



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 83

(1996, chapter 77)

**An Act to amend the Cities and Towns Act, the
Municipal Code of Québec and other
legislative provisions**

Introduced 6 December 1996
Passage in principle 13 December 1996
Passage 20 December 1996
Assented to 23 December 1996

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EXPLANATORY NOTES

This bill amends several Acts and Charters in the municipal field to simplify certain procedures, grant new powers and eliminate redundant provisions.

In order to simplify procedure, the bill makes changes to the rules governing the holding of referendums, especially as regards the time limits within which certain acts must be performed. It also simplifies the publication procedure for certain notices and by-laws.

With respect to the granting of new powers, the bill amends the Act respecting elections and referendums in municipalities to authorize municipalities to test new voting methods. It empowers municipalities and urban communities to enter into agreements with the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and another municipality for the inspection of food, and authorizes municipalities to adopt a revitalization program for existing sectors. Under the bill, municipalities may hold shares in a mutual fund jointly with municipal and supra-municipal bodies, transfer or lease their expertise and data concerning their territories and acquire, develop and maintain ports and harbours.

The Act respecting the Société d'habitation du Québec is amended to authorize the Corporation in connection with a program it is implementing to empower municipalities to prepare programs to complement the Corporation's own program.

The bill also amends provisions in the Act respecting land use planning and development pertaining to consultation on municipal planning by-laws by qualified voters.

The Charter of the city of Montréal is amended by the bill in order to have various amendments brought to general municipal legislation apply to the city, to change the composition of the Electrical Commission of the city and to allow for additional salary to be paid to the coordinating judge of the municipal court of the city.

The bill introduces an expense allowance for the members of the councils of northern villages and of the council of the Kativik Regional Government, and makes changes to the remuneration of the chairman of the Kativik Regional Government.

Lastly, the bill repeals two spent statutes.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- 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);

- Charter of the city of Trois-Rivières (1915, chapter 90);
- Charter of the City of Québec (1929, chapter 95);
- Act to grant to the county corporation of Charlevoix-East and to the county corporation of Charlevoix-West certain powers to construct and operate an airport (1954-55, chapter 102);
- Charter of the city of Montréal (1959-60, chapter 102);
- Charter of the city of Sherbrooke (1974, chapter 101).

LEGISLATION REPEALED BY THIS BILL :

- Municipal Franchises Act (R.S.Q., chapter C-49);
- Act respecting municipal contribution to the construction of roads (R.S.Q., chapter C-66).

Bill 83

AN ACT TO AMEND THE CITIES AND TOWNS ACT, THE MUNICIPAL CODE OF QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 90 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), replaced by section 32 of chapter 25 of the statutes of 1996, is amended by replacing the word “latter” in the third line of the first paragraph by the word “mayor”.

2. Section 109.2 of the said Act, amended by section 42 of chapter 25 of the statutes of 1996, is again amended by replacing the word “latter” in the third line of the first paragraph by the word “mayor”.

3. Section 125 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended by replacing the word “latter” in the third line of the first paragraph by the word “mayor”.

4. Section 130 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended

(1) by inserting the words “17 or” after the word “subparagraph” in the second line of the second paragraph ;

(2) by replacing the words “does not permit of sector-by-sector regulation” in the second line of the fifth paragraph by the words “permits of zone-by-zone regulation, where it applies to a zone that is not divided into sectors if the power also permits of sector-by-sector regulation;” ;

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

“For the purposes of the fifth and sixth paragraphs and of sections 133 to 137, a provision that applies to more than one zone or more than one sector of a zone, as the case may be, is deemed to constitute a separate provision applying separately to each zone or sector.”

5. Section 132 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended

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

“If the notice contains a description of the object of a provision other than those referred to in the second and third paragraphs of section 130, the indication of the interested persons entitled to sign an application in respect of that provision, prescribed in subparagraph *a* of subparagraph 3 of the first paragraph of this section, shall name every zone to which the provision applies, contain a general statement concerning any zone contiguous to the zone so named and, in the case of a provision referred to in the seventh paragraph of section 130, state that the provision is deemed to constitute a separate provision applying separately to each zone named. For the purposes of this paragraph, a zone in which the authorized structures or uses would no longer be the same because of the amended classification under the provision is deemed to be a zone to which the provision applies.”;

(2) by replacing the word “three” in the first line of the fourth paragraph by the word “four”.

6. Section 136 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended by striking out the third paragraph.

7. Section 136.1 of the said Act, enacted by section 57 of chapter 25 of the statutes of 1996, is amended by adding, after the sixth paragraph, the following paragraph :

“Where approval is to be sought under the third, fourth, fifth or sixth paragraph, if the applicable paragraph applies to several zones, the sector concerned, within the meaning of the Act respecting elections and referendums in municipalities, is the aggregate of those zones. For the purposes of this paragraph, a sector of a zone is considered to be a zone in the case of approval sought under the sixth paragraph.”

CITIES AND TOWNS ACT

8. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 1 of chapter 34 of the statutes of 1995, section 124 of chapter 2 of the statutes of 1996 and section 1 of chapter 27 of the statutes of 1996, is again amended by inserting, after subsection 1, the following subsection :

“(1.1) A municipality may, by onerous title, transfer or lease rights to and licences for the processes it has developed, its expertise in any area within its competence, the equipment allowing such expertise to be applied, and any data concerning its territory.

It may also transfer them by gratuitous title or make a loan for use of them to the Government, one of its Ministers or bodies, a municipality, an urban community, a school board or another non-profit organization.”

9. Section 28.0.0.1 of the said Act, enacted by section 7 of chapter 7 of the statutes of 1995, is renumbered as section 28.0.1.

10. Section 29.2 of the said Act, amended by section 127 of chapter 2 of the statutes of 1996, is replaced by the following sections :

“29.2. The Minister of Agriculture, Fisheries and Food may enter into an agreement with one or more municipalities, designated by the Government, respecting the administration within the territory of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

If one of the municipalities that is a party to the agreement is charged with administering provisions in all or part of the territory of another municipality, that competence does not extend to the institution of penal proceedings for an offence under such a provision committed in the territory of that other municipality.

The cities of Québec, Sherbrooke and Trois-Rivières may enter into an agreement with the Minister of Agriculture, Fisheries and Food respecting food inspection programs in connection with the application of the by-laws of the city.

The first, second and third paragraphs apply to every municipality governed by this Act, except those mentioned in Schedule A to the Act respecting the Communauté urbaine de Montréal (chapter C-37.2), and to Ville de Québec.

“29.2.1. A municipality that is a party to an agreement under the first paragraph of section 29.2 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

11. Section 54 of the said Act, amended by section 210 of chapter 2 of the statutes of 1996, is replaced by the following section :

“54. Where so ordered by the Minister of Municipal Affairs, the mayor is bound to read to the council all circulars or communications addressed to the mayor or to the council by the Minister. The mayor shall also, where so required by the council or by the Minister, publish them in the manner prescribed for the publication of public notices.”

12. Section 99 of the said Act is amended by inserting the words “, by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or by municipalities and such bodies” after the word “municipalities” in the third line of the third paragraph.

13. Section 346.1 of the said Act, enacted by section 14 of chapter 34 of the statutes of 1995, is amended by replacing the words “section 514” in the second line of the first paragraph by the words “section 422 or 514”.

14. Section 415 of the said Act, amended by section 155 of chapter 2 of the statutes of 1996 and by section 14 of chapter 27 of the statutes of 1996, is again amended

(1) by replacing the words “for a cost of not over \$5 ;” in the second line of paragraph 31 by the words “; to fix the amount of that licence ;”;

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

“(40) To acquire, develop, maintain or manage any port within or outside its territory.”

15. Section 468.38 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraphs :

“**468.38.** Once the by-law is passed, the secretary of the board of management shall give a public notice to the taxpayers of the municipalities in the territory under the jurisdiction of the board. The notice shall be published in a newspaper distributed in the territory of the municipalities.

The notice shall state :

(1) the number, title, object and date of passage of the by-law ;

(2) the amount of the projected loan and the projected use of the borrowed monies ;

(3) that the taxpayers concerned by the notice have the right to oppose the approval of the by-law by the Minister of Municipal Affairs by sending their written objections to the Minister within 30 days following publication of the notice.”

16. Section 468.51 of the said Act, amended by section 26 of chapter 27 of the statutes of 1996, is again amended by inserting the figure “99,” after the figure “73.1,” in the first line of the first paragraph.

17. Sections 542.1 to 542.3 of the said Act are replaced by the following sections :

“542.1. The council may, by by-law, adopt a revitalization program for any sector it delimits within any zone specified in the zoning by-law in which the majority of the buildings are over 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, where applicable,

- (1) the persons or classes of persons that may benefit from the program;
- (2) the buildings or classes of buildings covered by the program;
- (3) the nature of activities covered;
- (4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which in no case may exceed five years;
- (5) the terms and conditions governing the administration of the program.

“542.2. The council may, within the framework of a revitalization program, exercise the powers mentioned in section 28.2.”

18. Section 542.4 of the said Act is replaced by the following section:

“542.4. The council may, by by-law, adopt a revitalization program for the part of the territory of the municipality that is designated as its “centre” pursuant to a special planning program. It may, on the conditions it determines, order that the municipality grant a subsidy for work consistent with the revitalization program. In no case may the amount of the subsidy exceed the actual cost of the work.”

19. Section 542.6 of the said Act, amended by section 198 of chapter 2 of the statutes of 1996, is again amended

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

“542.6. The council may, for the purposes mentioned in sections 542.4 and 542.5, establish classes of immovables and classes of work.”;

- (2) by striking out the words “or tax credit” in the third line of the second paragraph.

20. Section 542.7 of the said Act is amended by replacing the words “542.1 to 542.5” in the first line by the words “542.1, 542.2, 542.4 and 542.5”.

MUNICIPAL CODE OF QUÉBEC

21. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 6, the following article:

“**6.1.** A municipality may, by onerous title, transfer or lease rights to and licences for the processes it has developed, its expertise in an area within its competence, the equipment allowing such expertise to be applied, and any data concerning its territory.

It may also transfer them by gratuitous title or make a loan for use of them to the Government, one of its Ministers or bodies, a municipality, an urban community, a school board or another non-profit organization.”

22. The said Code is amended by inserting, after article 10.8, enacted by section 44 of chapter 27 of the statutes of 1996, the following articles:

“**10.9.** The Minister of Agriculture, Fisheries and Food may enter into an agreement with one or more municipalities, designated by the Government, respecting the administration within the territory of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where a regional county municipality is a party to such an agreement, its territory is deemed, for the purposes of this article, article 10.10, and any similar provision of another Act, to have subtracted from it the territory of any local municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the administration of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other local municipalities on the council of the regional county municipality may take part in the discussions and vote relating to the agreement to which the regional county municipality is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other local municipalities shall contribute towards the payment of the expenses of the regional county municipality arising from the agreement to which the regional county municipality is a party.

If one of the municipalities that is a party to the agreement is charged with the administration of provisions in all or part of the territory of another municipality, that competence does not extend to the institution of penal proceedings for an offence under such a provision committed in the territory of that other municipality.

The first and third paragraphs do not apply to a municipality mentioned in Schedule A to the Act respecting the Communauté urbaine de Montréal (chapter C-37.2).

“10.10. A municipality that is a party to an agreement under article 10.9 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

23. Article 142 of the said Code, amended by section 255 of chapter 2 of the statutes of 1996, is again amended by replacing subarticle 5 by the following subarticle :

“(5) Where so ordered by the Minister of Municipal Affairs, the head of the council is bound to read to the council all circulars or communications addressed to the head of the council or to the council by the Minister. The head of the council shall also, where so required by the council or by the Minister, publish them in the manner prescribed for the publication of public notices.”

24. Article 203 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by inserting the words “, by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or by municipalities and such bodies” after the word “municipalities” in the third line of the second paragraph.

25. The said Code is amended by inserting, after article 212, the following article:

“212.1. The council may, by by-law adopted by an absolute majority of its members, add to the powers and obligations of the secretary-treasurer of the municipality the powers and obligations set out in the second and third paragraphs of section 113 of the Cities and Towns Act (chapter C-19), and those set out in paragraphs 2 and 5 to 8 of section 114.1 of that Act in place of the powers and obligations set out in paragraphs 2, 5 and 6 of article 212 of this Code.

In such a case, the secretary-treasurer shall also be the director general of the municipality.”

26. Article 437.1 of the said Code, enacted by section 36 of chapter 34 of the statutes of 1995, is amended by inserting the words “a notice referred to in article 631.2,” after the words “other than” in the first line of the first paragraph.

27. Article 491 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996 and by section 61 of chapter 27 of the statutes of 1996, is again amended

- (1) by striking out subparagraph 5 of the first paragraph;
- (2) by striking out the second paragraph.

28. Article 607 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraphs:

“607. Once the by-law is passed, the secretary of the management board shall give public notice to the taxpayers of the municipalities in the territory under the jurisdiction of the board. The notice shall be published in a newspaper distributed in the territory of the municipalities.

The notice shall state:

- (1) the number, title, object and date of passage of the by-law;
- (2) the amount of the projected loan and the projected use of the borrowed monies;
- (3) that the taxpayers concerned by the notice have the right to oppose the approval of the by-law by the Minister of Municipal Affairs by sending their written objections to the Minister within 30 days following publication of the notice.”

29. Article 620 of the said Code, amended by section 72 of chapter 27 of the statutes of 1996, is again amended by inserting the figure “99,” after the figure “73.1,” in the first line of the first paragraph.

30. The said Code is amended by inserting, after article 625, the following section:

“SECTION XXVI.1

“PORTS

“625.1. A local municipality may, by by-law, acquire, develop, maintain or manage a port within or outside its territory.”

31. Article 678 of the said Code, amended by section 318 of chapter 2 of the statutes of 1996 and by section 77 of chapter 27 of the statutes of 1996, is replaced by the following article:

“678. Every regional county municipality may make, amend or repeal by-laws or resolutions, as the case may be, upon each of the matters mentioned in articles 490 to 524, article 543, paragraph 2 of article 544 and articles 569 to 626, and may exercise, for regional purposes, the general power to pass by-laws conferred by article 628.”

32. Article 994 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “for a cost of not over \$5;” in the third line by the words “, to fix the cost of such licence”.

33. Articles 1008 to 1010 of the said Code are replaced by the following articles:

“1008. The council may, by by-law, adopt a revitalization program for any sector it delimits within any zone specified in the zoning by-law in which the majority of the buildings are over 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, where applicable,

(1) the persons or classes of persons that may benefit from the program;

(2) the buildings or classes of buildings covered by the program;

(3) the nature of activities covered;

(4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which in no case may exceed five years;

(5) the terms and conditions governing the administration of the program.

“1009. The council may, within the framework of a revitalization program, exercise the powers mentioned in article 12.”

34. Article 1011 of the said Code is replaced by the following article:

“1011. The council may, by by-law, adopt a revitalization program for the part of the territory of the municipality designated as its “central sector” pursuant to a special planning program. It may, on the conditions it determines, order that the municipality grant a subsidy for work consistent with the revitalization program. In no case may the amount of the subsidy exceed the actual cost of the work.”

35. Article 1011.2 of the said Code, amended by section 417 of chapter 2 of the statutes of 1996, is again amended

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

“1011.2. The council may, for the purposes mentioned in articles 1010 and 1011, establish classes of immovables and classes of work.”;

(2) by striking out the words “or tax credit” in the third line of the second paragraph.

36. Article 1011.3 of the said Code is amended by replacing the words “1008 to 1011.1” in the first line by the words “1008, 1009, 1011 and 1011.1”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

37. The Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 86, the following sections:

“36.1. The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, respecting the administration within the territory of the Community and that of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where the Community is a party to such an agreement, its territory is deemed, for the purposes of this section, section 86.2, and any similar provision of another Act, to have subtracted from it the territory of any municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the application of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other municipalities on the council of the Community may take part in the discussions and vote relating to the agreement to which the Community is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other municipalities shall contribute towards the payment of the expenses of the Community arising from the agreement to which the Community is a party.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

“36.2. The Community or any other municipality that is a party to an agreement under section 86.1 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

38. The said Act is amended by inserting, after section 151, the following section:

“151.1. The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

39. The said Act is amended by inserting, after section 194.1, the following section:

“194.2. The Corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

40. Section 153.6 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following sections:

“153.6. The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, except a municipality mentioned in Schedule A, respecting the administration within the territory of the Community and that of any municipality that is a party to the agreement, of

the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

The Community may also enter into an agreement with the Minister of Agriculture, Fisheries and Food respecting food inspection programs in connection with the application of the by-laws of the Community.

“153.7. The Community or any municipality that is a party to an agreement under the first paragraph of section 153.6 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

41. The said Act is amended by inserting, after section 231.3, the following section:

“231.4. The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

42. The said Act is amended by inserting, after section 306.28, the following section:

“306.28.1. The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

43. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 96.1, the following sections :

“96.1.1. The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, with the Community and any municipality designated by the Government, respecting the administration within the territory of the Community and of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where the Community is a party to such an agreement, its territory is deemed, for the purposes of this section, section 96.1.2 and any similar provision of another Act, to have subtracted from it the territory of any municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the administration of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other municipalities on the Council of the Community may take part in the discussions and vote relating to the agreement to which the Community is a party ; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast ;

(2) only the other municipalities shall contribute towards the payment of the expenses of the Community arising from the agreement to which the Community is a party.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

“96.1.2. The Community or any municipality that is a party to an agreement under section 96.1.1 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code.”

44. The said Act is amended by inserting, after section 166, the following section:

“**166.1.** The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

45. The said Act is amended by inserting, after section 212, the following section:

“**212.1.** The Société may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Société may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

MUNICIPAL FRANCHISES ACT

46. The Municipal Franchises Act (R.S.Q., chapter C-49) is repealed.

ACT RESPECTING MUNICIPAL CONTRIBUTION TO THE CONSTRUCTION OF ROADS

47. The Act respecting municipal contribution to the construction of roads (R.S.Q., chapter C-66) is repealed.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

48. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting, after section 83, the following section:

“**83.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

49. Section 532 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing the word “all” in the first line of subparagraph 3 of the second paragraph by the words “a majority of”.

50. Section 535 of the said Act is amended

(1) by replacing the word “six” in the first line of the second paragraph by the word “five”;

(2) by replacing the words “thirty-day” in the first line of the third paragraph by the words “45-day”.

51. Section 540 of the said Act is amended by striking out the words “they shall not exceed five in number and” in the second and third lines of the first paragraph.

52. Section 568 of the said Act is amended by replacing the figure “90” in the second line of the first paragraph by the figure “120”.

53. The said Act is amended by inserting, after section 659.1 enacted by section 76 of chapter 23 of the statutes of 1995, the following sections :

“659.2. A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and the Chief Electoral Officer, test new methods of voting during a general election.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

“659.3. After an election during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and the Chief Electoral Officer.”

ACT RESPECTING MUNICIPAL TAXATION

54. Section 244.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by striking out the word “local” in the first line of the first paragraph ;

(2) by striking out the word “local” in the first line of the second paragraph, and by striking out the words “local municipality, a regional county” in the third line of the second paragraph.

55. Section 244.2 of the said Act is amended by adding, at the end, the following paragraph:

“The only mode of tariffing that may be provided for by a regional county municipality not acting as a local municipality under section 8 of the Act respecting municipal territorial organization (chapter O-9) is a fixed amount referred to in subparagraph 3 of the second paragraph or an amount exigible in the same manner as a subscription.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

56. The Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 3.1, the following section:

“**3.1.1.** Every municipality authorized by the Minister may, if the Corporation so provides in a program referred to in the second paragraph of section 3, prepare a program to complement that of the Corporation and adopt it by by-law.

The program prepared by the municipality shall be approved by the Corporation before it may have effect.”

57. Section 94.5 of the said Act is replaced by the following section:

“**94.5.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), a municipality may grant any form of financial assistance, including the granting of a tax credit, in the administration of a program under section 3 or 3.1.1.”

ACT RESPECTING MUNICIPAL AND PRIVATE ELECTRIC POWER SYSTEMS

58. Section 4 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) is repealed.

59. Section 12 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by inserting the words “and submit it to the qualified voters for approval” after the word “purpose” in the second line of subsection 2.

60. Section 13 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by replacing the words “, in accordance with the formalities prescribed by sections 3 and 4” in the second line of the

second paragraph of subsection 1 by the words “and submitted to the qualified voters for approval”.

61. Section 15 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by replacing the words “adopted according to the formalities prescribed by sections 3 and 4” in the third and fourth lines by the words “submitted to the qualified voters for approval”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

62. Section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 1105 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “an amount per inhabitant, not less than \$0.40, determined from time to time by the Minister” in the fourth and fifth lines of subsection 1 by the words “\$0.40 per inhabitant”;

(2) by replacing the words “the amount, not less than \$400, determined by the Minister” in the sixth and seventh lines of subsection 1 by the figure “\$400”;

(3) by replacing the words “an amount per inhabitant, not less than \$0.20, determined from time to time by the Minister” in the third and fourth lines of subsection 2 by the words “\$0.20 per inhabitant”;

(4) by replacing the words “the amount, not less than \$200, determined by the Minister” in the sixth and seventh lines of subsection 2 by the figure “\$200”;

(5) by inserting, after subsection 2, the following subsection:

“(2.1) Every member of the council shall receive, in addition to the remuneration provided for in subsection 1 or 2 or in a by-law passed under subsection 5, an indemnity equal to one-half of the amount of that remuneration, up to the maximum amount prescribed in section 22 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

The indemnity shall be paid to defray the part of the expenses incident to the discharge of the member’s duties and that are not reimbursed to the member pursuant to subsection 4.”;

(6) by replacing the words “unless it has been authorized by” in the second line of subsection 5 by the words “. However, remuneration in an amount greater than that provided for in subsections 1 and 2 may be provided for in”;

(7) by adding, at the end of subsection 5, the words “The by-law may be retroactive to 1 January of the year in which it comes into force.”

63. Section 230 of the said Act, amended by section 1077 of chapter 2 of the statutes of 1996, is again amended by replacing the words “the amount, not less than \$100, determined from time to time by the Minister” in the second and third lines of subsection 3 by the words “\$100, unless the Minister determines from time to time a greater amount”.

64. The said Act is amended by inserting, after section 261, the following section:

“**261.1.** Every member of the council shall receive, in addition to the remuneration provided for in section 259 and the remuneration provided for in section 261 or 281, if any, an indemnity equal to one-half of the amount of the remuneration or one-half of the combined amount of remuneration, as the case may be, up to the amount obtained by subtracting the amount in subparagraph 2 from the amount in subparagraph 1, if the result is positive:

(1) the maximum amount provided for in section 22 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001);

(2) the amount of the indemnity that the member of the council receives pursuant to section 40 of this Act.

If the subtraction under the first paragraph results in a difference of zero, the member shall receive no indemnity under this section.

The indemnity shall be paid to defray the part of the expenses incident to the discharge of the member’s duties and that are not reimbursed pursuant to subsection 1 of section 260 or the third paragraph of section 281.”

65. Section 395 of the said Act is amended by adding, at the end, the following paragraphs:

“The Regional Government may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Regional Government may invest the monies belonging to it through a mutual fund referred to in the second paragraph.”

66. Section 410 of the said Act is amended

(1) by striking out the words “subsections 1 and 2 of section 40,” in the second and third lines of the second paragraph;

(2) by striking out the words “section 220,” in the fourth line of the second paragraph;

(3) by striking out the words “the second paragraph of section 251,” in the fifth and sixth lines of the second paragraph;

(4) by adding, at the end, the following paragraph:

“Any order made under section 259, 261 or 281 may be retroactive to 1 January of the year during which it is published.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

67. The Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by inserting, after section 75, the following section:

“**75.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

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

68. The Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting, after section 97, the following section:

“**97.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph.”

CHARTER OF THE CITY OF TROIS-RIVIÈRES

69. Section 41g of the Charter of the city of Trois-Rivières (1915, chapter 90), enacted by section 13 of chapter 64 of the statutes of 1982, is repealed.

CHARTER OF THE CITY OF QUÉBEC

70. Section 336*i* of the Charter of the City of Québec (1929, chapter 95), enacted by section 18 of chapter 64 of the statutes of 1982, is repealed.

CHARTER OF THE CITY OF MONTRÉAL

71. Articles 10*a* to 10*e* of the Charter of the city of Montréal (1959-60, chapter 102), enacted by section 144 of chapter 27 of the statutes of 1985, are replaced by the following articles :

“10*a*. Notwithstanding sections 468 to 469.1 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may enter into an agreement with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), a public utility undertaking or a non-profit agency, for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services, or for the carrying out of joint works, whether simultaneous or related to works performed by such body or agency and, to that end, make a joint call for tenders in view of awarding the required contracts.

“10*b*. The city, a body, an undertaking or an agency taking part in a joint call for tenders may delegate, to another party, all or part of the powers necessary for making the call or for awarding the contracts. In that case, the acceptance of a tender by the party to which the powers have been delegated shall bind the city and each participating body, undertaking or agency towards the selected tenderer.

The total amount of the contract following a joint call for tenders shall be taken into consideration for the purposes of the rules governing the awarding of contracts by the party to which the powers have been delegated.

“10*c*. The city and any municipality that is a party to an agreement referred to in article 10*a* are released from the obligations and formalities provided for in sections 468 to 469.1 of the Cities and Towns Act.

“10*d*. Notwithstanding any other provision to the contrary, any party to a joint call for tenders is subject to article 107. The Minister of Municipal Affairs may exempt the city, a body, an undertaking or an agency from the application of all or some of the provisions.

“10*e*. The city may enter into an agreement with the Union des municipalités du Québec, the Union des municipalités régionales de comté et des municipalités locales du Québec inc. or the Federation of Canadian Municipalities, or with two or more such bodies, for the purchase of equipment or materials, for the carrying out of works or for the awarding of an insurance contract or a contract for the supply of services, by the body or bodies in the name of the city.

The rules governing the awarding of contracts set out in article 107 apply to contracts awarded under this article as if the body or bodies were a municipality.”

72. The said charter is amended by inserting, after article 107, the following article:

“**107.1.** The Minister of Municipal Affairs may, on the conditions he determines, authorize the city to award a contract without calling for tenders or authorize the city to award a contract after calling for tenders by written invitation rather than by publication in a newspaper.

The first paragraph does not apply when, in accordance with an intergovernmental agreement on the opening of public procurement that is applicable to the city, a public call for tenders must be made.”

73. Article 543*b* of the said charter, enacted by section 11 of chapter 41 of the statutes of 1980 and amended by section 26 of chapter 71 of the statutes of 1982, section 5 of chapter 59 of the statutes of 1983, by section 516 of chapter 48 of the statutes of 1993 and section 22 of chapter 82 of the statutes of 1993, is again amended by replacing paragraph 21 by the following paragraph:

“(21) The city may stand surety for the association as regards the repayment of a loan of the association. The second paragraph of article 9*c* applies in respect of such a surety.”

74. Article 572 of the said charter is amended by replacing the words “three competent engineers to prepare” in the first and second lines by the words “five members. It shall be responsible for preparing”.

75. Article 573 of the said charter, amended by section 58 of chapter 77 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraphs:

“**573.** The members of the commission shall be appointed as follows:

(1) one member shall be appointed by the Government to chair the commission;

(2) two members shall be appointed by the city;

(3) one member shall be appointed by Hydro-Québec;

(4) one member shall be appointed by all the users of underground conduits, except the city and Hydro-Québec, that have confirmed to the clerk, in writing, within 30 days of the sending of the notice referred to in the second paragraph, their intention of taking part in the ballot.

Not less than 45 days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a notice to all the users of underground conduits to which the said subparagraph applies, according to the list provided by the chairman of the commission,

stating that a member is to be appointed and informing the users of their entitlement to propose and vote for candidates. Every user intending to propose a candidate must inform the clerk of the name and function of the candidate when sending the confirmation referred to in subparagraph 4 of the first paragraph.

Not less than 10 days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a ballot paper to all the users having confirmed their intention of voting. The ballot paper must set out the name and function of each candidate together with the name of the user having proposed the candidate. Each user is entitled to one vote.

On the date on which the appointment is to be made, the clerk shall count the votes cast in the presence of a witness. The person having received the greatest number of votes shall be declared elected. In the case of tie-vote, the clerk shall designate the member following a drawing of lots. Should the users fail to appoint a member on the prescribed date, the member shall be designated by the other members of the commission.”

76. The said charter is amended by inserting, after article 763, the following article:

“**763.1.** Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the city of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

That part of the loan must be specified in the by-law.”

77. Article 908 of the said charter, amended by section 474 of chapter 72 of the statutes of 1979, is again amended by adding, at the end, the following paragraph:

“An application to the court for the recovery of a real estate tax filed before the expiry of the period prescribed in the first paragraph and served, not later than 60 days after the expiry of the prescription period, on a person mentioned in article 792, shall interrupt prescription with respect to any person mentioned in that article.”

78. Article 1106 of the said charter, replaced by section 34 of chapter 18 of the statutes of 1978 and amended by section 8 of chapter 53 of the statutes of 1994, is again amended by replacing the second paragraph by the following paragraph:

“The chief judge, the associate chief judge and the coordinating judge are also entitled to the additional salary attached to the office of chief judge, associate chief judge and coordinating judge of the Court of Québec.”

CHARTER OF THE CITY OF SHERBROOKE

79. Section 8g of the Charter of the city of Sherbrooke (1974, chapter 101), enacted by section 28 of chapter 64 of the statutes of 1982, is repealed.

ACT TO GRANT TO THE COUNTY CORPORATION OF CHARLEVOIX-EAST AND TO THE COUNTY CORPORATION OF CHARLEVOIX-WEST CERTAIN POWERS TO CONSTRUCT AND OPERATE AN AIRPORT

80. The Act to grant to the county corporation of Charlevoix-East and to the county corporation of Charlevoix-West certain powers to construct and operate an airport (1954-55, chapter 102) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

81. Sections 1 to 7 have effect from 1 November 1996.

82. Any program adopted under a provision replaced by sections 17 and 33 of this Act that is in force on 22 December 1996 shall continue to apply until the earliest of its scheduled expiry date, the date fixed by the council or 23 December 1999.

Sections 542.2 and 542.3 of the Cities and Towns Act and articles 1009 and 1010 of the Municipal Code of Québec, as they read on 22 December 1996, shall continue to have effect for the purposes of the administration of a program referred to in the first paragraph.

Section 542.4 of the Cities and Towns Act, enacted by section 18 of this Act or article 1011 of the Municipal Code of Québec, enacted by section 34 of this Act, as the case may be, applies for the purposes of the program referred to in the first paragraph that concerns the “centre” or “central sector”, as if the program had been adopted under that section 542.4 or that article 1011.

Every person who, on the date on which a program referred to in the first paragraph ceases to apply, is entitled to receive a subsidy under the program or a tax credit that is payable after that date shall remain entitled thereto notwithstanding the fact that the program has ceased to have effect.

83. Municipalité régionale de comté de Charlevoix-Est has held, since 10 February 1955, the powers conferred by article 625 of the Municipal Code of Québec, made applicable to regional county municipalities by article 678 of the said Code, amended by section 31 of this Act.

84. Section 56 has effect from 17 April 1996.

85. Section 57 has effect from 20 June 1995.

86. Section 62 has effect from 1 January 1996.

From that date, a part of the remuneration provided for by a by-law, in force on 22 December 1996 and passed under subsection 5 of section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), is deemed to be the indemnity provided for in subsection 2.1 of the said section, enacted by section 62 of this Act, and the remainder is deemed to be the remuneration to which that indemnity is added pursuant to the said subsection.

The said part shall be equal to the lesser of the following amounts:

(1) the amount corresponding to one-third of the remuneration provided for by the by-law;

(2) the maximum amount provided for in section 22 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

87. Section 64 has effect from 1 January 1996.

From that date, the annual remuneration fixed by the Minister of Municipal Affairs under sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), to which is added, where applicable, the indemnity provided for by section 261.1 of the said Act, enacted by section 64 of this Act, is deemed to be as follows for the various positions on the council and the executive committee of the Kativik Regional Government:

(1) the basic remuneration for each position of council member: \$5,324;

(2) the additional remuneration for the position of speaker of the council: \$444;

(3) the additional remuneration for the position of deputy-speaker of the council: \$222;

(4) the additional remuneration for the position of chairman of the executive committee: the amount equal to the difference obtained by subtracting, from \$79,676, the positive amount, if any, calculated in respect of the person holding the position pursuant to the first paragraph of section 261.1 of the Act respecting Northern villages and the Kativik Regional Government, enacted by section 64 of this Act;

(5) the additional remuneration for the position of vice-chairman of the executive committee: \$14,783;

(6) the additional remuneration for a position as a member of the executive committee, other than the chairman or vice-chairman: \$12,563.

The second paragraph shall cease to have effect on the date on which the first order made after 22 December 1996 pursuant to sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government takes effect.

If the sum obtained by adding the amount of the remuneration provided for in the second paragraph or provided for in an order made after 22 December 1996 pursuant to sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government and the amount of the indemnity that is to be added to it, if any, is less than the amount of remuneration provided for in the order dated 9 September 1992 made pursuant to the said sections and published in the *Gazette officielle du Québec* on 23 September 1992, the difference shall be paid, as supplementary remuneration, to the person holding the position. The said difference shall not, however, be included in the amount of remuneration for the purpose of calculating the amount of the indemnity under section 261.1 of the Act respecting Northern villages and the Kativik Regional Government, enacted by section 64 of this Act.

Where a person holds more than one position referred to in the second paragraph, the fourth paragraph applies with regard to the total of all amounts of remuneration provided for the positions held, rather than with regard to each of those amounts.

88. The additional annual remuneration fixed by the Minister of Municipal Affairs pursuant to section 281 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) for the position of chairman of the executive committee of the Kativik Regional Government is deemed to have been \$67,957.83 in 1994 and \$76,804 in 1995 and is deemed to have been paid and received.

89. An agreement that is in force on 23 December 1996 and that was entered into under section 41g of the Charter of the city of Trois-Rivières (1915, chapter 90), section 336*i* of the Charter of the City of Québec (1929, chapter 95) or section 8g of the Charter of the city of Sherbrooke (1974, chapter 101) shall continue to apply as if it had been entered into under section 29.2 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 10 of this Act, until its date of expiry or until it terminates before that date with the consent of the parties or on some other ground provided for in law.

90. Section 78 has effect from 6 November 1996.

91. This Act comes into force on 23 December 1996.