the right of objection under section 115, prescribe the manner of determining the aliquot shares and the manner of their payment by the related municipalities.

The by-law may, in particular, prescribe, for every possible situation with respect to the coming into force of the part of the budget of the central municipality relating to the exercise of its urban agglomeration powers,

(1) the date on which the data used to establish provisionally or finally the basis of apportionment of the urban agglomeration expenditures are to be considered;

(2) the time limit for determining each aliquot share and for informing each related municipality of it;

(3) the obligation of the related municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid;

(5) the rate of interest payable on an outstanding instalment; and

(6) the adjustments that may result from the deferred coming into force of any part of the budget of the central municipality relating to the exercise of its urban agglomeration powers or from the successive use of provisional and final data in determining the basis of apportionment of the urban agglomeration expenditures.

“118.30. Contestation by a reconstituted municipality of an amount claimed by the central municipality does not exempt the reconstituted municipality from paying the amount while the contestation is pending.

If payment is not made within 90 days after receipt of a formal notice, the Commission municipale du Québec may, at the request of the central municipality, file a petition to have the municipality declared in default under Division VI of the Act respecting the Commission municipale (chapter C-35).

“DIVISION II

“MODIFICATIONS RELATED TO THE DECISION OF THE URBAN AGGLOMERATION COUNCIL

“§1. — *Modifications to this Act*

“118.31. This subdivision applies for the purpose of modifying or rendering inapplicable certain provisions of this Act as of the first day of the fiscal year in which the decision of the urban agglomeration council under section 118.26 becomes effective.

“118.32. Section 37 is replaced by the following section:

“37. The central municipality’s exclusive jurisdiction over assistance intended specifically for a business consists, with respect to tax credits, in prescribing, by by-law subject to the right of objection under section 115, the rules that a related municipality, including the central municipality, must comply with when it establishes a tax credit program.”

“118.33. Section 46 is amended by striking out “or levy taxes” in the second line of the second paragraph.

“118.34. Section 70 is amended by replacing “tout” in the first line in the French text by “le”.

“118.35. Section 76 is amended

(1) by replacing “any tax or other method of financing imposed” in the first and second lines of the first paragraph by “any method of financing ordered”;

(2) by striking out the second paragraph.

“118.36. Sections 78 to 89, 91 to 99 and 100 to 108 do not apply.

“118.37. Section 110 is amended by replacing “taxes and other methods of financing imposed” in the seventh line of the first paragraph by “the methods of financing ordered”.

“118.38. Section 114 does not apply.

“118.39. Section 115 is amended by replacing “22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1” in the first paragraph by “22, 27, 30, 34, 36, 37, 38, 39, 41, 47, 55, 56, 69, 99.1 or 118.29”.

“118.40. Section 115.1 is amended

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

“(1) is required under section 118.29;”;

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

“The possibility that an overpayment of an aliquot share referred to in section 118.27 be used to reduce an aliquot share determined for the following fiscal year is one way of managing the resolutive effects of a refusal.”

“118.41. Section 118.1 is amended by striking out “taxes and other” in the first line of the third paragraph.

“§2. — Modifications to urban agglomeration orders

“118.42. This subdivision applies for the purpose of modifying or repealing certain provisions of an order concerning an urban agglomeration as of the first day of the fiscal year in which the decision made by the urban agglomeration council under section 118.26 becomes effective.

“Mont-Laurier

“118.43. Section 47 of Order in Council 1062-2005 dated 9 November 2005, concerning the urban agglomeration of Mont-Laurier,

amended by section 23 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.44. Sections 47.1 and 47.2 of the Order in Council, enacted by section 24 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.45. Section 49 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“118.46. The Order in Council is amended by inserting the following section after section 50.6 enacted by section 25 of Order in Council 1003-2006 dated 2 November 2006:

“50.7. If the central municipality delegates by agreement to the reconstituted municipality the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of that municipality,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipality, in the exercise of its powers and, in the case of the central municipality, in the exercise of its local powers.”

“La Tuque

“118.47. Section 50 of Order in Council 1055-2005 dated 9 November 2005, concerning the urban agglomeration of La Tuque, amended by section 11 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the first paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.48. Sections 50.1 and 50.2 of the Order in Council, enacted by section 12 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.49. Section 52 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“118.50. The Order in Council is amended by inserting the following section after section 52.6 enacted by section 13 of Order in Council 1003-2006 dated 2 November 2006:

“52.7. If the central municipality delegates by agreement to the reconstituted municipalities the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of those municipalities,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipalities, in the exercise of their powers and, in the case of the central municipality, in the exercise of its local powers.”

“Îles-de-la-Madeleine

“118.51. Section 45 of Order in Council 1130-2005 dated 23 November 2005, concerning the urban agglomeration of Îles-de-la-Madeleine, amended by section 52 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.52. Sections 45.1 and 45.2 of the Order in Council, enacted by section 53 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.53. Section 47 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“**118.54.** The Order in Council is amended by inserting the following section after section 47.6 enacted by section 54 of Order in Council 1003-2006 dated 2 November 2006:

“47.7. If the central municipality delegates by agreement to the reconstituted municipality the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of that municipality,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipality, in the exercise of its powers and, in the case of the central municipality, in the exercise of its local powers.”

“**Sainte-Agathe-des-Monts**

“**118.55.** Section 46 of Order in Council 1059-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Agathe-des-Monts, amended by section 17 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“**118.56.** Sections 46.1 and 46.2 of the Order in Council, enacted by section 18 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“**118.57.** Section 48 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“118.58. The Order in Council is amended by inserting the following section after section 48.6 enacted by section 19 of Order in Council 1003-2006 dated 2 November 2006:

“48.7. If the central municipality delegates by agreement to the reconstituted municipality the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of that municipality,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipality, in the exercise of its powers and, in the case of the central municipality, in the exercise of its local powers.”

“Mont-Tremblant

“118.59. Section 43 of Order in Council 846-2005 dated 14 September 2005, concerning the urban agglomeration of Mont-Tremblant, amended by section 4 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“118.60. Sections 43.1 and 43.2 of the Order in Council, enacted by section 5 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“118.61. Section 45 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“118.62. The Order in Council is amended by inserting the following section after section 45.6 enacted by section 6 of Order in Council 1003-2006 dated 2 November 2006:

“45.7. If the central municipality delegates by agreement to the reconstituted municipality the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain

municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of that municipality,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipality, in the exercise of its powers and, in the case of the central municipality, in the exercise of its local powers.”

“Cookshire-Eaton

“**118.63.** Section 43 of Order in Council 1068-2005 dated 9 November 2005, concerning the urban agglomeration of Cookshire-Eaton, amended by section 37 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“**118.64.** Sections 43.1 and 43.2 of the Order in Council, enacted by section 38 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“**118.65.** Section 45 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“**118.66.** The Order in Council is amended by inserting the following section after section 45.6 enacted by section 39 of Order in Council 1003-2006 dated 2 November 2006:

“45.7. If the central municipality delegates by agreement to the reconstituted municipality the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of that municipality,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipality, in the exercise of its powers and, in the case of the central municipality, in the exercise of its local powers.”

“Rivière-Rouge

“**118.67.** Section 44 of Order in Council 1072-2005 dated 9 November 2005, concerning the urban agglomeration of Rivière-Rouge, amended by section 43 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“**118.68.** Sections 44.1 and 44.2 of the Order in Council, enacted by section 44 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“**118.69.** Section 46 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“**118.70.** The Order in Council is amended by inserting the following section after section 47.6 enacted by section 45 of Order in Council 1003-2006 dated 2 November 2006:

“47.7. If the central municipality delegates by agreement to the reconstituted municipality the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of that municipality,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipality, in the exercise of its powers and, in the case of the central municipality, in the exercise of its local powers.”

“Sainte-Marguerite–Estérel

“**118.71.** Section 45 of Order in Council 1065-2005 dated 9 November 2005, concerning the urban agglomeration of Sainte-Marguerite–Estérel, amended by section 30 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the second paragraph by “revenues deriving from the shares paid by the related municipalities”.

“**118.72.** Sections 45.1 and 45.2 of the Order in Council, enacted by section 31 of Order in Council 1003-2006 dated 2 November 2006, are repealed.

“**118.73.** Section 47 of the Order in Council is amended by replacing the second paragraph by the following paragraph:

“For the purpose of financing the expenditures referred to in the first paragraph, the urban agglomeration council may set by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

“**118.74.** The Order in Council is amended by inserting the following section after section 47.6 enacted by section 32 of Order in Council 1003-2006 dated 2 November 2006:

“47.7. If the central municipality delegates by agreement to the reconstituted municipality the collection of arrears of any taxes that relate to a fiscal year preceding the fiscal year in which the urban agglomeration council’s decision under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) becomes effective and that are imposed in respect of an immovable situated in the territory of that municipality,

(1) the procedure for the sale of immovables for non-payment of taxes may be used by a related municipality in respect of any immovable situated in its territory; and

(2) if so provided in the agreement, the proceeds of any tax collected by a related municipality may be used, in the case of the reconstituted municipality, in the exercise of its powers and, in the case of the central municipality, in the exercise of its local powers.”

“CHAPTER III

“FINANCING OF CERTAIN DEBTS INCURRED PRIOR TO THE REORGANIZATION

“**118.75.** The urban agglomeration council may, by by-law and with the prior consent of any reconstituted municipalities, establish rules that differ

from those set out in the order made under section 135 with respect to the financing of debts that must be assumed by the central municipality.

The by-law referred to in the first paragraph must be submitted to the Minister of Municipal Affairs and Regions for approval. At least 30 days before it is submitted to the Minister, the by-law must be published in accordance with the procedure prescribed for the publication of public notices, with a notice stating that any person wishing to object to the approval of the by-law must so inform the Minister in writing within the 30 days.

The by-law referred to in the first paragraph must specify from which fiscal year it applies. It may provide that it applies from the fiscal year during which it is adopted.

“CHAPTER IV

“SPECIAL MODIFICATIONS

“**118.76.** This chapter applies for the purpose of modifying certain provisions of this Act for the urban agglomerations of Mont-Laurier, La Tuque, Îles-de-la-Madeleine, Sainte-Agathe-des-Monts, Mont-Tremblant, Cookshire-Eaton, Rivière-Rouge and Sainte-Marguerite–Estérel.

“DIVISION I

“MODIFICATION APPLICABLE TO THE URBAN AGGLOMERATION OF MONT-LAURIER

“**118.77.** Section 19 is amended

(1) by adding “, except tourist information booth services” after “agglomeration” at the end of subparagraph *b* of paragraph 11;

(2) by replacing “, ports and airports” in subparagraph *d* of paragraph 11 by “and ports”.

“DIVISION II

“MODIFICATION APPLICABLE TO THE URBAN AGGLOMERATIONS OF MONT-LAURIER, LA TUQUE, ÎLES-DE-LA-MADELEINE, SAINTE-AGATHE-DES-MONTS, MONT-TREMBLANT, COOKSHIRE-EATON, RIVIÈRE-ROUGE AND SAINTE-MARGUERITE–ESTÉREL

“**118.78.** Section 22 is replaced by the following section:

“**22.** The urban agglomeration council may, by a by-law that is subject to the right of objection under section 115, identify the thoroughfares forming the arterial road system in the urban agglomeration.

It does so by listing the names and numbers of the thoroughfares or by identifying them on a map, plan or other illustration.

When such thoroughfares are identified in the order made under section 135, the urban agglomeration council may amend or repeal that identification in the manner provided for in the first paragraph. If it only amends the identification of the thoroughfares and the thoroughfares are identified only on a map, plan or other illustration, the by-law must state how the new identification differs from the former.”

10. Section 175 of the Act is amended

- (1) by striking out “Montréal,” in the second line;
- (2) by adding the following paragraph at the end:

“The first paragraph also applies in the case of the urban agglomeration of Montréal for any of the fiscal years 2006, 2007, 2008, 2009 and 2010.”

ACT RESPECTING MUNICIPAL TAXATION

11. The Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting the following section after section 261.5.6:

“**261.5.6.1.** From the first day of the fiscal year in which the expenditures incurred by a central municipality in the exercise of an urban agglomeration power are financed by aliquot shares paid by the related municipalities of the urban agglomeration, no revenue of the central municipality for the current fiscal year may give rise to an urban agglomeration aggregate taxation rate for that current fiscal year.”

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING MUNICIPAL AFFAIRS

12. Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37), amended by section 237 of chapter 19 of the statutes of 2003 and by section 93 of chapter 50 of the statutes of 2005, is again amended by replacing “2008” in the second line of the tenth paragraph by “2010”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING
MUNICIPAL AFFAIRS

13. Section 132 of the Act to amend various legislative provisions respecting municipal affairs (2006, chapter 31) is amended by inserting the following paragraph after the first paragraph:

“For the purposes of the first paragraph, if the expenditures incurred by a central municipality in the exercise of an urban agglomeration power for a

fiscal year are financed by aliquot shares paid by the related municipalities of the urban agglomeration, the aggregate taxation rate of the local municipality that was established for the last fiscal year for which the preceding roll applied corresponds,

(1) in the case of a property assessment roll whose coming into force coincides with the beginning of the fiscal year 2006, to the aggregate taxation rate of the city from which the municipality was formed that was established, before the reorganization, for the fiscal year 2005; and

(2) in the case of a property assessment roll whose coming into force coincides with the beginning of the fiscal year 2007 or the fiscal year 2008, to the sum of the urban agglomeration aggregate taxation rate and the aggregate taxation rate of the municipality as a related municipality that were established for the last fiscal year for which the preceding roll applied.”

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

14. Section 148 of the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60) is amended by adding the following paragraph after the second paragraph:

“In the case of Ville de Montréal, the first two paragraphs apply, with the necessary modifications, for each of the fiscal years 2008 to 2010.”

OTHER AMENDING PROVISIONS

Urban agglomeration of Mont-Tremblant

15. Section 9 of Order in Council 846-2005 dated 14 September 2005 concerning the urban agglomeration of Mont-Tremblant is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

16. Section 9.1 of the Order in Council, enacted by section 1 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the

first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of La Tuque

17. Section 11 of Order in Council 1055-2005 dated 9 November 2005 concerning the urban agglomeration of La Tuque is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipalities, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the two resolutions by which the reconstituted municipalities expressed their consent are in force.”

18. Section 11.1 of the Order in Council, enacted by section 8 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipalities, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the two resolutions by which the reconstituted municipalities expressed their consent are in force.”

19. Section 31 of the Order in Council, amended by section 125 of chapter 60 of the statutes of 2006, is again amended by inserting “, the municipal alpine ski centre and the municipal coliseum,” after “library”.

Urban agglomeration of Sainte-Agathe-des-Monts

20. Section 9 of Order in Council 1059-2005 dated 9 November 2005 concerning the urban agglomeration of Sainte-Agathe-des-Monts is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

21. Section 9.1 of the Order in Council, enacted by section 14 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Mont-Laurier

22. Section 9 of Order in Council 1062-2005 dated 9 November 2005 concerning the urban agglomeration of Mont-Laurier is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

23. Section 9.1 of the Order in Council, enacted by section 20 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

24. Section 50 of the Order in Council is amended by striking out “, excluding provisions relating to the operation of the Mont-Laurier airport and the tourist information booth” in paragraph 1.

Urban agglomeration of Sainte-Marguerite–Estérel

25. Section 9 of Order in Council 1065-2005 dated 9 November 2005 concerning the urban agglomeration of Sainte-Marguerite–Estérel is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

26. Section 9.1 of the Order in Council, enacted by section 27 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Cookshire-Eaton

27. Section 9 of Order in Council 1068-2005 dated 9 November 2005 concerning the urban agglomeration of Cookshire-Eaton is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

28. Section 9.1 of the Order in Council, enacted by section 34 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Rivière-Rouge

29. Section 9 of Order in Council 1072-2005 dated 9 November 2005 concerning the urban agglomeration of Rivière-Rouge is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

30. Section 9.1 of the Order in Council, enacted by section 40 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Îles-de-la-Madeleine

31. Section 9 of Order in Council 1130-2005 dated 9 November 2005 concerning the urban agglomeration of Îles-de-la-Madeleine is amended by adding the following paragraphs at the end:

“Despite the first paragraph, the urban agglomeration council may, with the prior consent of the reconstituted municipality, make an exception to section 319 of the Cities and Towns Act (R.S.Q., chapter C-19) as it pertains to how often the council must meet in ordinary session each year.

The exception to that section applies as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

32. Section 9.1 of the Order in Council, enacted by section 46 of Order in Council 1003-2006 dated 2 November 2006, is amended by adding the following paragraph after the third paragraph:

“The urban agglomeration council may, with the prior consent of the reconstituted municipality, establish rules that differ from those set out in the first two paragraphs. The rules so established apply as long as the resolution by which the reconstituted municipality expressed its consent is in force.”

Urban agglomeration of Longueuil

33. Section 38 of Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil, amended by section 68 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing the first paragraph by the following paragraph:

“38. The property listed in Schedules I, J and K to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil, as amended by Resolution 05-12-01 passed by the committee on 2 December 2005 and by the report by Roger Lachance dated 28 September 2007 and given to the Minister of Municipal Affairs and Regions, and the property listed in Schedules 1*b* to 13 in the Agreement of the transition committee of the urban agglomeration of Longueuil and Ville de Longueuil respecting the sharing of informational assets among Ville de Longueuil and the reconstituted city and towns in the urban agglomeration of Longueuil, to which Resolution 05-12-07 passed on 22 December 2005 by the transition committee of the urban agglomeration of Longueuil refers, becomes the property of the reconstituted municipalities as provided in those Schedules.”

34. Section 48 of the Order in Council is replaced by the following section:

“48. The debts referred to in section 45 include the debts identified as incidental to the powers of the reconstituted municipalities in Documents A, B and C of the report by Roger Lachance dated 28 September 2007 and given to the Minister of Municipal Affairs and Regions.”

35. Section 51 of the Order in Council is replaced by the following section:

“51. The debts referred to in section 50 include the debts identified as incidental to urban agglomeration powers in Documents A, B and C of the report by Roger Lachance dated 28 September 2007 and given to the Minister of Municipal Affairs and Regions.”

36. The Order in Council is amended by inserting the following section after section 52:

“52.1. The debts referred to in section 52 include the debts identified as incidental to the powers of the regular council of the central municipality in Documents A, B and C of the report by Roger Lachance dated 28 September 2007 and given to the Minister of Municipal Affairs and Regions.”

Urban agglomeration of Montréal

37. Section 61.5 of Order in Council 1229-2005 dated 8 December 2005, enacted by section 4 of Order in Council 299-2006 dated 5 April 2006, is amended

(1) by inserting the following after “person” in the first paragraph: “, except those relating to the unconverted benefits accrued under a defined contribution plan or in a voluntary contribution account,”;

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

“Despite a requirement of a pension plan or a collective agreement that a division of the plan’s assets and liabilities of the plan or a merger of the assets and liabilities of two or more plans be subject to consent, no such consent is required in the case of a division or transfer under the first paragraph.”

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

38. Sections 4 to 13 of Order in Council 645-2005 dated 23 June 2005 continue to apply to Ville de Montréal for the purposes of the 2009 general election and any by-election held before the 2013 general election.

39. The deadline given in the second paragraph of section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 9, does not apply to a decision made under the first paragraph of that section for the 2008 fiscal year.

40. Subject to the second paragraph, sections 2 to 9.1 of Order in Council 1210-2005 dated 7 December 2005 concerning various taxation measures relating to the reorganization do not apply to the related municipalities of an urban agglomeration as of the first day of the fiscal year in which the decision made by the urban agglomeration council under section 118.26 of the

Act respecting the exercise of certain municipal powers in certain urban agglomerations, enacted by section 9, becomes effective.

The provisions mentioned in the first paragraph continue to have effect, for the purposes of section 149 of chapter 60 of the statutes of 2006, with the necessary modifications, as regards the reconstituted municipalities of the urban agglomeration. The modifications include replacing the third paragraph of that section by the following paragraph:

“The amount of the loan may not exceed the total sum that the reconstituted municipality could have paid to the central municipality for the fiscal year concerned, under section 3 of the Order in Council mentioned in the first paragraph, in respect of all the categories of immovables.”

41. Any provision of a loan by-law made by an urban agglomeration council that is in force on the first day of the fiscal year in which the decision made by the urban agglomeration council under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, enacted by section 9, becomes effective and that imposes a tax or requires compensation to finance the repayment of the loan, is deemed to be amended for the purpose of replacing that tax or that compensation by aliquot shares that are payable by the related municipalities and that secure the same revenues for the central municipality as would have been the case if the tax or compensation applied.

A related municipality must, in a by-law on the financing of an aliquot share payable under the first paragraph, impose taxes on the same immovables or require the payment of a tax or compensation by the same persons as would have been the case if the urban agglomeration tax or compensation applied.

42. A loan by-law made by a reconstituted municipality of an urban agglomeration whose object is a loan made under a provision mentioned in the first paragraph of section 40 continues to have effect, after the first day of the fiscal year in which the decision made by the urban agglomeration council under section 118.26 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, enacted by section 9, becomes effective, for the purpose of reducing the amount of the taxes imposed for a fiscal year prior to the effective date of the decision.

43. Section 1, except with respect to the power granted to local municipalities by section 25.1 of the Municipal Powers Act (R.S.Q., chapter C-47.1), which it replaces, to install or bring into conformity a waste water treatment system, and sections 33 to 36 have effect from 1 January 2006.

44. This Act comes into force on 13 December 2007, except sections 19 and 24, and sections 118.77 and 118.78 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations enacted by section 9, which come into force on 1 January 2008.