



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 72

(1996, chapter 52)

**An Act to amend the constituent Acts of the
urban communities and other legislative
provisions**

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EXPLANATORY NOTES

This bill amends the constituent Acts of the urban communities to abolish certain controls and grant new powers that facilitate or relax certain procedural requirements. Some of the amendments reflect amendments recently made to municipal legislation while others are more specific to the Communauté urbaine de Québec.

Under the bill, various obligations imposed on the three urban communities have been removed, in particular as concerns authorizations required from the Commission municipale du Québec and the Minister of Municipal Affairs. The newspaper publication requirements for notices of convocation of special meetings are relaxed and the use of fax transmission to call meetings is permitted. The bill also allows members of the executive committee to participate in committee meetings by telephone or other means of communication.

Several amendments already applying to the municipalities governed by the Cities and Towns Act and the Municipal Code of Québec are made applicable to the urban communities. As a result, it will be possible to delegate the hiring of employees, to grant contracts without calling for tenders on the authorization of the Minister and to participate in an investment fund for the purpose of providing financial support to businesses in a start-up or development phase. In addition, certain bonds and other debt securities have been dematerialized.

As regards the more specific amendments applicable to the Communauté urbaine de Québec, some are of a technical nature and concern administrative matters while others grant additional powers, including the power to pass a by-law for the implementation of an environmental protection and resource conservation program. The amendments authorize the Community to operate a waste upgrading plant, to establish classes of waste and to determine from those classes which waste may be upgraded or disposed of. The Community and that of Montréal are also authorized to establish bicycle lanes and to allow bicycle paths to be used for various means of locomotion other than the bicycle.

The bill extends the dematerialization of bonds and other debt securities to municipal and intermunicipal transit corporations, the Société de transport de la Ville de Laval, the Société de transport de la rive sud de Montréal and the cities of Québec and Montréal.

Lastly, the bill relaxes the rules contained in certain of those Acts that pertain to the capital expenditures programs of transit corporations.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Charter of the city of Québec (1929, chapter 95);
- Charter of the city of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65).

Bill 72

AN ACT TO AMEND THE CONSTITUENT ACTS OF THE URBAN COMMUNITIES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

1. Section 7 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended

(1) by inserting the words “is the only candidate or who” after the word “who” in the second line of the third paragraph ;

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

“However, at the beginning of the meeting, the members may, by a simple majority of the votes cast, determine the circumstances in which a drawing of lots, rather than another ballot, will be held in the case of a tie vote following a ballot. If such circumstances arise, the secretary shall establish the procedure for the drawing of lots, hold the draw and declare elected as chairman the person who is favoured by the drawing of lots.”

2. Section 22 of the said Act is amended by striking out the third paragraph.

3. Section 25 of the said Act is amended

(1) by replacing the word “twenty-four” in the third line by the words “36 hours or, in exceptional circumstances, 24” ;

(2) by adding, at the end, the following sentence: “The notice may also be sent by facsimile transmission, within the prescribed time, to each member of the Council.”

4. Section 25.1 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

5. Section 67.1 of the said Act is amended by replacing the words “The by-law may give” in the fourth line of the first paragraph by the words “The Council may also, on the conditions it determines, delegate”.

6. Section 77 of the said Act is amended by replacing the words “with the prior authorization of the Government, make with the Government of Canada or any body thereof, and may, with the authorization of the Minister, make with any regional or local municipality of the province of Ontario, and with any other public body, including a school board, agreements respecting the exercise of its competence” in the first, second, third, fourth and fifth lines of the first paragraph by the words “make agreements respecting the exercise of its competence with any public body, upon obtaining the prior authorization of the Government where the other party to the agreement is the Government of Canada or a body thereof”.

7. The said Act is amended by inserting, after section 83, the following section:

“83.0.1. The Minister may, on the conditions he determines, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the Community, the tenders must be public tenders.”

8. Section 83.1 of the said Act, amended by section 8 of chapter 71 of the statutes of 1995, is again amended

(1) by inserting the words “or, if the chairman is absent or unable to act and no other person is able to replace him in accordance with section 20, the director general” after the word “Council” in the first line;

(2) by striking out the words “upon the written request of the director general” in the fifth line;

(3) by inserting the words “or the director general, as the case may be,” after the word “chairman” in the sixth line.

9. The said Act is amended by inserting, after section 84.5, the following section:

“84.6. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or development phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister.

The by-law must indicate the maximum contribution, not exceeding \$1,000,000, that the Community may make to the fund.”

10. Section 123 of the said Act, amended by section 491 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**123.** The Community may receive for treatment purposes, from a person other than a municipality, waste water from its territory or elsewhere.

Before making any contract for such purpose, the Community shall obtain the consent of the local municipality in whose territory the waste water originates.”

11. Section 128 of the said Act is amended by replacing the words “fixed by the Community and approved by the Commission municipale du Québec” in the third and fourth lines of the fourth paragraph by the words “it fixes. The municipality which possesses the waste disposal centre may, within 30 days, apply for a review of the compensation by the Commission municipale du Québec.”

12. The said Act is amended by inserting, after section 139, the following section :

“**139.1.** The Council may, by by-law, delegate to the chairman of the Community or to an officer or employee thereof, on the conditions the Council determines, the power to authorize or pay expenditures and to enter into ensuing contracts on behalf of the Community.

The by-law must, in particular, indicate the field of competence to which the delegation applies, the maximum amount of the expenditures that the chairman or the officer or employee may authorize or pay and the other conditions to which the delegation is subject.

Neither the chairman nor the officer or employee may authorize an expenditure that entails a financial commitment by the Community for a period extending beyond the current fiscal year. For the purposes of section 139, the authorization is considered to be a resolution authorizing the expenditure.

If, for the purposes of section 83, the authorization of the Minister must be obtained to allow the chairman, officer or employee to award a contract to a person other than the person who submitted the lowest tender, the authorization must be applied for by the Council.”

13. Section 151 of the said Act is amended by striking out the words “bonds, notes and other debt securities,” in the first line of the first paragraph.

14. Section 165.3 of the said Act is amended by striking out the third paragraph.

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

“The notice of convocation for a special meeting shall be sent by the secretary of the Corporation and delivered by an officer of the Corporation or a peace officer to each member of the board of directors at least 36 hours or, in exceptional circumstances, 24 hours before the time fixed for the opening of the meeting. The notice may also be sent by facsimile transmission, within the prescribed time, to each member of the board of directors.”

16. Section 168 of the said Act is amended by adding, after the third paragraph, the following paragraph:

“The third paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

17. Section 171 of the said Act is amended by inserting the figure “83.0.1,” after the figure “83,” in the first line of the first paragraph.

18. Section 172.5 of the said Act is amended

(1) by inserting the words “or, if the chairman is absent or unable to act and no other person is able to replace him in accordance with section 164, the director general” after the word “directors” in the second line of the first paragraph;

(2) by inserting the words “or impair the operation of” after the word “damage” in the third line of the first paragraph;

(3) by replacing the word “he” in the first line of the second paragraph by the words “the chairman or, if applicable, the director general”.

19. Sections 193.2 and 193.3 of the said Act are repealed.

20. Section 194.1 of the said Act is amended by striking out the words “bonds, notes and other debt securities and the” in the first line of the first paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

21. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 41, the following section:

41.1. A member of the executive committee may, where circumstances so warrant, deliberate and vote at a meeting of the executive committee by telephone or other means of communication.

A member may avail himself of that right only if the following conditions are met:

(1) the chairman of the executive committee or the person replacing him and the secretary of the Community are present at the same place; and

(2) the telephone or other means of communication used permits all persons participating or present at the meeting to hear one another.

The minutes of the meeting must mention the names of members who participate at the meeting by telephone or other means of communication.

A member who deliberates and votes at a meeting by telephone or other means of communication in accordance with this section is deemed to be present at the meeting, and shall be included for the purpose of determining whether there is a quorum.”

22. Section 48 of the said Act is amended

(1) by replacing the word “meeting” in the fifth line of the first paragraph by the words “regular meeting or at least 36 hours or, in exceptional circumstances, 24 hours before the time fixed for the opening of the special meeting”;

(2) by adding, at the end of the first paragraph, the following sentence: “The notice of convocation of a special meeting may also be sent by facsimile transmission, within the prescribed time, to each member of the Council.”;

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

“The second paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

23. Section 114 of the said Act is amended

(1) by replacing the words “shall not, without the prior authorization of the Government, make with the Government of Canada or any body thereof and may, with the authorization of the Minister, make with any other public body, including a municipality, agreements respecting the exercise of its competence” in the first, second, third, fourth and fifth lines of the first paragraph by the words “may make agreements respecting the exercise of its competence with any public body, upon obtaining the prior authorization of the Government where the other party to the agreement is the Government of Canada or a body thereof”;

(2) by replacing the words “in its territory” in the first line of the second paragraph by the words “of Québec”.

24. The said Act is amended by inserting, after section 120.0.3, the following section :

“120.0.3.1. The Minister of Municipal Affairs may, on the conditions he determines, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the Community, the tenders must be public tenders.”

25. Section 120.0.4 of the said Act is amended

(1) by replacing the words “may, on the written request of the director general” in the second line of the first paragraph by the words “or, if the chairman is absent or unable to act and neither of the vice-chairmen is able to replace him in accordance with section 36, the director general may”;

(2) by replacing the words “the written request must be presented by the head of the department concerned rather than by the director general” in the second, third and fourth lines of the second paragraph by the words “the power granted by that paragraph to the director general is to be exercised by the head of the department”;

(3) by inserting the words “, the director general or, if applicable, the head of the department” after the word “chairman” in the first line of the third paragraph.

26. The said Act is amended by inserting, after section 121.2, the following sections :

“121.3. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or development phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister of Municipal Affairs.

The by-law must indicate the maximum contribution, not exceeding \$1,000,000, that the Community may make to the fund.

“121.4. The Community may establish and maintain, in its territory, non-profit organizations whose objects are economic promotion and development, assist or participate in the creation and maintenance of such organizations, entrust them with the organization and management, on its

behalf, of activities relating to economic promotion and development and, for such purposes, make contracts with them and grant them the necessary material resources and funds.

The non-profit organizations established by the Community may carry out the contracts made with any person and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside the territory of the Community.”

27. Section 150 of the said Act, amended by section 523 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**150.** The Community may receive for treatment purposes, from a person other than a municipality, waste water or other substances from its territory or elsewhere.

Before making any contract for such purpose, the Community shall obtain the consent of the local municipality in whose territory the waste water or other substances originate.”

28. Section 152.4 of the said Act, amended by section 546 of chapter 2 of the statutes of 1996, is again amended by replacing the words “garbage disposal centre it operates, upon payment of a compensation fixed by the Community and approved by the Commission municipale du Québec” in the second, third and fourth lines by the words “waste disposal establishment it operates, upon payment of a compensation it fixes. The municipality which possesses the waste disposal establishment may, within 30 days, apply for a review of the compensation by the Commission municipale du Québec.”

29. Sections 156 and 157 of the said Act are replaced by the following section :

“**156.** The Community may, by by-law, determine which parks, recreational centres and other recreational facilities not established by the Community are of a regional nature. In such a case, the Community is entrusted with the maintenance and operation of such parks, centres and facilities. For the purposes of this paragraph, the recreational centres and other recreational facilities referred to are those established by a municipality whose territory is included in that of the Community.

The Community may also, by by-law, establish parks, recreational centres and other recreational facilities that are of a regional nature.

For the purposes of this subdivision, a natural area is considered to be a park.”

30. Section 158.3 of the said Act is amended

(1) by inserting the words “bicycle paths and” after the word “intermunicipal” in the first line of the first paragraph;

(2) by inserting the words “bicycle path or” after the word “planned” in the second line of the third paragraph;

(3) by inserting the words “bicycle path or” after the words “part of the” in the third line of the third paragraph;

(4) by inserting the words “bicycle path or” after the words “establishment of a” in the first line of the fourth paragraph;

(5) by inserting the words “bicycle path or” after the word “similar” in the second line of the fourth paragraph;

(6) by inserting, after the fourth paragraph, the following paragraph:

“The by-law respecting the use of a bicycle path may allow, in addition to bicycles, roller skates, roller blades, skateboards, ski-boards or any other similar mode of locomotion to be used thereon. The by-law may reserve the path for one or more of those modes of locomotion, exclusive of the others, or establish different rules for traffic on the path according to the mode of locomotion.”

31. Section 223 of the said Act, amended by section 103 of chapter 65 of the statutes of 1995, section 49 of chapter 71 of the statutes of 1995 and section 128 of chapter 27 of the statutes of 1996, is again amended

(1) by striking out the first sentence of the third paragraph;

(2) by striking out the word “également” in the fifth line of the third paragraph of the French text;

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

“Every loan by-law of the Community relating to expenditures for the subway network that is transmitted to the Minister of Municipal Affairs shall, in order to be approved, be accompanied with a writing of the Agence métropolitaine de transport certifying that the expenditures are in conformity with its decisions relating to the extension of the subway network.”

32. Section 228 of the said Act, amended by section 51 of chapter 71 of the statutes of 1995, is again amended

(1) by replacing the words “sections 24 and 32” in the fourth line of the first paragraph by the words “section 24”;

(2) by striking out the second paragraph.

33. Section 231.1 of the said Act is repealed.

34. Section 232 of the said Act, amended by section 52 of chapter 71 of the statutes of 1995, is repealed.

35. Section 257 of the said Act is amended by striking out the second paragraph.

36. Section 260 of the said Act is amended

(1) by inserting the words “36 hours or, in exceptional circumstances,” after the words “not later than” in the third line of the third paragraph;

(2) by adding, at the end of the third paragraph, the following sentence: “The notice may also be sent by facsimile transmission, within the prescribed time, to each member of the board of directors.”

37. Section 291.28 of the said Act is amended by replacing the figure “120.0.3” in the first line by the figure “120.0.3.1”.

38. Section 306 of the said Act, amended by section 545 of chapter 2 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

“The same is true for the expenditure made by the Community for the payment of the sum required under section 73.1 of the Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65). The apportionment of the expenditure shall be considered to be the apportionment of the operating deficit of the corporation.”

39. Section 306.19 of the said Act, amended by section 60 of chapter 71 of the statutes of 1995, is again amended

(1) by replacing the words “sections 24 and 32” in the fifth line of the first paragraph by the words “section 24”;

(2) by striking out the second paragraph.

40. Section 306.23 of the said Act is repealed.

41. Section 306.25 of the said Act is repealed.

42. Section 306.27 of the said Act is amended by replacing the first paragraph by the following paragraph:

“306.27. The facsimile of the signature of the director general of the corporation or of the treasurer of the corporation may be engraved, lithographed or printed on the documents referred to in section 306.26.”

43. Section 306.31 of the said Act, amended by section 61 of chapter 71 of the statutes of 1995, is repealed.

44. Section 306.32 of the said Act is amended

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

“306.32. The corporation may amend the program and have the amendment approved by Council.”;

(2) by striking out the words “to the extent that they are consistent with the first and second paragraphs” in the fourth and fifth lines of the third paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

45. Section 31.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended

(1) by inserting the words “who is the only candidate or” after the word “mayor” in the second line of the fifth paragraph ;

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

“However, at the beginning of the meeting, the mayors may, by a simple majority of the votes cast, determine the circumstances in which a drawing of lots, rather than another round of voting, will be held in the case of a tie vote following a round of voting. If such circumstances arise, the secretary shall establish the procedure for the drawing of lots, hold the draw and declare the mayor who is favoured by the drawing of lots to be the holder designate of the office.”

46. Section 32 of the said Act is amended by striking out the third paragraph.

47. Section 35 of the said Act is amended

(1) by inserting the words “36 hours or, in exceptional circumstances,” after the words “not later than” in the first line of the first paragraph ;

(2) by adding, at the end of the first paragraph, the following sentence :
“The notice of convocation of a special meeting may also be sent by facsimile transmission, within the prescribed time, to each member of the Council.”

48. Section 35.1 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

49. Section 38 of the said Act is amended

(1) by replacing the word “eight” in the first paragraph by the word “seven”;

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

“For the purposes of the first paragraph, the members of the Council representing Municipalité de Saint-Augustin-de-Desmaures and Municipalité de Boischatel are deemed to be absent during the deliberations and the vote concerning, in the first case, any matter relating to the Société and, in the second case, any other matter.”

50. Section 43 of the said Act is amended

(1) by replacing the words “he has had a copy of them delivered” in the fourth line of the second paragraph by the words “a copy has been given”;

(2) by striking out the words “delivery of the notice of” in the fifth line of the second paragraph.

51. Section 56 of the said Act is amended by replacing the words “section 136.13” in the first line of the first paragraph by the words “sections 136.13 and 140.3”.

52. Section 68.5 of the said Act is amended by replacing the figure “68.12” in the first line by the figure “68.13”.

53. The said Act is amended by inserting, after section 68.12, the following section:

“68.13. A member of the executive committee may, where circumstances so warrant, deliberate and vote at a meeting of the executive committee by telephone or other means of communication.

A member may avail himself of that right only if the following conditions are met:

(1) the chairman of the executive committee or the person replacing him and the secretary of the Community are present at the same place; and

(2) the telephone or other means of communication used permits all persons participating or present at the meeting to hear one other.

The minutes of the meeting must mention the names of members who participate at the meeting by telephone or other means of communication.

A member who deliberates and votes at a meeting by telephone or other means of communication in accordance with this section is deemed to be present at the meeting, and shall be included for the purpose of determining whether there is a quorum.”

54. Section 74.1 of the said Act is amended

(1) by replacing the words “It may, by the same by-law, entrust the director general with” in the first line of the second paragraph by the words “The Council may also, on the conditions it determines, delegate to the director general”;

(2) by replacing the words “by-law referred to in the first” in the first and second lines of the third paragraph by the words “resolution by which the decision provided for in the second”.

55. Section 86 of the said Act is amended

(1) by replacing the words “shall, with the prior authorization of the Government, make with the Government of Canada or any body thereof, and may with the authorization of the Minister, make with any other public body, including a municipality and a school board, agreements respecting the exercise of its competence” in the first, second, third, fourth and fifth lines of the first paragraph by the words “may make agreements respecting the exercise of its competence with any public body, upon obtaining the prior authorization of the Government where the other party to the agreement is the Government of Canada or a body thereof”;

(2) by replacing the words “in its territory” in the first line of the second paragraph by the words “of Québec”.

56. The said Act is amended by inserting, after section 92.0.2, the following section:

“92.0.2.1. The Minister may, on the conditions he determines, allow the Community to award a contract without calling for tenders, or allow the Community to award a contract after a call for tenders made by written invitation rather than by advertisement in a newspaper.

The first paragraph does not apply where, pursuant to the terms of an intergovernmental agreement on the opening of public procurement applicable to the Community, the tenders must be public tenders.”

57. Section 92.0.3 of the said Act is amended

(1) by replacing the words “may, on written request by the director general,” in the fourth line of the first paragraph by the words “or, if the chairman is

absent or unable to act and neither of the vice-chairmen is able to replace him in accordance with section 31.6, the director general may”;

(2) by inserting the words “or, where applicable, the director general” after the word “chairman” in the first line of the second paragraph.

58. Section 93 of the said Act is amended

(1) by inserting the words “and hospitality” after the word “promotion” in paragraph *e*;

(2) by replacing the words “, recovery and recycling” in paragraph *h* by the words “and the upgrading of residual material”.

59. Section 95 of the said Act is amended by replacing the words “cycle tracks” in the second line of subparagraph *b* of the first paragraph by the words “bicycle paths and lanes”.

60. The said Act is amended by inserting, after section 96.0.1, the following sections :

“96.0.2. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in the start-up or development phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister.

The by-law must indicate the maximum contribution, not exceeding \$1,000,000, that the Community may make to the fund.

“96.0.3. The Community may, for the purpose of improving the air quality in its territory or conserving or protecting its resources, pass by-laws promoting the eradication of ragweed, the reduction of the gull population or the treatment of Dutch elm disease or implementing any other environmental protection or resource conservation program.

For such purposes, the Community may found and maintain bodies in its territory whose objects are environmental protection and resource conservation, assist in the creation and maintenance of such bodies and entrust to them the organization and management of activities relating to those objects.”

61. Section 114 of the said Act is amended by replacing the first paragraph by the following paragraph :

“114. The Community shall establish the collection rolls and the tax bills for the municipalities whose territory is comprised in its territory and shall send the tax bills.”

62. The heading of subdivision 5 of Division VII of Title I of the said Act is amended by inserting the words “*and hospitality*” after the word “*promotion*”.

63. Section 121 of the said Act is amended

(1) by inserting the words “and provide for tourist hospitality” after the word “tourism” in the first line of the first paragraph;

(2) by striking out the words “, by a by-law approved by the Minister,” in the first line of the second paragraph;

(3) by replacing the words “carrying out of touristic promotion or” in the third line of the second paragraph by the words “exercise of the competence provided for in the first paragraph or of”;

(4) by inserting the words “and tourist hospitality” after the word “tourism” in the sixth line of the second paragraph.

64. The said Act is amended by inserting, after the heading of subdivision 8 of Division VII of Title I, the following section:

“**125.0.1.** The powers and obligations provided for in this subdivision with respect to the drinking water supply apply from the coming into force of a by-law passed under section 95 under which the Community orders that it has competence in that matter.”

65. Section 128 of the said Act is amended, in the French text, by replacing the word “leur” in the sixth line of the first paragraph by the word “lui”.

66. Section 137 of the said Act, amended by section 560 of chapter 2 of the statutes of 1996, is replaced by the following section:

“**137.** The Community may receive for treatment purposes, from a person other than a municipality, waste water or sludge from septic tanks that originates in its territory or elsewhere.

Before making any contract for such purpose, the Community shall obtain the consent of the local municipality in whose territory the waste water or sludge originates.”

67. The said Act is amended by inserting, after section 137, the following section:

“**137.1.** The Community may sell the energy resulting from the operation of water purification works.”

68. The heading of subdivision 9 of Division VII of Title I of the said Act is amended by replacing the words “, *recovery and recycling*” by the words “*and residual material upgrading*”.

69. Section 138 of the said Act is amended

(1) by replacing the words “fixed by the Community and approved by the Commission municipale du Québec” in the third and fourth lines of the fourth paragraph by the words “it fixes. The municipality which possesses the waste disposal site may, within 30 days, apply for a review of the compensation by the Commission municipale du Québec.”;

(2) by striking out the fifth paragraph.

70. Section 138.1 of the said Act is amended by replacing the words “waste recovery and recycling plant” in subparagraph *a* of paragraph 1 by the words “plant for the upgrading of residual material, in particular by recovery, reuse, recycling, composting and reclamation”.

71. Section 138.2 of the said Act, amended by section 561 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “waste disposal” in the third line of the first paragraph by the words “residual material upgrading plant or a waste disposal site”;

(2) by striking out the words “, recovery or recycling plant or site” in the third and fourth lines of the first paragraph;

(3) by replacing the words “waste or sludge coming” in the sixth line of the first paragraph by the words “residual material, waste or sludge”.

72. Section 138.4 of the said Act, amended by section 75 of chapter 71 of the statutes of 1995, is again amended

(1) by inserting the words “or residual material” after the first word “waste” in the second line of the first paragraph;

(2) by replacing the words “to the waste recovery and recycling plant” in the second and third lines of the first paragraph by the words “and the disposal site or the upgrading plant”;

(3) by replacing the words “residual material” after the word “waste” in the first line of subparagraph 3 of the second paragraph;

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

“(4) establish classes of waste or residual material;

“(5) determine, among the classes of residual material, those which may be upgraded or disposed of;

“(6) prescribe procedures for the separation and conditioning of waste or residual material for the purposes of removal, selective collection or upgrading ;

“(7) determine the management method for residue from residual material upgrading activities.”

73. Section 138.5 of the said Act, amended by section 563 of chapter 2 of the statutes of 1996, is replaced by the following section :

“**138.5.** From the time the Community begins to operate a residual material upgrading plant, no municipality whose territory is comprised in that of the Community may award a contract for the removal of material that may be upgraded unless the treatment method is approved by the Community.”

74. Section 139 of the said Act is amended by replacing the words “, recovery or recycling sites or plants or to” in the first and second lines by the words “sites, residual material upgrading plants or”.

75. Section 140 of the said Act is amended by replacing the words “, recovery or recycling sites or plants” in the second and third lines of the first paragraph by the words “sites, residual material upgrading plants”.

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

“**140.1.** In the exercise of their duties, the officers or employees of the Community charged with the application of the by-laws passed under section 138.4 may, at any reasonable time, enter sites where waste or residual material is removed, sites for disposing of waste or residue, or a residual material upgrading plant for the purpose of examining any substance, apparatus, machine, works or installation thereon or therein.

Such officers or employees may also require the production of the books, records and documents relating to the matters to which such by-laws apply and any other information they consider necessary or useful.

“**140.2.** No person may hinder an officer or employee referred to in section 140.1 in the exercise of his duties, particularly by misleading him or attempting to mislead him by concealment or by misrepresentation.

Such officer or employee shall, if required, identify himself and produce a certificate, signed by the head of the department concerned, attesting his authority.

“**140.3.** The Community may, by by-law, prescribe that the infringement of section 140.2 or of a by-law passed under the first paragraph or under any of subparagraphs 1, 3, 6 and 7 of the second paragraph of section 138.4 shall entail as a penalty a fine, and prescribe the minimum and maximum amounts of the fine, which may vary according to whether the offence is a first or subsequent offence.

The prescribed minimum and maximum amounts shall not exceed

(1) in the case of an infringement of section 140.2, \$300 and \$500 respectively for a first offence and double those amounts for a subsequent offence;

(2) in the case of an infringement of subparagraph 6 of the second paragraph of section 138.4, \$100 and \$1,000 respectively for a first offence and double those amounts for a subsequent offence;

(3) in all other cases, \$1,000 and \$2,000 respectively for a first offence and double those amounts for a subsequent offence.”

77. Sections 141 and 142 of the said Act are replaced by the following sections:

“**141.** This subdivision applies from the coming into force of a by-law passed under section 95 under which the Community orders that it has competence in the matters referred to in subparagraph *b* of the first paragraph of that section.

“**142.** The Community may, by by-law, determine which parks, recreational centres and other recreational facilities not established by the Community are of a regional nature. In such a case, the Community is entrusted with the maintenance and operation of such parks, centres and facilities. For the purposes of this paragraph, the recreational centres and other recreational facilities referred to are those established by a municipality whose territory is comprised in that of the Community.

The Community may also, by by-law, establish parks, recreational centres and other recreational facilities that are of a regional nature.

For the purposes of this subdivision, a natural area is considered to be a park.”

78. Section 143 of the said Act, amended by section 564 of chapter 2 of the statutes of 1996, is again amended by replacing the words “From the date on which the Community acquires competence in such matters, any project for the establishment by a municipality of a park, a center or other recreational installation” in the first, second and third lines by the words “Any project for the establishment by a municipality of a park, a centre or other recreational facility”.

79. Section 143.1 of the said Act is amended by replacing the words “Where the Community has obtained jurisdiction over parks under section 95, it” in the first and second lines of the first paragraph by the words “The Community”.

80. Section 144 of the said Act is amended

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

“**144.** The Community may, by by-law, establish intermunicipal bicycle paths and lanes reserved for bicycle riding and regulate the use thereof.”;

(2) by replacing the words “pavement of the streets mentioned in the by-law is reserved, in whole or in part, for bicycle traffic. In such a case, the by-law must also” in the first, second and third lines of the second paragraph by the words “roadway of the streets mentioned in the by-law be reserved, in whole or in part, for bicycle traffic. In such a case, the by-law must”;

(3) by inserting the words “bicycle path or” after the words “territory a” in the first line of the third paragraph;

(4) by inserting the words “the bicycle path or” before the word “lane” in the third line of the third paragraph;

(5) by inserting the words “of Transport” after the word “Minister” in the fifth line of the third paragraph;

(6) by inserting the words “bicycle path or” after the words “establishment of a” in the first line of the fourth paragraph;

(7) by inserting the words “path or” after the word “similar” in the second line of the fourth paragraph;

(8) by inserting, after the fourth paragraph, the following paragraph:

“The by-law respecting the use of a bicycle path may allow, in addition to bicycles, roller skates, roller blades, skateboards, ski-boards or any other similar mode of locomotion to be used thereon. The by-law may reserve the path for one or more of those modes of locomotion, exclusive of the others, or establish different rules for traffic on the path according to the mode of locomotion.”

81. Section 148 of the said Act is amended by replacing the word “second” in the first line of the second paragraph by the word “first”.

82. Section 153.1 of the said Act, amended by section 139 of chapter 27 of the statutes of 1996, is again amended by striking out the word “ensuing” in the fourth line of the first paragraph.

83. Section 158 of the said Act, amended by section 79 of chapter 71 of the statutes of 1995 and section 140 of chapter 27 of the statutes of 1996, is again amended by striking out the third and fourth paragraphs.

84. Section 165 of the said Act is repealed.

85. Section 166 of the said Act, amended by section 81 of chapter 71 of the statutes of 1995, is again amended by striking out the first, second and third paragraphs.

86. Section 180 of the said Act is amended by striking out the third paragraph.

87. Section 183 of the said Act is amended

(1) by inserting the words “36 hours or, in exceptional circumstances,” after the word “than” in the second line ;

(2) by adding, at the end, the following sentence : “The notice of convocation of a special meeting may also be sent by facsimile transmission, within the prescribed time, to each member of the board of directors.”

88. Section 184 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph does not apply in the case of a special meeting for which the notice of convocation is prepared less than 36 hours before the time fixed for the opening of the meeting.”

89. Section 187.4 of the said Act is amended

(1) by replacing the words “he has had a copy thereof delivered” in the fourth line of the second paragraph by the words “a copy has been given” ;

(2) by striking out the words “delivery of the notice of” in the fifth line of the second paragraph.

90. Section 187.21 of the said Act is amended

(1) by replacing the words “It may, by the same by-law, entrust the director general with” in the first line of the second paragraph by the words “The Council may also, on the conditions it determines, delegate to the director general” ;

(2) by replacing the words “by-law referred to in the first” in the first and second lines of the third paragraph by the words “resolution by which the decision provided for in the second”.

91. Section 205 of the said Act is amended by replacing the word “Commission” in the second line of the second paragraph by the word “Community”.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

92. Section 93 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended

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

“**93.** Each year, the corporation shall adopt for the next three fiscal years the program of its capital expenditures. The program must be approved by the council of two-thirds of the municipalities whose territory is subject to its jurisdiction.”;

(2) by striking out the third, fourth and fifth paragraphs.

93. Section 93.1 of the said Act is amended by striking out the words “, except that the by-law shall be transmitted within thirty days of its approval by the council of two-thirds of the municipalities whose territory is subject to the jurisdiction of the corporation” in the second, third, fourth and fifth lines.

94. Section 100 of the said Act is repealed.

95. Section 101 of the said Act is amended by striking out the first, second and third paragraphs.

CHARTER OF THE CITY OF QUÉBEC

96. Section 324 of the charter of the city of Québec (1929, chapter 95), amended by section 2 of chapter 85 of the statutes of 1966-67 and replaced by section 22 of chapter 42 of the statutes of 1980, is again amended by striking out the words “note, bond, treasury bond and” in the second line.

97. Section 325 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, replaced by section 22 of chapter 42 of the statutes of 1980 and by section 20 of chapter 61 of the statutes of 1984, and amended by section 20 of chapter 116 of the statutes of 1986, is repealed.

98. Section 326 of the said charter, amended by section 15 of chapter 110 of the statutes of 1930 and by section 2 of chapter 85 of the statutes of 1966-67, and replaced by section 20 of chapter 75 of the statutes of 1972 and by section 22 of chapter 42 of the statutes of 1980, is again amended by striking out the second and third paragraphs.

CHARTER OF THE CITY OF MONTRÉAL

99. Article 755 of the charter of the city of Montréal (1959-60, chapter 102), replaced by section 100 of chapter 77 of the statutes of 1977 and amended by section 57 of chapter 71 of the statutes of 1982 and by section 40 of chapter 111 of the statutes of 1987, is repealed.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

100. Section 100 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is repealed.

101. Section 102 of the said Act is amended

(1) by striking out the words “of the chairman or of the treasurer of the corporation or” in the first and second lines ;

(2) by striking out the words “on the documents contemplated in section 100 or” in the third and fourth lines.

102. Sections 105 and 106 of the said Act are repealed.

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

103. Section 126 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is repealed.

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

“**128.** The facsimile of the signature of the treasurer or of any other person referred to in section 127 may be engraved, lithographed or printed on the documents referred to in that section.”

105. Section 129 of the said Act is amended by striking out the words “, by resolution,” in the first line.

106. Section 131 of the said Act, amended by section 88 of chapter 76 of the statutes of 1988, is repealed.

107. Section 132 of the said Act, amended by section 89 of chapter 76 of the statutes of 1988, is again amended

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

“**132.** The corporation may amend the program.”;

(2) by replacing the words “To the extent that they are consistent with the first and second paragraphs, the” in the first and second lines of the third paragraph by the word “The”.

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE
TRANSPORT AND AMENDING VARIOUS LEGISLATIVE
PROVISIONS

108. The Act respecting the Agence métropolitaine de transport and amending various legislative provisions (1995, chapter 65) is amended by inserting, after section 73, the following section:

“**73.1.** The municipalities whose territory is situated in the territory of the Société de transport de la Communauté urbaine de Montréal are not required to pay the sums under sections 70 and 73.

That Community shall, in accordance with the terms and conditions of payment prescribed, where that is the case, under the second paragraph of section 70, pay to the Agency a sum equal to the total of the sums which those municipalities are not required to pay.”

TRANSITIONAL AND FINAL PROVISIONS

109. Notwithstanding any inconsistent legislative provision, every by-law in force on 15 December 1996 and passed pursuant to a power or an obligation which, under a provision of this Act, needs no longer be exercised or fulfilled by by-law, may be amended, replaced or revoked by resolution.

110. The Communauté urbaine de Montréal may, to finance all or part of the sum it is required to pay for the 1996 municipal fiscal year under section 73.1 of the Act respecting the Agence métropolitaine de transport and amending various legislative provisions, enacted by section 108 of this Act, use any surplus referred to in section 217 of the Act respecting the Communauté urbaine de Montréal.

In such a case, the second paragraph of section 306 of the Act respecting the Communauté urbaine de Montréal, enacted by section 38 of this Act, shall apply only to that part, if any, of the expenditure of the Community that is not financed by means of a surplus.

111. By-law No. 88-271 amending By-law No. 207 concerning the development plan, passed by the Council of the Communauté urbaine de Québec on 26 April 1988, is deemed to have come into force on that date.

The first paragraph does not affect any case pending on 13 November 1996 in which the fact that By-law No. 88-271 did not come into force was invoked before that date.

112. Sections 38, 108 and 110 have effect from 1 January 1996.

113. This Act comes into force on 16 December 1996, except sections 13 and 20, paragraph 2 of section 32, sections 33 and 34, paragraph 2 of section 39 and sections 40 to 42, 84, 85, 94 to 101, 103 and 104, which come into force on the date or dates to be fixed by the Government.