



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 110

(2000, chapter 19)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 11 May 2000

Passage in principle 23 May 2000

Passage 16 June 2000

Assented to 16 June 2000

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EXPLANATORY NOTES

The purpose of this bill is to grant new powers to municipalities and supramunicipal bodies and to amend various rules relating to municipal administration.

The bill introduces legislative provisions that will allow regional county municipalities, intermunicipal boards, urban communities and the transit authorities within the urban communities to adopt by-laws to create financial reserves to provide for certain expenditures specified in the by-law.

The bill empowers intermunicipal boards to finance certain property, services or activities by means of a tariff involving either a fixed amount or a subscription to be paid by users or beneficiaries.

The bill amends the Act respecting elections and referendums in municipalities to clarify distinctions between sole owners and undivided co-owners of immovables and between sole occupants and co-occupants of establishments as regards entitlement to be entered on the list of electors or the referendum list and to clarify the rules for entry on those lists.

The bill amends various other rules in the Cities and Towns Act and the Municipal Code of Québec regarding identification requirements for municipal officers during inspections and certain contractual restrictions that apply to municipal employees and elected municipal office holders.

The bill amends the Act respecting municipal taxation to provide that, from the municipal fiscal year 2001, industrial anti-pollution equipment will no longer be entered on the assessment roll. It also provides for amendments, to be applicable from 1 January 2001, to the rules governing the redistribution to municipalities of the sums collected as property taxes from gas distribution, telecommunications and electric power systems.

The bill amends the Act respecting fabriques to exempt transfers of the property of fabriques dissolved following a change in the status of a parish from the duties on transfers of immovables. It also amends the Act respecting the Régie du logement to allow notaries in the employ of the board to act alone as special clerks or commissioners and to preside at hearings.

The bill amends the Charter of the city of Québec to enable the city in its zoning by-law to regulate, by zone, structures and derogatory uses protected by vested rights. The Charter of the city of Montréal is amended to reduce the percentage to be provided for in the city's budget for contingency expenditure. Lastly, the bill contains various transitional provisions to ensure that certain administrative acts performed by municipalities are legal and cannot be contested.

LEGISLATION AMENDED BY THIS BILL :

- 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 elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting fabriques (R.S.Q., chapter F-1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Charter of the city of Québec (1929, chapter 95);
- Charter of the city of Montréal (1959-60, chapter 102).

Bill 110

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CITIES AND TOWNS ACT

1. Section 3 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 51 of chapter 40 of the statutes of 1999 and section 13 of chapter 43 of the statutes of 1999, is again amended

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

“3. The Government, by order, upon the petition of the council of a municipality governed by this Act or of Ville de Montréal or Ville de Québec, may repeal any provision of the charter of the petitioning municipality or any provision of another Act which applies exclusively to that municipality.”;

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

“The Québec Official Publisher shall insert in each annual volume of the statutes of Québec a table giving the date of the coming into force of the order made before the volume was printed and the legislative provisions the order repeals.”

2. Section 116 of the said Act, amended by section 51 of chapter 40 of the statutes of 1999 and section 13 of chapter 43 of the statutes of 1999, is again amended

(1) by replacing subparagraph 4 of the first paragraph by the following subparagraph :

“(4) Any person who has, directly or indirectly, personally or through an associate, any contract with the municipality;”;

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

“Subparagraph 4 of the first paragraph does not apply to a contract whose object is the appointment of a person to the position of officer or employee, the supply of services generally offered by the municipality or the sale or leasing, on non-preferential terms, of an immovable.”

3. Section 411 of the said Act is amended

(1) by inserting “, at any reasonable time,” after “examine” in the second line of paragraph 1;

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

“The officers or employees who carry out an inspection shall, on request, produce identification and a certificate issued by the municipality attesting their authority.”

4. The said Act is amended by inserting the following sections after section 468.45:

“468.45.1. The management board may, by by-law, establish a financial reserve for any purpose within its jurisdiction to finance expenditures other than capital expenditures.

The by-law must set out

(1) the purpose for which the reserve is established;

(2) the projected amount of the reserve;

(3) the mode of financing of the reserve;

(4) in the case of a reserve of specified duration, the duration of existence of the reserve;

(5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

“468.45.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The sums allocated to the reserve may derive only from surpluses in a fiscal year that are used for that purpose pursuant to subparagraph 3 of the second paragraph of section 468.45, or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1), derived from a mode of tariffing established by the management board under section 468.47.1.

“468.45.3. Sections 468.37 to 468.39 apply, adapted as required, to a by-law provided for in section 468.45.1.

“468.45.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the board of directors before that time, a statement of the income and expenditures of the reserve.

The board of directors shall allocate the amount, if any, by which the reserve’s income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid to the municipalities in the territory under the jurisdiction of the management board, in the proportion determined under section 468.5.

“468.45.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

“468.45.6. The sums allocated to a financial reserve established under section 468.45.1 must be invested in accordance with section 99.”

5. The said Act is amended by inserting the following section after section 468.47:

“468.47.1. Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (chapter F-2.1), the management board may, by by-law, provide that all or part of its property, services or activities shall be financed by means of a tariff involving a fixed amount, exigible on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription for the use of a property or service or in respect of a benefit derived from an activity.

Sections 244.3 to 244.6 and the first paragraph of section 244.8 of the Act respecting municipal taxation apply, adapted as required, to the tariff referred to in the first paragraph.”

MUNICIPAL CODE OF QUÉBEC

6. Article 269 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 13 of chapter 43 of the statutes of 1999, is again amended

(1) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) any person who has, directly or indirectly, personally or through an associate, any contract with the municipality;”;

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

“Subparagraph 4 of the first paragraph does not apply to a contract whose object is the appointment of a person to the position of officer or employee, the supply of services generally offered by the municipality or the sale or leasing, on non-preferential terms, of an immovable.”

7. The said Code is amended by inserting the following articles after article 614 :

“614.1. The management board may, by by-law, establish a financial reserve for any purpose within its jurisdiction to finance expenditures other than capital expenditures.

The by-law must set out

(1) the purpose for which the reserve is established ;

(2) the projected amount of the reserve ;

(3) the mode of financing of the reserve ;

(4) in the case of a reserve of specified duration, the duration of existence of the reserve ;

(5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

“614.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The sums allocated to the reserve may derive only from surpluses in a fiscal year that are used for that purpose pursuant to subparagraph 3 of the second paragraph of article 614, or from the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1), derived from a mode of tariffing established by the management board under article 617.1.

“614.3. Articles 606 to 608 apply, adapted as required, to a by-law provided for in article 614.1.

“614.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the board of directors before that time, a statement of the income and expenditures of the reserve.

The board of directors shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid to the municipalities in the territory under the jurisdiction of the management board, in the proportion determined under article 574.

“614.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

“614.6. The sums allocated to a financial reserve established under article 614.1 must be invested in accordance with section 99 of the Cities and Towns Act (chapter C-19).”

8. The said Code is amended by inserting the following article after article 617:

“617.1. Subject to the regulation of the Government made under paragraph 8.2 of section 262 of the Act respecting municipal taxation (chapter F-2.1), the management board may, by by-law, provide that all or part of its property, services or activities shall be financed by means of a tariff involving a fixed amount, exigible on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription for the use of a property or service or in respect of a benefit derived from an activity.

Sections 244.3 to 244.6 and the first paragraph of section 244.8 of the Act respecting municipal taxation apply, adapted as required, to the tariff referred to in the first paragraph.”

9. Article 691 of the said Code, amended by section 60 of chapter 40 of the statutes of 1999, is again amended by replacing “15” in the first line of the third paragraph by “30”.

10. Article 1094.1 of the said Code is amended

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

(2) by adding the following sentence at the end of the first paragraph: “However, no regional county municipality may establish such a reserve for the benefit of a specific sector.”

11. Article 1094.2 of the said Code is amended by replacing “, or” in the third line of the second paragraph by “or, in the case of a reserve established by a local municipality,”.

12. Article 1094.3 of the said Code is amended

(1) by inserting “, in the case of a local municipality,” after “approval” in the second line of the first paragraph;

(2) by inserting “or, in the case of a regional county municipality, to the Minister of Municipal Affairs and Greater Montréal” after “established” in the third line of the first paragraph;

(3) by inserting “of a local municipality” after “by-law” in the first line of the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

13. The Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1) is amended by inserting the following sections after section 153.12:

“153.13. The Community may, by by-law, establish a financial reserve for any purpose within its jurisdiction to finance expenditures other than capital expenditures.

The by-law must set out

(1) the purpose for which the reserve is established;

(2) the projected amount of the reserve;

(3) the mode of financing of the reserve;

(4) in the case of a reserve of specified duration, the duration of existence of the reserve;

(5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

“153.14. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The reserve may be made up only of sums from the portion of the general fund of the Community allocated for that purpose by the Council or of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1), derived from a mode of tariffing established by the Community under section 143.3.

“153.15. The by-law establishing a financial reserve must be approved by the Minister.

“153.16. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the Council before that time, a statement of the income and expenditures of the reserve.

The Council shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

“153.17. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

“153.18. The sums allocated to a financial reserve established under section 153.13 must be invested in accordance with section 151.1.”

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

“191.1. Sections 153.13 to 153.18 apply, adapted as required, to the transit authority. Notwithstanding the second paragraph of section 153.14, the financial reserve of the transit authority may be made up only of sums from the portion of the general fund of the transit authority allocated for that purpose by the board of directors.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

15. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting the following sections after section 225 :

“225.1. The Community may, by by-law, establish a financial reserve for any purpose within its jurisdiction to finance expenditures other than capital expenditures.

The by-law must set out

- (1) the purpose for which the reserve is established ;
- (2) the projected amount of the reserve ;
- (3) the mode of financing of the reserve ;
- (4) in the case of a reserve of specified duration, the duration of existence of the reserve ;
- (5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

“225.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The reserve may be made up only of sums from the portion of the general fund of the Community allocated for that purpose by the Council or of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1), derived from a mode of tariffing established by the Community under section 222.1.

“225.3. The by-law establishing a financial reserve must be approved by the Minister.

“225.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the Council before that time, a statement of the income and expenditures of the reserve.

The Council shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

“225.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

“225.6. The sums allocated to a financial reserve established under section 225.1 must be invested in accordance with section 231.4.”

16. The said Act is amended by inserting the following section after section 305:

“305.1. Sections 225.1 to 225.6 apply, adapted as required, to the Société. Notwithstanding the second paragraph of section 225.2, the financial reserve of the Société may be made up only of sums from the portion of the general fund of the Société allocated for that purpose by the board of directors.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

17. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting the following sections after section 85:

“85.1. The Community may, by by-law, establish a financial reserve for any purpose within its jurisdiction to finance expenditures other than capital expenditures.

The by-law must set out

- (1) the purpose for which the reserve is established;
- (2) the projected amount of the reserve;
- (3) the mode of financing of the reserve;
- (4) in the case of a reserve of specified duration, the duration of existence of the reserve;
- (5) the allocation of the amount, if any, by which income exceeds expenditures at the end of the existence of the reserve.

The duration of existence of a reserve must be determined, unless such determination is inconsistent with the purpose for which the reserve is established.

“85.2. A financial reserve shall be made up of the sums allocated to it each year and interest earned on the sums.

The reserve may be made up only of sums from the portion of the general fund of the Community allocated for that purpose by the Council or of the excess amount referred to in section 244.4 of the Act respecting municipal taxation (chapter F-2.1), derived from a mode of tariffing established by the Community under section 157.3.

“85.3. The by-law establishing a financial reserve must be approved by the Minister.

“85.4. All expenditures necessary for the carrying out of the purpose for which the reserve was established must have been made on or before the date on which the reserve ceases to exist.

The treasurer must file, not later than at the last meeting of the Council before that time, a statement of the income and expenditures of the reserve.

The Council shall allocate the amount, if any, by which the reserve's income exceeds its expenditures in accordance with the provisions of the by-law under which the reserve was established. If there is no such provision, any amount in excess shall be paid into the general fund.

“85.5. A by-law establishing a financial reserve may not provide for a projected amount that, if added to the projected amounts of reserves already established by by-law and still in existence, results in an amount exceeding 15% of the other appropriations provided for in the budget of the fiscal year during which the by-law establishing the reserve is adopted.

“85.6. The sums allocated to a financial reserve established under section 85.1 must be invested in accordance with section 166.1.”

18. The said Act is amended by inserting the following section after section 210:

“210.1. Sections 85.1 to 85.6 apply, adapted as required, to the Société. Notwithstanding the second paragraph of section 85.2, the financial reserve of the Société may be made up only of sums from the portion of the general fund of the Société allocated for that purpose by the board of directors.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

19. Section 54 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 3 of chapter 25 of the statutes of 1999 and section 114 of chapter 40 of the statutes of 1999, is again amended by replacing the second paragraph by the following paragraph:

“However, in the case of undivided co-owners of an immovable and of co-occupants of a business establishment, only the co-owner or the co-occupant designated for that purpose pursuant to section 55 is entitled to have his name entered on the list of electors as the owner of the immovable or as the occupant of the business establishment.”

20. Section 55.1 of the said Act, enacted by section 5 of chapter 25 of the statutes of 1999, is amended

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

“55.1. In order for a person designated pursuant to section 55 to be able to exercise the right to be entered on the list of electors or any other right related thereto, the municipality must have received the power of attorney.

In order for a person entitled to be entered on the list of electors as the sole owner of an immovable or as sole occupant of a business establishment to be able to exercise that right, the municipality must have received a writing signed by the person and applying for such an entry.

The application for entry or the power of attorney takes effect upon receipt by the municipality and remains valid until it is withdrawn or replaced.

An application for entry made or a power of attorney given for the purposes of the list of electors to be used in a poll must be transmitted to the returning officer not later than 35 days before polling day.”;

(2) by replacing “first” in the second line of the second paragraph by “fourth”.

21. Section 305 of the said Act is amended by inserting the following subparagraph after subparagraph 5 of the first paragraph :

“(5.1) where the object of the contract is the sale or leasing, on non-preferential terms, of an immovable;”.

22. Section 518 of the said Act, replaced by section 65 of chapter 25 of the statutes of 1999 and amended by section 114 of chapter 40 of the statutes of 1999, is again amended by inserting “is a natural person who” after “person” in the first line of subparagraph 1 of the first paragraph.

23. Section 525 of the said Act, amended by section 67 of chapter 25 of the statutes of 1999 and section 114 of chapter 40 of the statutes of 1999, is again amended by replacing the second paragraph by the following paragraph :

“However, in the case of undivided co-owners of an immovable and of co-occupants of a business establishment, only the co-owner or the co-occupant designated for that purpose pursuant to section 526 is entitled to have his name entered on the referendum list as the owner of the immovable or as the occupant of the business establishment.”

24. Section 526.1 of the said Act, enacted by section 69 of chapter 25 of the statutes of 1999, is amended

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

“526.1. In order for a person designated pursuant to section 526 to be able to exercise the right to be entered on the referendum list or any other right related thereto, the municipality must have received the power of attorney.

In order for a person entitled to be entered on the referendum list as the sole owner of an immovable or as the sole occupant of a business establishment to be entitled to exercise that right, the municipality must have received a signed writing in the case of a natural person or a resolution in the case of a legal person, applying for such an entry.

The application for entry or the power of attorney takes effect upon receipt by the municipality and remains valid until it is withdrawn or replaced.

An application for entry made or a power of attorney given for the purposes of the referendum list to be used in a poll must be transmitted to the clerk or the secretary-treasurer not later than 30 days before the day fixed for the referendum poll.”;

(2) by replacing “first” in the second line of the second paragraph by “fourth”.

25. Section 527 of the said Act, replaced by section 70 of chapter 25 of the statutes of 1999, is amended by replacing “or a signed writing” in the third and fourth lines of the second paragraph by “, a signed writing or a resolution”.

26. Section 528 of the said Act, amended by section 71 of chapter 25 of the statutes of 1999 and section 114 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out the third paragraph;

(2) by inserting the following paragraphs after the fourth paragraph:

“The resolution takes effect upon receipt by the municipality and remains valid until it is replaced.

A resolution adopted for the purposes of the referendum list to be used in a poll must be transmitted to the clerk or the secretary-treasurer not later than 30 days before the day fixed for the referendum poll.”;

(3) by replacing “third” in the first line of the fifth paragraph by “fifth”.

ACT RESPECTING FABRIQUES

27. The Act respecting fabriques (R.S.Q., chapter F-1) is amended by inserting the following section after section 16:

“16.1. The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to a transfer of the property of a *fabrique* following the dissolution of the *fabrique* pursuant to section 16.”

ACT RESPECTING MUNICIPAL TAXATION

28. Section 65 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) machines, apparatus and their accessories, other than those of an oil refinery, which are used or intended for the purpose of the abatement or control of pollution, within the meaning of the Environment Quality Act (chapter Q-2), that may result from industrial production or for the purpose of monitoring such pollution;”;

(2) by inserting “or 1.1” after “subparagraph 1” in the first line of the second paragraph;

(3) by inserting “or 1.1” after “subparagraph 1” in the third line of the third paragraph;

(4) by inserting “or 1.1” after “subparagraph 1” in the first line of the fourth paragraph.

29. Section 230 of the said Act is repealed.

30. Section 253.37 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, is again amended by replacing “10” in the second line of the third paragraph by “5”.

31. Section 262 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out paragraph 4;

(2) by striking out “230,” in the second line of paragraph 8.4;

(3) by adding the following paragraph after paragraph 10:

“(11) determine the scope of any provision of Division IV of Chapter V by listing the immovables which, in accordance with the provision, must or must not be entered on the property assessment roll.”

32. Section 262.1 of the said Act, amended by section 30 of chapter 90 of the statutes of 1999, is repealed.

ACT RESPECTING THE RÉGIE DU LOGEMENT

33. Section 29 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), amended by section 247 of chapter 40 of the statutes of 1999,

is again amended by replacing “or advocates” in the third line of the second paragraph by “, advocates or notaries”.

34. Section 30 of the said Act is amended by replacing “or advocates” in the second line by “, advocates or notaries”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

35. Section 358.4 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by adding the following sentence at the end of the first paragraph: “The Minister may, on the Minister’s own initiative, exercise that power for a contract or any class of contracts.”

CHARTER OF THE CITY OF QUÉBEC

36. Section 336 of the Charter of the city of Québec (1929, chapter 95), amended by section 8 of chapter 122 of the statutes of 1930-31, section 5 of chapter 104 of the statutes of 1931-32, section 19 of chapter 111 of the statutes of 1935, section 67 of chapter 102 of the statutes of 1937, section 12 of chapter 104 of the statutes of 1938, section 22 of chapter 102 of the statutes of 1939, section 27 of chapter 74 of the statutes of 1940, section 12 of chapter 50 of the statutes of 1943, section 8 of chapter 47 of the statutes of 1944, section 20 of chapter 71 of the statutes of 1945, section 17 of chapter 51 of the statutes of 1948, section 3 of chapter 22 of the statutes of 1950, section 8 of chapter 63 of the statutes of 1951-52, section 4 of chapter 36 of the statutes of 1952-53, section 3 of chapter 52 of the statutes of 1952-53, section 1 of chapter 67 of the statutes of 1955-56, section 9 of chapter 50 of the statutes of 1957-58, section 6 of chapter 96 of the statutes of 1960-61, section 7 of chapter 66 of the statutes of 1963 (1st session), section 5 of chapter 69 of the statutes of 1964, section 2 of chapter 85 of the statutes of 1966-67, section 38 of chapter 86 of the statutes of 1969, sections 29 to 31 of chapter 68 of the statutes of 1970, section 146 of chapter 55 of the statutes of 1972, section 29 of chapter 75 of the statutes of 1972, section 8 of chapter 80 of the statutes of 1973, section 12 of chapter 97 of the statutes of 1974, section 15 of chapter 54 of the statutes of 1976, section 457 of chapter 72 of the statutes of 1979, sections 23, 45 and 51 of chapter 42 of the statutes of 1980, section 272 of chapter 63 of the statutes of 1982, section 17 of chapter 64 of the statutes of 1982, sections 22, 59 and 60 of chapter 61 of the statutes of 1984, section 140 of chapter 27 of the statutes of 1985, section 22 of chapter 116 of the statutes of 1986, section 17 of chapter 88 of the statutes of 1988, section 1 of chapter 81 of the statutes of 1989, sections 1155 to 1168 of chapter 4 of the statutes of 1990, section 9 of chapter 91 of the statutes of 1990, section 15 of chapter 84 of the statutes of 1991, section 702 of chapter 61 of the statutes of 1992, section 34 of chapter 65 of the statutes of 1992, section 108 of chapter 30 of the statutes of 1994, section 22 of chapter 55 of the statutes of 1994, section 20 of chapter 85 of the statutes of 1996, section 65 of chapter 51 of the statutes of 1997 and section 19 of chapter 93 of the statutes of 1999, is again amended

(1) by inserting “, by zone or for the whole territory,” after “regulating” in the first line of subparagraph 15 of paragraph 42a;

(2) by inserting the following subparagraph after subparagraph 15 of paragraph 42a:

“(15.1) establishing, for the purposes of subparagraph 15, classes of structures and derogatory uses protected by vested rights and prescribing rules that vary according to each class;”.

CHARTER OF THE CITY OF MONTRÉAL

37. Article 664 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 74 of chapter 77 of the statutes of 1977 and section 24 of chapter 87 of the statutes of 1988, is again amended by replacing “1 1/2%” in the first line of the second paragraph by “1%”.

TRANSITIONAL AND FINAL PROVISIONS

38. Sections 28 and 30 have effect for the purposes of every municipal fiscal year from the municipal fiscal year 2001.

39. Section 29, paragraphs 1 and 2 of section 31 and section 32 take effect on 1 January 2001.

Until that date, section 230 of the Act respecting municipal taxation and the regulation made under paragraph 4 of section 262 of that Act shall apply, in respect of the revenues derived from the tax provided for in section 221 of that Act, only to the revenues collected before 1 July 2000.

In addition, the regulation shall apply with the following modifications:

(1) in addition to the operations under section 5 of the regulation and section 51 of chapter 90 of the statutes of 1999 for the purpose of establishing the net amount to be apportioned for the 2000 municipal fiscal period, the Minister of Municipal Affairs and Greater Montréal shall

(a) take out a sum of \$53,676 which the Minister shall pay to Village de Melocheville;

(b) add a sum of \$1,000,000;

(2) for a local municipality to be entitled to receive an aliquot share of the net amount to be apportioned for a fiscal period, the budget or the financial report necessary for the determination of the aliquot share must have been received by the Minister, in accordance with the regulation, before 1 November 2000;

(3) if a local municipality is entitled to receive an aliquot share by reason of the receipt of the budget but not of the financial report, its standardized and

weighted aggregate taxation rate used for the purpose of determining its aliquot share is the rate that results from the application of the third paragraph of section 11 of the regulation, without the 15% increase provided for therein and with, where applicable, the adaptation provided for in subparagraph 3 of the first paragraph of section 16 of the regulation;

(4) subparagraph 3 of this paragraph does not modify the sum of the standardized and weighted aggregate taxation rates of all the municipalities that was established for a fiscal period preceding the 2000 fiscal period; for the purpose of establishing such a sum for the 2000 fiscal period, the first and third paragraphs of section 11 of the regulation apply, as if the reference date mentioned therein were 1 November 2000, without the 15% increase provided for in that third paragraph and with, where applicable, the adaptation provided for in subparagraph 3 of the first paragraph of section 16 of the regulation;

(5) every aliquot share that a municipality is entitled to receive under subparagraph 2 of this paragraph shall be paid to the municipality, notwithstanding section 14 and subparagraphs 4 to 6 of the first paragraph of section 16 of the regulation, not later than 31 December 2000; in the case of an aliquot share payable for a fiscal period preceding the 2000 fiscal period, the aliquot share amount shall be taken into account as soon as it is determined without waiting for payment thereof, notwithstanding the second paragraph of section 15 of the regulation, for the purpose of determining whether there is a balance remaining of the net amount to be apportioned for that preceding fiscal period, and of establishing as a consequence the net amount to be apportioned for the 2000 fiscal period;

(6) for the purposes of subparagraphs 2 to 4 of this paragraph, paragraph 3 of section 17 of the regulation applies in respect of the budget or the financial report necessary for the determination of the aliquot share of a municipality referred to in that section.

40. A program implemented by the Government or any of its ministers or bodies to compensate municipalities for all or part of a reduction in their property tax base as a consequence of the application of section 28 shall, for the purpose of establishing the reduction, disregard an immovable or part of an immovable referred to in that section entered on the assessment roll on a date which is subsequent to 14 March 2000.

41. The payment of the sum of \$146,128.20 on 10 April 1996 by the Minister of Agriculture, Fisheries and Food to Bleuetière Coopérative de St-Augustin Dalmas as a reimbursement of property taxes, is deemed validly made pursuant to the provisions of Division VII.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14).

42. The amounts paid by Bleuetière Coopérative de St-Augustin Dalmas to Municipalité de Péribonka and Paroisse de Saint-Augustin for renovation work on waterways, ditches and drains carried out on land used by the

cooperative are, for the purposes of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) in respect of the fiscal year 1996, deemed to be a payment of valid property taxes giving entitlement to a maximum reimbursement of \$103,341.81.

43. The agreement between Quartier international de Montréal and Ville de Montréal entered into on 30 March 2000 and the agreement between the Ministère des Affaires municipales et de la Métropole, Quartier international de Montréal and Ville de Montréal entered into on 14 April 2000 in connection with the work to redevelop Quartier international de la Ville de Montréal described in those agreements are valid and any party is authorized to make the decisions and perform the acts required to meet the rights and obligations of the party under those agreements.

44. Loan by-laws 02-98, 03-98 and 04-98 of Municipalité de Petite-Vallée may not be invalidated on the ground that they were not approved in accordance with the formalities provided by law.

The secretary-treasurer of the municipality shall enter a reference to this Act in the book of the by-laws of the municipality at the end of each of those by-laws.

The compensation imposed and levied by Municipalité de Petite-Vallée for the fiscal years 1999 and 2000 to ensure the maintenance and administration of the waterworks system and the payment of interest and repayment of the principal on the loans contracted under by-laws 02-98 and 03-98 is declared valid.

The municipality shall, during the fiscal year 2000, amend loan by-laws 02-98 and 03-98 in accordance with the Act governing the municipality for the purpose of establishing a compensation for the annual repayment of the loans contracted under those by-laws.

The loans contracted by the municipality under by-laws 02-98, 03-98 and 04-98 may not be invalidated on the ground that the by-laws were not approved in accordance with the formalities provided by law.

45. The Minister of Municipal Affairs and Greater Montréal may, notwithstanding subsection 2 of section 569 of the Cities and Towns Act (R.S.Q., chapter C-19), authorize Ville de Roberval to borrow from its working-fund the moneys required to pay the expenditures incurred for the carrying out of work referred to in Resolutions 2000-167 and 2000-168 adopted on 3 April 2000.

The Minister may also grant such an authorization to the city for the financing of any work to complete the work referred to in the first paragraph.

46. This Act comes into force on 16 June 2000.