

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:

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

“8. Subject to section 8.6, the expenditures related to any debt of a municipality referred to 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 referred to 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 101.1, charge to the revenues derived from the taxation specific to the non-residential sector that come from the territory referred to, 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;

(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 representatives, 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 referred to 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 “referred to 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 referred to in section 5, respectively, the” for the word “The” in the first line of the fourth paragraph; and

(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.

2. Section 8.5 of that Charter, enacted by section 441 of chapter 25 of the Statutes of 2001, is amended by striking out the words “the taxable immovables situated in” in the fifth and sixth lines of the second paragraph.

3. Section 8.6 of that Charter, enacted by section 441 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 second, 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)” in the first line of subparagraph 8 of the fifth paragraph;

(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. The Charter is amended by inserting the following after section 69.1 enacted by section 448 of chapter 25 of the Statutes of 2001:

“**69.2** 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 claim 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.”.

5. Section 85, amended by section 457 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 the jurisdictions of the city, with the necessary modifications, and is subject to all obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (R.S.Q., c. C-19) or another Act, excluding the powers to borrow, to tax and to sue and be sued.”.

6. Section 100.1 of the Charter, enacted by section 463 of Chapter 25 of the Acts of 2001, is amended by inserting “, of section 8” in the second line of the second paragraph and after the word “division”.

7. The Charter is amended by inserting the following after section 100.1 enacted by section 463 of Chapter 25 of the Statutes of 2001:

“**100.2** Where, under any provision of this Division, the revenues of the city or municipality referred to 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 must be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget of the given fiscal year and those which, according to a later forecast, will be the revenues of the fiscal year which shall be considered 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.”.

8. Section 101.1 of the Charter, enacted by section 463 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 taken into consideration in the establishment of the aggregate taxation rate and derived from indemnities and modes of tariffing not referred to in subparagraph 2;” and

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

“For the application 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.”.

9. Section 101.7 of the Charter, enacted by section 463 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.

10. Section 102 of the Charter, enacted by section 463 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.

11. Section 102.2 of the Charter, enacted by section 463 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.

12. Section 102.5 of the Charter, enacted by section 463 of Chapter 25 of the Statutes of 2001, is amended by substituting the words “of the municipality referred to” for the words “that the municipality referred to has provided for”.

13. Section 146 of the Charter, amended by section 478 of Chapter 25 of the Statutes of 2001, is further amended by adding the following paragraph at the end:

“The mayor determines the place, date and time of the first meeting of any borough council. If the meeting is not held, the mayor fixes another meeting.”.

14. The Charter is amended by inserting the following after section 146:

“**146.1** Any person, appointed by the transition committee or integrated as an employee of the city in a position comprising the exercise of duties necessary to the holding of a meeting of the municipal council or of a borough council, to the decision making by such a council or the carrying out of an act such a council may perform before the date of constitution of the city, is deemed, relatively to the necessary duties exercised before the constitution of the city, to act in the performance of his duties.”.

15. Section 147 of the Charter, amended by section 479 of Chapter 25 of the Statutes of 2001, is further amended

(1) by substituting “The council adopts” for the words “During the first meeting, the council shall adopt” in the first line; and

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

“The treasurer or secretary-treasurer of a municipality referred to 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.”.

16. The Charter is amended by adding the following after Schedule V-B:

“**SCHEDULE V-C**
(provisions made under section 9)

(1) The Act respecting Ville de Lévis (1994, c. 59) and the Act respecting Ville de Saint-Romuald (1994, c. 61) remain into force and apply to the entire territory of the city.

(2) In case of a conflict between a provision of this Schedule and a provision of the Charter, the first one prevails.

(3) No provision in this Schedule or no provision kept into force by this Schedule has the effect of restricting the scope of a provision, included in any Act applicable to the city or any municipality in general or to one of their bodies, for the only reason that it is similar to such a provision but written in more specific terms.”.

17. 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

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Gouvernement du Québec

O.C. 1312-2001, 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 Hull-Gatineau

WHEREAS the Charter of Ville de Hull-Gatineau (2000, c. 56, Schedule IV) 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 as well as the Communauté urbaine de l'Outaouais are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 227 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) and to section 138 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 or the Communauté urbaine de l'Outaouais, determine the provisions that are to apply to all or any part of the territory of Ville de Hull-Gatineau;

WHEREAS that order adopted 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 Hull-Gatineau, 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;

WHEREAS, under section 10 of that Charter, the Government may, by order, change the name of the city;

WHEREAS, on 27 June 2001, the Government adopted Order in Council 796-2001 to change the name of Ville de Hull-Gatineau to that of Gatineau;

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

THAT the Charter of Ville de Hull-Gatineau (2000 c. 56, Schedule IV), amended by chapters 25 and 26 of the Statutes of 2001, be further amended as follows:

1. The title of the Charter of Ville de Hull-Gatineau (2000, c. 56, Schedule IV) is amended by substituting the word “Gatineau” for the word “Hull-Gatineau”.

2. Section 12 is amended by adding the following paragraph:

“The clerk of the city is by virtue of office the secretary of the committee. In his absence, the assistant clerk will exercise that function.”.

3. Section 8, amended by section 408 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.