

190. Until the coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec, the city shall be a member of the Agence des forêts privées de Québec 03, created under the Forest Act (R.S.Q., c. F-4.1).

From the date of coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec, the Communauté métropolitaine de Québec shall be a member of the Agence des forêts privées de Québec 03.

A regional county municipality whose territory is included in the Communauté métropolitaine de Québec and the cities of Québec and Lévis shall cease to be members of the said Agence des forêts privées de Québec 03 from the date of coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec.

191. The auditors appointed by the Communauté urbaine de Québec and by the municipalities referred to in section 5 of the Charter must complete their mandate for the 2001 fiscal year and report on their audit to the city council.

192. The provisions of the Charter of the city of Québec (1929, c. 95), the Charter of the city of Sainte-Foy (1976, c. 56) and any specific legislative provision governing the Communauté urbaine de Québec or a municipality referred to in section 5 of the Charter authorizing the payment of a pension, retirement indemnity or other benefit shall not be repealed by section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) or by section 177 of the Charter for the sole purpose of preserving any rights held at 31 December 2001.

193. Any reference in an Act or by-law to a provision repealed by section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) or by section 177 of the Charter is deemed a reference to the corresponding provision of the Charter, an order under section 9 of this Charter or the Cities and Towns Act (R.S.Q., c. C-19).

194. In the event of inconsistency between a provision of this Schedule and a provision of the Charter, the former shall prevail.

195. No provision of this Schedule or other provision remaining in force under this Schedule shall restrict the scope of any provision of an Act applicable to the city or

any municipality in general or to one of their bodies, for the sole reason that is it similar to such provision but written in more specific terms.”.

26. This Order in Council shall come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

4663

Gouvernement du Québec

### **O.C. 1310-2001, 1 November 2001**

**An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56)**

#### **Charter of Ville de Longueuil**

WHEREAS the Charter of Ville de Longueuil (2000, c. 56, Schedule III) was enacted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 136 of that Charter;

WHEREAS under section 9 of that Charter, the Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter, determine the provisions that are to apply to all or any part of the territory of Ville de Longueuil;

WHEREAS that order made under section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act; and

(3) derogating from any provision of the Charter of Ville de Longueuil, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act

for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those Acts;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Charter of Ville de Longueuil (2000, c. 56, Schedule III), amended by chapter 25 and chapter 26 of the Statutes of 2001, be further amended as follows:

1. Section 8 of the Charter, amended by section 361 of chapter 25 of the Statutes of 2001, is further amended:

(1) by substituting the following for the first paragraph:

“8. Subject to section 8.6, the expenditures related to any debt of a municipality mentioned in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine if the financing or surplus should burden or be credited to just a part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures related to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures related to a debt of a municipality mentioned in section 5, for the 2001 fiscal year, were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed, for that fiscal year, by the use of revenues from a tax imposed for that purpose on all taxable immovables located in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, to establish the tax burden provided for in section 87.1, charge to the revenues derived from the taxation specific to the non-residential sector that come from the territory a percentage of the financing of the expenditures related to that debt greater than the percentage corresponding to the quotient obtained by dividing the total of those revenues by the total revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 8.6 and coming from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.

For the purposes of the third paragraph, “revenues derived from the taxation specific to the non-residential sector” means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed; and

(4) revenues from the sum in lieu of a tax referred to in any of subparagraphs 1 to 3 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it was the tax itself.”;

(2) by substituting the words “Are deemed to constitute expenditures related to a debt of a municipality mentioned in section 5 and financed by revenues derived from its entire territory the” for the word “The” in the first line of the second paragraph;

(3) by substituting the words “that municipality” for the words “a municipality referred to in the first paragraph” in the fourth line of the second paragraph;

(4) by substituting the words “. The foregoing also applies to the” for the words “, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The” in the sixth, seventh and eighth lines of the second paragraph;

(5) by substituting “mentioned in section 5” for “referred to in the first paragraph” in the tenth line of the second paragraph;

(6) by deleting the words “shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality” in the eleventh, twelfth and thirteenth lines of the second paragraph;

(7) by substituting the word “sixth” for the word “second” in the third and ninth lines of the third paragraph;

(8) by substituting the words “Are deemed to constitute a surplus or expenditures related to a debt of a municipality mentioned in section 5, respectively, the” for the word “The” in the first line of the fourth paragraph;

(9) by deleting the words “shall continue to be credited to or to burden, as the case may be, all or any portion of the taxable immovables of the sector formed by the territory of that municipality” in the third, fourth and fifth lines of the fourth paragraph; and

(10) by adding the following at the end of the fourth paragraph: “That presumption does not apply when the legal proceeding or dispute comes under the jurisdiction of a municipal court of such a municipality.”.

2. Section 8.5 of that Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended by deleting the words “the taxable immovables situated in” in the sixth and seventh lines of the second paragraph.

3. Section 8.6 of that Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended

(1) by substituting the words “Notwithstanding the foregoing, such decision may not cover what is deemed, under one of the last three paragraphs of section 8, to constitute such expenditures. The following expenditures may neither” for the words “The following expenditures may not” in the first line of the second paragraph;

(2) number “7” is substituted for number “4” in the fourth line of the third paragraph;

(3) by substituting “in accordance with section 8” for the words “using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality” in the third and fourth lines of the fourth paragraph;

(4) by inserting the words “, notwithstanding section 6,” after the word “that” in the fifth line of the fourth paragraph;

(5) by inserting the words “and considered in establishing the aggregate taxation rate of the municipality” after the word “taxation” in the second line of subparagraph 4 of the fifth paragraph;

(6) by inserting the words “or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)” at the end of subparagraph 8 of the fifth paragraph; and

(7) by adding the following paragraphs after the fifth paragraph:

“For the purposes of the third and fifth paragraphs, the revenues of the municipality for the 2001 fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the 2002 fiscal year. If several statements are filed successively, the last one shall be considered.

The third, fourth and fifth paragraphs of section 8 apply, with the necessary modifications, in respect of the expenditures that the city decides, under the fourth paragraph of this section, to finance by using revenues derived from all its territory, but not from a source of revenue imposed specifically for that purpose, and not reserved for other purposes.”.

4. Section 13 is amended in the third line by inserting the words “, the executive committee” after the word “council”.

5. The second sentence of section 43 is deleted.

6. The following is substituted for section 45:

“45. Upon the signing of a collective agreement, the matters listed below shall be dealt with in memorandums of agreement to which the city and the boroughs are parties:

(1) overtime work, except remuneration;

(2) work schedules, except the duration of work;

(3) annual vacation, except quantum and remuneration; and

(4) statutory and floating holidays, except quantum and remuneration.

The borough council shall be a party to the related negotiations and shall agree with the clauses.”.

7. The following is inserted after section 56.1, enacted by section 371 of chapter 25 of the Statutes of 2001 :

“**56.2.** The borough council shall obtain the authorization of the city council before giving a grant to a non-profit organization that is suing the city.

The city may demand from a non-profit organization all or part of a grant used for a purpose other than the purpose for which it was given by the city council or a borough council.”.

8. The Charter is amended by inserting the following before section 59 :

“**58.1.** The planning program of the city shall include, in addition to the elements mentioned in section 83 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), a supplemental document establishing rules and criteria to be taken into consideration, in any by-law made in accordance with the delegation, by borough councils and requiring that the latter include in such a by-law provisions that are at least as constraining as those established in the document.

It may contain, in addition to the prescriptions of the Act respecting land use planning and development, with respect to all or part of the territory of the city, rules intended to harmonize the by-laws that may be adopted by a borough council under section 72 or to ensure the consistent development of the city.

**58.2.** Notwithstanding any by-law adopted by a borough council, the city council may, by by-law, authorize the carrying out of a project involving

(1) collective or institutional equipment, such as cultural equipment, a hospital, a university, a college, a convention centre, a house of detention, a cemetery, a regional park or a botanical garden ;

(2) major infrastructures, such as an airport, a harbour, a train station, a marshalling yard or a water treatment, filtration or purification establishment ;

(3) a residential, commercial or industrial establishment whose floor area is greater than 25 000 m<sup>2</sup> ;

(4) housing intended for persons in need of help, protection, care or shelter ;

(5) cultural property or a historic district within the meaning of the Cultural Property Act (R.S.Q., c. B-4).

A by-law referred to in the first paragraph may contain the planning rules necessary for the carrying out of the project exclusively. Such a by-law amends any by-law in force adopted by the borough council, to the extent that is precisely and specifically provided for in the by-law.

**58.3.** Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), a by-law adopted by the city council under section 58.2 is not subject to approval by way of referendum, except for a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of section 58.

Sections 125 to 127 of the Act respecting land use planning and development do not apply to a by-law authorizing the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 58.2.

**58.4.** The city council may, by by-law, determine the cases in which a by-law adopted by a borough council, excluding a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), does not have to be examined to see if it complies with the planning program of the city.”.

9. Section 71, amended by section 380 of chapter 25 of the Statutes of 2001, is further amended by substituting the following for the second paragraph :

“Subject to the provisions of this Act or of an Order in Council made under section 9, the borough council shall exercise, on behalf of the city, all powers within its jurisdictions, with the necessary modifications, and is subject to all obligations assigned to or imposed on a local municipality or its council by the Cities and Towns Act (R.S.Q., c. C-19) or another Act, excluding the powers to constitute an executive committee, to borrow, to tax and to sue and be sued.”.

10. The following is substituted for sections 72 to 74 :

“**72.** The borough council shall exercise the jurisdictions of the city, provided for in the Act respecting land use planning and development (R.S.Q., c. A-19.1), respecting zoning and subdivision, except those referred to in sections 117.1 and 117.16 of that Act, and respecting minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs.

Among the modifications required by the application of the first paragraph, for the purposes of the Act respecting land use planning and development, the following modifications are applicable, in particular: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must be posted at the office of the borough and state that a copy of the draft by-law may be consulted at the office of the borough, the summary referred to in section 129 of that Act may be obtained at the office of the borough and the notice referred to in section 145.6, published in accordance with the Cities and Towns Act (R.S.Q., c. C-19), is to be posted at the office of the borough.

**73.** A borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1), establish an advisory planning committee, with the necessary modifications.

**74.** To ensure compliance with the planning program of the city of any concordance by-law within the meaning of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development, adopted by a borough council in accordance with section 71.1, sections 137.2 to 137.8 of that Act apply instead of section 137.10 to 137.14, with the necessary modifications.

Among the modifications required by the application of the first paragraph, the following modifications are applicable: the city council shall establish the rules governing the transmission of certified true copies of the by-laws and resolutions adopted by borough councils to the city council for examination, governing the means that may be used to serve those documents where those sections require such service on the regional county municipality and governing the dates on which those documents are deemed to be transmitted or served; it also identifies the public officer responsible for issuing certificates of conformity.

Sections 137.2 to 137.8 and 137.15 to 137.17 of the Act respecting land use planning and development also apply to any by-law referred to in section 72 adopted by a borough council, excluding a concordance by-law, with the necessary modifications and those referred to in the second paragraph.”.

11. Section 86.1, enacted by section 386 of Chapter 25 of the Statutes of 2001, is amended by inserting “, of section 8” after the word “division” in the second paragraph.

12. The following is inserted after section 86.1, enacted by section 386 of chapter 25 of the Statutes of 2001:

“**86.2.** Where, under any provision of this Division, revenues of the city or a municipality mentioned in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in each budget adopted for those two fiscal years shall be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.”.

13. Section 87 of the Charter, replaced by section 386 of Chapter 25 of the Statutes of 2001, is again replaced by the following:

“**87.** The city shall avail itself of

(1) the power provided for in section 87.1 and, if it imposes the business tax, the power provided for in section 87.2; or

(2) the power provided for in section 87.6.1 and, if it imposes the business tax, the power provided for in section 87.7.”.

14. Section 87.1, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended

(1) by inserting the following after subparagraph 2 of the second paragraph:

“(2.1) the revenues considered in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2;”;

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

“For the purposes of subparagraphs 2 and 3 of the second paragraph, the word “immovables” means business establishments when the business tax or the amount standing in lieu thereof is involved.”.

15. The following paragraph is added at the end of section 87.4, enacted by section 386 of chapter 25 of the Statutes of 2001:

“Is also deemed to result solely from the constitution of the city the part of the increase referred to in section 87.1 or 87.2, in respect of the units of assessment or business establishments situated in the sector corresponding to

the territory of Ville de Saint-Bruno-de-Montarville, that is due to the excess derived from public bus transit services provided on that territory in relation to what is provided for in the related contract. Notwithstanding the foregoing, that presumption does not apply in the case of transportation services adapted to the needs of persons with a mobility impairment.”.

16. The following section is inserted after section 87.6 of the Charter, enacted by section 386 of Chapter 25 of the Statutes of 2001 :

“**87.6.1.** Having determined that a rate should be fixed separately for a sector if the city availed itself of the power provided for in section 87.1, the city may, instead of fixing a separate rate, grant an abatement so as to obtain the same effect as a separate rate with respect to the tax burden borne by the aggregate of the units of assessment situated in the sector that would have been subject to all or part of the separate rate.

The amount of abatement shall be calculated by multiplying the taxable value of each unit of assessment referred to in the first paragraph by a coefficient fixed by the city. In the case of a unit of assessment in respect of which one of the amounts referred to in subparagraph 3 of the second paragraph of section 87.1 is paid, the amount of abatement shall be calculated by multiplying its non-taxable value.

Upon the adoption of the budget for a fiscal year, the city may, in addition to any coefficient fixed for that fiscal year, fix other coefficients in advance that could be applied in subsequent fiscal years. Notwithstanding the foregoing, any advance coefficient shall be replaced if, upon the adoption of the budget for the later fiscal year concerned, it becomes apparent that its application will not make it possible to achieve the result provided for in the first paragraph.

Even if they are linked to the exercise of the power to fix a separate rate, sections 87.1 to 87.6 apply to the city for the purposes of the power provided for in this section.”.

17. The following is substituted for section 87.7 of the Charter, enacted by section 386 of Chapter 25 of the Statutes of 2001 :

“**87.7.** The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, the increase in the business tax payable in respect of a business establishment is not greater than 5%.

The first paragraph refers to the amount in lieu of business tax in the case of a business establishment in respect of which such an amount must be paid by the Government in accordance with either the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or the second paragraph of section 254 and the first paragraph of section 255 of that Act.

Sections 87.3 and 87.4 and the first and second paragraphs of section 87.5 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.”.

18. Section 88, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended by substituting the words “last three” for the words “second and third” in the first line of the second paragraph.

19. Section 88.2, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended by substituting the words “last three” for the words “second and third” in the first line of the second paragraph.

20. Section 88.5, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended by substituting the words “of the municipality concerned” for the words “that the municipality concerned estimated” in the sixth line of the first paragraph.

21. The following paragraph is added at the end of section 133, amended by section 401 of chapter 25 of the Statutes of 2001 :

“The mayor shall determine the place, date and time of the first meeting of any borough council. If the meeting is not held, the mayor shall fix another one.”.

22. The following is inserted after section 133 :

“**133.1.** Any person appointed by the transition committee or integrated as part of the personnel of the city to a position involving duties necessary for a meeting of the city council or a borough council, for the making of decisions by such council or for the performance of an act that such council may perform before the date of constitution of the city, is deemed to be acting in the performance of his duties, in respect of those necessary duties performed before the date of constitution of the city.”.

23. Section 134, amended by section 402 of chapter 25 of the Statutes of 2001, is further amended

(1) by substituting the word “The” for the words “At the first meeting, the” in the first line of the first paragraph;

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

“The treasurer or secretary-treasurer of a municipality mentioned in section 5 who is not already bound to apply section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), section 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision in the charter of the municipality is bound to produce, before the budget of the city is adopted for the 2002 fiscal year, at least the comparative statement on revenues provided for in that section 105.4.”

24. The following is added after Schedule III-B:

#### “**SCHEDULE III-C**

(provisions enacted under section 9)

#### **CHAPTER I** **THE CITY COUNCIL**

1. At the first meeting following a general election, with the clerk presiding, the city council shall elect, from among its members, a chair that is not the mayor by a two-third vote.

2. The council may designate one of its members as vice-chair who will replace the chair when the latter is absent or wishes to take part in the debates. When acting as the chair, the vice-chair has the same privileges obligations as the chair, but is not entitled to the additional remuneration provided for in a by-law adopted under the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

3. The council may, if the mayor so proposes, designate a member of the council who will preside over any committee of the council or executive committee. If the chair is absent or unable to act at a sitting, the members present shall designate one of them who will preside over that sitting.

4. Notwithstanding the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001), the position of opposition leader is a special position giving rise to additional remuneration in a by-law adopted under section 2 of that Act. The additional remuneration of the opposition leader established in such by-law may not differ from that established for a member of the executive committee.

For the purposes of this section, the opposition leader is the councillor designated by the councillors in the political party with the greatest number of representatives, excluding the party of the mayor. If several parties, excluding that of the mayor, have an equal number of councillors, the opposition leader shall be the councillor designated by the councillors of the party that has received the greatest number of votes for the mayor and councillor positions.

The opposition leader shall be designated by a notice filed with the council by a council of the political party that has designated him and it may be amended at all times. The councillor designated as opposition leader shall quit that position when another councillor is designated for the position, when a notice of resignation is filed with the council or the clerk or when his term as member of the council ends.

5. The council may, at all times, on its own initiative or by request of the executive committee, appoint committees and entrust them with the examination or investigation of any facts, matters or issues that it deems expedient; those committees shall carry out their work and give a report within the time allocated by the council.

#### **CHAPTER II** **EXECUTIVE COMMITTEE**

6. If the chair and vice-chair of the executive committee are both absent or unable to act, the executive committee may designate one of its members who will exercise the duties and powers of the chair during that time.

7. The appropriations voted by the council, excluding those under the responsibility of a borough council, shall remain at the disposal of the executive committee which shall see that they are used for the purposes for which they were voted, without further approval of the council.

8. The executive committee may establish rules governing transfers of funds or credits already voted as part of an item of the budget where the transfer is equal to or greater than \$100 000, excluding budgets administered by borough councils, as well as transfers from the contingency fund. Those rules may provide that the transfers may be authorized by the executive committee, the director general or the director of a service.

9. Communications between the council or a borough council and services shall pass through the executive committee. In its relations with the executive committee, the council or borough council shall act by resolution.

10. The executive committee may, upon report by the director general establishing its value, donate, sell, alienate, transfer or assign, in the manner determined by it, any property whose value does not exceed \$10 000. A report shall be submitted to the council within the 30 following days.

11. In the case of an act of God likely to endanger the life or health of the population, to seriously damage municipal property or to cause financial harm greater than the planned expenditure, the mayor may order any expenditure he considers necessary and grant any contract necessary to rectify the situation.

In such a case, the mayor shall give a substantiated report to the executive committee at the first meeting following his decision. The report shall be filed with the council at its next meeting.

12. The executive committee shall prepare the budget and the three-year capital program which must be submitted to the city council for approval not later than 10 December.

## **CHAPTER III**

### **HUMAN RESOURCES**

#### **DIVISION I**

##### **PUBLIC SERVANTS AND EMPLOYEES**

13. Upon recommendation by the executive committee, the council shall appoint the director general, the clerk, the treasurer, the assessor, the general auditor, the service directors and the borough directors, and their respecting assistants, where applicable.

14. The executive committee shall appoint the other permanent employees of the city. It may impose disciplinary measures on them, excluding those giving rise to the right provided for in section 72 of the Cities and Towns Act (R.S.Q., c. C-19).

15. The executive committee may temporarily suspend a public servant or an employee appointed by the council. That suspension shall last until the council rules on it at its next sitting.

16. The executive committee shall approve any classification plan and the related remuneration for employees not governed by a collective agreement.

#### **DIVISION II**

##### **DIRECTOR GENERAL**

17. The city shall always have a public servant called the "director general".

18. Under the authority of the executive committee, the director general shall be responsible for the management of the city and, to that end, he shall plan, organize, manage and control the activities of the city.

19. Subject to the powers given by the Act to the mayor and the executive committee, the director general shall see to the application of the by-laws, resolutions and contracts and ensure that the funds are used for the purposes for which they were voted.

20. Unless prescribed otherwise, the service directors shall directly answer for the administration of their service to the director general.

#### **DIVISION III**

##### **CLERK**

21. The clerk is *ex officio* the secretary of the council, the executive committee and the borough councils. He may also delegate all or part of his powers and obligations to a public servant provided to a borough by the city to act on his behalf in that borough.

22. The clerk is authorized to amend minutes, a by-law, a resolution, an order or another act of the municipal council, of the executive committee or of a borough council so as to correct an error that is obvious just by reading the documents provided in support of the decision or act. In such a case, the clerk shall attach minutes of the correction to the original of the amended document and shall file a copy of the amended document or the minutes of the correction to the municipal council, the executive committee or a borough council, as the case may be.

#### **DIVISION IV**

##### **TREASURER**

23. The treasurer may delegate all or part of his powers and obligations to a public servant provided to a borough by the city to act on his behalf in that borough.

## **CHAPTER IV**

### **SPECIAL JURISDICTIONS OF THE CITY COUNCIL**

24. The city may

(1) enter into an agreement with telecommunications businesses for the use and occupancy of land belonging to it. Those agreement may, in particular, contain rules respecting the assignment of locations for ground or underground facilities, the sharing of the said facilities and the payment of tariffs, where applicable; and



(2) install, build, hold and operate on its own or by someone else support structures, transportation lines or others related telecommunications facilities and, by agreement, share or lease such equipment in whole or in part.

In this section, the term “telecommunications” has the meaning given by the Telecommunications Act (R.S.C., 1993, c. T-3.4).

25. The city may enter into an agreement respecting the exercise of its jurisdictions with any school board, regional or local, or a CEGEP; it may then enforce them, exercise the rights and privileges and discharge the obligations provided for therein, even outside its territory.

26. Within its jurisdiction, the city may, particularly to promote the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with a body representing or managing local or regional, domestic or foreign communities, and take part in their activities.

27. The council may enter into agreement to entrust all or part of the administration, operation and management on its behalf of property belonging to it or used by it and of programs and services within its jurisdiction.

Such an agreement is not subject to sections 573 and 573.3 of the Cities and Towns Act (R.S.Q., c. C-19) if it is entered into with the government, one of its departments, mandataries or agents, with the Communauté métropolitaine de Montréal or, where the agreement pertains to the protection or development of the environment, the conservation of resources, recreational activities or community life, if it is entered into with a non-profit organization that the city is authorized to subsidize.

28. The council may, by by-law, provide that the city may claim the refund of expenses incurred by the city because an alarm system is defective, does not function properly or is initiated without reason. It may also determine in what cases an alarm is initiated without reason.

29. The council may, by by-law, regulate or prohibit the use of public beaches and the location of boats in waters within the territory of the city.

30. The council may regulate shops where erotic material is sold or offered for sale. It may also regulate massage parlours.

31. The council may, by by-law, regulate or prohibit any game or amusement on the streets, alleys, sidewalks, public places and property.

32. The council may make by-laws

(1) to order that no newspaper, magazine, periodical, program, brochure or other publication, radio broadcast or advertising, personal or business card, letter paper, sign or poster board may, without its authorization bear, take or use the name of the city, its badge, coat of arms or emblem, nor the name or title of one of its services, or a name or title likely to be confused with that of the city or one of its services, or that may lead to believe that the city or one of its services may benefit therefrom; and

(2) to prohibit the printing, sale, exchange, distribution, broadcasting, possession or use of any newspaper, magazine, periodical, program, brochure or other publication, radio broadcast or advertising, personal or business card, letter paper, sign or poster board made in contravention of this section.

33. The council may make by-laws

(1) to prohibit the littering of brochures, pamphlets, leaflets, fliers, mailers, samples or other advertising on private property and prescribe how they can be disposed of;

(2) to regulate the distribution of advertising on private property, to require distributors to control the manner in which their delivery employees or their subcontractors deliver the advertising or have it delivered;

(3) to require that distributors identify themselves on the delivered advertising; and

(4) to require publicity distributors or their subcontractors to hold a licence for that purpose.

34. The council may make by-laws to give names to private streets or to change their name even if they were given by virtue of some contract or agreement and to prohibit anyone from designate by a name a private street or to give it a name without the city's approval.

35. The council may cause to be described and entered in a register kept for that sole purpose the streets, alleys, roads and places that are totally or partially public, acquired by the city or open to the public for at least five years. When a street, alley, road or public place is public in part, the registration and description shall be made for that part only.

From that registration, those streets, alleys, roads and places are deemed to be public roads.

The streets, alleys, streets and public places open to the public for at least five years within the boundaries of

the cities shall become the property of the city as soon as the following formalities are completed:

(1) the council of the city shall approve the document or documents describing all streets, alleys, roads or public places, or any part thereof, in respect of which the city intends to avail itself of the provisions of this section;

(2) those documents shall be filed with the clerk office of the city and a copy certified as true by a land surveyor shall be filed with the registry office of the land division where the land concerned is located;

(3) the clerk of the city shall publish twice in the *Gazette officielle du Québec*, with at least three months but not more than four months between each publication, a notice containing

(a) the integral text of this section;

(b) a brief description of the streets, alleys, roads and public places in question; and

(c) a statement that the description provided for in subparagraph 1 was approved and filed in accordance with subparagraphs 1 and 2; and

(4) the notice provided for in subparagraph 3 shall, within 30 days of each publication in the *Gazette officielle du Québec*, be inserted in a daily or weekly newspaper circulated in the city.

Any right claimed by third parties on the ownership of the land of the said streets, roads and public places appearing in the filed documents is extinguished and prescribed if an action is not instituted before the competent court in the year following the last publication in the *Gazette officielle du Québec* of the notice provided for in subparagraph 4 of the third paragraph.

At the expiry of those periods, the city shall have a notarial declaration registered in respect of any land concerned, attesting that the above formalities are completed and that the registered deed is conclusive proof that the formalities have been completed. The officer of the registry office is bound to accept the filing of the documents and to register the above-mentioned notarial declaration.

The fact that a street, alley, road or public place is described and registered in the registry office provided for in the first paragraph proves *prima facie* that the street, alley, road or public place has been open to the public for more than five years.

The city may not avail itself of the provisions of this section in respect of land on which it has levied taxes during the three preceding years.

This section also applies to private streets, alleys and roads but only when they appear as such on the official plan and their owners have been exempt from municipal taxes for at least three fiscal years because of their private nature.

As for public streets, alleys and roads and parks owned by the city, but whose titles contain a restriction on the future use that the city may make of them, the city may be released from those restrictions as follows:

(1) by the publication of a notice of that effect in a newspaper circulated in the territory of the city;

(2) by paying the compensation fixed by the court where the donator or his heirs or successors have exercised their recourses within 12 months of the publication of that notice; if they are not, the city is released.

36. Notwithstanding any provision to the contrary in a general or special statute, the city may dig a tunnel more than 30 feet deep under any land for the purposes of its water and sewer systems.

As soon as the work begins, the city shall become the owner, without further formality or compensation, of the place occupied by the tunnel plus a radius of five feet around it, subject to any damage suit.

In the year following the beginning of the work, the city shall file in its archives a copy of the plan certified by the director of public works and showing the horizontal projection of the tunnel. It shall record that plan by filing two copies with the registry office and the registrar shall mention each lot affected or part thereof in the land register.

Before the beginning of the work, the city shall also notify the owner of the above-mentioned land of the existence of the work and of the provisions of this section.

37. No compensation shall be granted for land intended for the construction or enlargement of a road, street or alley following the cadastral plans filed with the registry office. That destination may be inferred from the site and configuration of the land and the circumstances.

38. The city shall be authorized to acquire by agreement or expropriation any immovable to constitute a land reserve or housing reserve and to carry out related

work for those purposes. It may acquire any obsolete immovable or an immovable whose occupancy is a nuisance.

The city is authorized to hold, rent and administer the immovables acquired under the first paragraph. It may also lay out those immovables and install public services therein. It may also alienate them on the conditions it determines. The price shall be sufficient to cover all expenses related to the immovable in question, that is, the purchase price, the amortization and interest on the purchase price, the cost for installing public services, insurance and municipal and school taxes. The alienation is then deemed to be done onerously.

39. Notwithstanding the second paragraph of section 536 of the Cities and Towns Act (R.S.Q., c. C-19), the city may raise its bid up to the amount of the municipal assessment for the purchase of an immovable for municipal purposes.

40. Where a special planning program intended for a urban redevelopment or a consolidation of lots on a part of its territory is in force, including the planning by-laws under that program, the city may carry out any program for the acquisition of immovables provided for in that special planning plan in order to alienate or rent the immovables for purposes specified in the program.

Section 28.2 of the Cities and Towns Act (R.S.Q., c. C-19) applies for the purposes of the first paragraph, with the necessary modifications.

41. The city may, by by-law, on the conditions determined by it and in an old part of its territory where a special planning program for the redevelopment, restoration or demolition of immovables is in force, give a grant to help the work in compliance with that program.

The amount of that grant may not exceed the actual cost of the work.

For the purposes of this paragraph, the council may, by by-law, modulate the rate of its grants depending on whether the recipients are non-profit organizations, housing cooperatives or particulars.

The council may also restrict the eligibility of particulars to the grants, on the basis of the maximum eligible household income, and, for that purpose, define the notion of household income and provide methods for assessing and controlling that maximum income.

The council may, by by-law, require from the applicant for a grant mentioned in the first paragraph:

(1) that he obtain the available grants under federal and provincial programs for the same purposes; and

(2) that he produce a landlord-tenants agreement signed by a majority of the latter, pertaining to the nature of the work to be carried out and any increase in the rents.

Likewise, the council may require that the recipient of a grant prove, in the manner prescribed by the council, that the amounts received as grants are deducted from the cost of the work taken into account in fixing the rents after completion of the work.

Where a grant provided for in the first paragraph is given in consideration of the destination or mode of occupancy of an immovable, the council may also, by by-law,

(1) stipulate that the change in the destination or occupancy of that immovable, within the time fixed by the council but not exceeding nine years, entail the return to the city of the grant awarded in respect of the immovable, in a proportion determined by it in relation to the time elapsed, or that any permit that may be required to change the destination or occupancy will be denied until the grant is returned;

(2) provide that the return of the grant is exigible from any person who owns the immovable; and

(3) prescribe the formalities required to ensure compliance with the requirements of subparagraphs 1 and 2, in particular the signing by the owner receiving the grant of any document establishing the limits imposed on the ownership of that immovable, which may be required for the purpose of registration in the land register and require, where applicable, that the owner receiving the grant proceed with that registration.

The registrar is bound to accept any document mentioned in subparagraph 3 of the seventh paragraph and to register it.

42. The council may regulate or prohibit parking on any land or in any building owned by the city, and the applicable provisions shall be indicated by means of appropriate signs.

The council may fix the expenses to be paid for any moving, towing or storage of a vehicle parked in contravention of a by-law adopted under the first paragraph or a provision of the Highway Safety Code (R.S.Q., c. C-24.2).

In all cases where a vehicle may be moved, towed or stored because of a parking offence, the amount prescribed under the second paragraph may be requested on the statement of offence and collected by the collector in accordance with sections 321, 322 and 327 to 331 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

43. The council may make by-laws to remove or tow any vehicle parked in contravention of traffic and parking by-laws and have it taken elsewhere, for instance to a garage, at the owner's expense with a stipulation that he may not recover his vehicle until he pays the actual towing and storage costs.

44. The council may make by-laws to prohibit dumps in the city.

Where an offence against such a by-law is committed, the following persons are liable to the punishments provided for therein:

- (1) the owner, tenant or occupant of the land;
- (2) the owners of the vehicles that are deposited on the land.

The court that pronounce the sentence may, in addition to the fines and costs, order that the trash or vehicles in the dump that were the cause of the offence be removed, within eight days of the sentence, by the owner, tenant or occupant of the land, or by the owners of the vehicles and that, if not done, the trash or vehicles be removed by the city at the expense of the person or persons.

All expenses incurred by the city to remove or cause to be removed the trash or vehicles constitute a charge equivalent to the property tax for the immovable where the trash or vehicles were located, and they may be recovered in the same manner.

For the purposes of this section, the term "dump" means any place where trash is deposited or accumulated and includes automobile graveyards.

45. For the purposes of paragraph 2 of section 463 of the Cities and Towns Act (R.S.Q., c. C-19), all expenses incurred by the city to remove or cause to be removed nuisances or to enforce any measure intended to eliminate or prevent nuisances constitute a charge equivalent to the property tax for the immovable where the nuisances were located, and they may be recovered in the same manner.

46. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15) and the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1), the council may, with the approval of the Minister of Municipal Affairs and Greater Montréal and the Minister of Industry and Trade, give grants to relocate industries within the boundaries of the territory of the city.

47. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may, by by-law, adopt a special development program applicable to the part of its territory described in Schedule II of the Act respecting Ville de Saint-Hubert, which remains in force for that purpose, designated as an airport zone. The second paragraph of section 542.1 and section 542.2 and 542.6 of the Cities and Towns Act (R.S.Q., c. C-19) apply to that program, with the necessary modifications.

The city may, by by-law and with the approval of the Minister of Municipal Affairs and Greater Montréal, change the boundaries of the territory referred to in the first paragraph.

48. The city may, by by-law, adopt a program to grant, on the terms and conditions determined therein, a tax credit conditional on the implementation or enlargement of high technology establishments on the territory described in the sixth paragraph.

For the purposes of this section, the expression "high technology" includes the following fields: aerospace, telecommunications, biotechnology, pharmacology, computer sciences, electronics, micro-electronics, optoelectronics, robotics, optics and laser. That expression refers to a use whose main activity is

- (1) scientific or technological research or development;
- (2) scientific or technological training;
- (3) the management of a technological business; or
- (4) the manufacturing of technological products, including scientific research and experimental development activities.

A by-law adopted under this section may not provide for a tax credit lasting more than five years and the period of eligibility for that program may not exceed 31 December 2006.

The tax credit makes up for the increase in property taxes that may result from the re-assessment of the immovables after the work is completed. For the fiscal year in which the work is completed and the two following fiscal years, the amount of the tax credit is the difference between the amount of property tax that would be due had the assessment of the immovables not been modified and the amount of taxes actually due. For the two following fiscal years, the amount of the tax credit shall be 80% and 60%, respectively, of the amount of tax credit for the first fiscal year.

The by-law provided for in the first paragraph may not be adopted and applied unless the zoning by-law of the city provides that, in the case of the main activities referred to in subparagraphs 1 to 4 of the second paragraph, the use must include a gross floor area reserved and intended for scientific research and experimental development activities that is equivalent to at least 15% of the total gross floor area occupied or intended to be occupied by that use. The zoning by-law shall also prescribe that the use whose main activity is one of those provided for in subparagraphs 2 and 3 of the second paragraph may not be authorized for more than 30% of the territory mentioned in the first paragraph.

The boundaries of the territory mentioned in the first paragraph are the following:

— to the west by boulevard Taschereau, from Route 116 to boulevard Jacques-Cartier ouest (Longueuil borough);

— to the northwest, to the north and northeast by boulevard Jacques-Cartier ouest (Longueuil borough), boulevard Taschereau (Longueuil borough) to the planned boulevard Julien-Lord (Longueuil borough);

— to the northeast, to the north and northwest by the planned boulevard Julien-Lord (Longueuil borough), from boulevard Jacques-Cartier ouest (Longueuil borough) to Chemin de Chambly (Longueuil borough);

— to the northwest by boulevard Vauquelin (limit of Longueuil and Saint-Hubert borough) and its extension to the northeast, from Chemin de Chambly (Longueuil borough) to the limit of the agricultural zone (Saint-Hubert borough);

— to the northeast by the southwest limit of the agricultural zone (Saint-Hubert borough), from the extension to the northeast of boulevard Vauquelin (limit of Longueuil and Saint-Hubert boroughs) to Chemin de la Savane;

— to the northwest by Chemin de la Savane (Saint-Hubert borough), from the southwest limit of the agricultural zone (Saint-Hubert borough) to boulevard Clairevue;

— to the northeast and north by boulevard Clairevue (Saint-Hubert and Saint-Bruno-de-Montarville boroughs), from Chemin de la Savane (Saint-Hubert borough) to Route 30;

— to the west by Route 30, from boulevard Clairevue ouest (Saint-Bruno-de-Montarville borough) to Montée Montarville (Saint-Bruno-de-Montarville borough);

— to the north by Montée Montarville (Saint-Bruno-de-Montarville borough), from Route 30 to the power transmission line;

— to the east, to the northeast and southeast by the power transmission line, from Montée Montarville (Saint-Bruno-de-Montarville borough) to boulevard Clairevue ouest (Saint-Bruno-de-Montarville borough);

— to the northeast by the planned Rue La Grande Allée (Saint-Bruno-de-Montarville borough), from boulevard Clairevue ouest (Saint-Bruno-de-Montarville borough) to Rue Marie-Victorin (Saint-Bruno-de-Montarville borough);

— to the southeast by Rue Marie-Victorin (Saint-Bruno-de-Montarville borough), from the planned Rue La Grande Allée (Saint-Bruno-de-Montarville borough) to the rear lots (southwest side) of Croissant Pease (Saint-Bruno-de-Montarville borough);

— to the southwest by the rear lots (southwest side) of Croissant Pease and Rue Pease (Saint-Bruno-de-Montarville borough) and its extension to the southeast, from rue Marie-Victorin (Saint-Bruno-de-Montarville borough) to Route 116;

— to the south by Route 116, from the extension to the southeast of the rear lots (southwest side) of Rue Pease to Boulevard Cousineau (Saint-Hubert borough);

— to the east by boulevard Cousineau (Saint-Hubert borough), from Route 116 to rue Gareau (Saint-Hubert borough), from boulevard Cousineau (Saint-Hubert borough) to the railroad of Canadian National Railways;

— to the southwest by the railroad of Canadian National Railways, from rue Gareau (Saint-Hubert borough) to Route 116;

— to the south by Route 116, from the railroad of the Canadian National Railways to Boulevard Taschereau.”.

## CHAPTER V MISCELLANEOUS

49. Sections 1 to 30 and 34 to 37 of the Act respecting Ville de Saint-Hubert (1999, c. 94) continue to apply on the territory described in Schedule I to that Act.

50. Any by-law adopted by the council of the former Ville de Saint-Hubert under section 1 of the Act to amend the charter of the town of Saint-Hubert (1972, c. 83) or by the council of the former Ville de Longueuil under section 1 of the Act to amend the charter of the city of Longueuil (1971, c. 101) or sections 13 and 14 of the Act to amend the charter of the city of Longueuil (1982, c. 81), granting an annual pension to any person who sat on the council, shall remain applicable to those persons or their heirs, as the case may be.

51. Municipal by-laws adopted by the council of the former Ville de Longueuil before 1 January 2002, under the special power granted by section 14 of the Act to amend the charter of the town of Jacques-Cartier (1950, c. 102), amended by section 7 of Chapter 60 of the Statutes of 1957-58, authorizing the imposition and levy of a special property tax for 40 years on the immovables in front of which water pipes were buried shall remain in force.

52. The city is authorized to rent all or part of the original lots 156 and 159 of the cadastre of Paroisse de Saint-Antoine de Longueuil, Chambly land division, and the lots without cadastre that it acquired from Her Majesty in Right of Canada, at a price that is sufficient to cover all annual expenses related to those immovables, that is, the amortization and interest on the purchase price, the cost for services, legitimate costs and expenses and municipal and school taxes.

53. The parts of lots 156 and 159 of the cadastre of Paroisse de Saint-Antoine de Longueuil acquired before 1 January 2002 by the former Ville de Longueuil from Her Majesty in Right of Canada may be subdivided and sold by the city in accordance with the statutes governing it. The sale price shall be at least equivalent to the acquisition price plus the cost of services, in which case the sale is deemed to be made onerously.

Any loan by-law adopted in that respect by the former Ville de Longueuil, before 1 January 2002, under the powers granted by section 4 of the Act to amend the charter of the city of Longueuil (1964, c. 84) remains in force.

Monies resulting from those sales shall be used to extinguish obligations taken for the acquisition.

54. Taxation by-laws of the former Ville de Longueuil adopted before 1 January 2002 under the powers granted by section 8 of the Act to amend the charter of the city of Longueuil (1971, c. 101) shall remain in force in the territory for which they were made.

55. The parts of the original lot 156 of the cadastre of Paroisse de Saint-Antoine de Longueuil and any adjacent land without a cadastre before 1 January 2002 acquired by the former Ville de Longueuil from any corporation of the Crown in Right of Canada may be subdivided and sold by the city in accordance with the statutes governing it. The sale price shall be at least equivalent to the acquisition price plus the cost of services, in which case the sale is deemed to be made onerously.

Any loan by-law adopted in that respect by the former Ville de Longueuil, before 1 January 2002, under the powers granted by section 1 of the Act respecting the city of Longueuil (1965, c. 100), amended by section 267 of the Act to amend various legislation respecting municipal finance (1984, c. 38) shall remain in force.

Moneys resulting from those sales shall be used to extinguish obligations taken for the acquisition.

56. Section 3 of the Act respecting the town of Saint-Bruno-de-Montarville (1959-60, c. 157) remains in force on the territory of the former Ville de Saint-Bruno-de-Montarville as it was on 31 December 2001.

57. Section 48 of the Act respecting the city of Saint-Hubert (1991, c. 87) remains in force.

58. By-law 6 of Ville de Saint-Lambert, adopted by the council of Village de Saint-Lambert on 8 September 1896, is declared to be a prohibiting by-law adopted under sections 1094, 1095 and 1096 of the Revised Statutes of Québec of 1888 (Temperance Law). As such, by-laws 6, 300, 646 and 753 of Ville de Saint-Lambert have force of law on the part of the territory of the Saint-Lambert/Lemoyne that was, on 31 December 2001, the territory of Ville de Saint-Lambert. Those by-laws may, anytime and notwithstanding any incompatible provision in any statute, be revoked by the council of the Saint-Lambert/Lemoyne borough or be amended by that council under a by-law that specifies the nature of the licences that the Régie des alcools, des courses et des jeux may issue in the part of the territory of the borough Saint-Lambert/Lemoyne that was the territory of Ville de Saint-Lambert on 31 December 2001.

Any by-law adopted under this section shall be submitted to the approval of voters in the part of the territory of the Saint-Lambert/Lemoyne borough that was the territory of Ville de Saint-Lambert on 31 December 2001 and in accordance with the Temperance Act (R.S.Q., 1964, c. 45).

Notwithstanding the foregoing, the “club” permit provided for in section 30 of the Act respecting liquor permits (R.S.Q., c. P-9.1) and that is issued for the purposes of a golf, tennis, squash, yachting or curling club, and the “reunion” permit provided for in section 33 of that Act, are authorized on all the territory of the Saint-Lambert/Lemoyne that was the territory of Ville de Saint-Lambert on 31 December 2001.

For the purposes of this section, the territory of Ville de Saint-Lambert on 31 December 2001 is described in Schedule A to the letters patent granted to the amalgamated towns of Saint-Lambert and Prévile dated 23 April 1969, registered on 25 April of the same year under folio number 1480-57, as amended in the notice given in accordance with section 162 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) dated 9 June 1994 approving by-law 2178 of Ville de Saint-Lambert and providing a description of the territory concerned drawn up by the Minister of Natural Resources on 20 April 1994, and subject to the application of section 284 of the Act respecting municipal territorial organization according to the technical description dated 31 May 2001 prepared by Gilles Lebel, land surveyor, bearing number 13185 of his minutes.

59. The city council shall, not later than 1 July 2002, give a new name to the Longueuil borough.

60. If a provision of this Schedule and a provision in the charter of the city are incompatible, the former shall prevail.

61. No provision of this Schedule, nor any provision maintained in force by this Schedule, may have the effect of restricting the scope of a provision, contained in any statute applicable to the city or any municipality in general or to any of their bodies, for the sole reason that it is similar to such provision but is not written in more specific terms.”.

25. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

Gouvernement du Québec

## O.C. 1311-2001, 1 November 2001

An Act to reform the territorial municipal organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56)

Charter of Ville de Lévis

WHEREAS the Charter of Ville de Lévis (2000, c. 56, Schedule V) was enacted by the Act to reform the territorial municipal organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 149 of that Charter;

WHEREAS under section 9 of that Charter, the Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter, determine the provisions that are to apply to all or any part of the territory of Ville de Lévis;

WHEREAS an order made under section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act;

(3) derogating from any provision of the Charter of Ville de Lévis, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those Acts;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal;

THAT the Charter of Ville de Lévis (2000, c. 56, Schedule V), amended by chapter 25 and chapter 26 of the Statutes of 2001, be further amended as follows:

1. Section 8 of the Charter (2000, c. 56, Schedule V), amended by section 440 of chapter 25 of the Statutes of 2001, is further amended: