

## Municipal Affairs

Gouvernement du Québec

### O.C. 509-2002, 1 May 2002

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Corrections to Order in Council 850-2001 dated 4 July 2001 respecting the Amalgamation of Ville de Sherbrooke, Ville de Rock Forest, Ville de Lennoxville, Ville de Fleurimont, Ville de Bromptonville and the municipalities of Ascot and Deauville

WHEREAS Ville de Sherbrooke was constituted on 1 January 2002 under Order in Council 850-2001 dated 4 July 2001 ;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS, pursuant to section 149 of the Order in Council, the polling for the first general election took place on 4 November 2001 ;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act ;

WHEREAS the Government amended Order in Council 850-2001 dated 4 July 2001 by Order in Council 1475-2001 dated 12 December 2001 ;

WHEREAS the new city council requested that Order in Council 850-2001 dated 4 July 2001 be amended to grant more powers to the city ;

WHEREAS it is expedient, as provided for in section 176.10 of the Act respecting municipal territorial organization, to increase to 21 months the period during which no application for certification in respect of a group of municipal employees may be made ;

WHEREAS it is expedient to substitute the territorial description prepared by the Minister of Natural Resources in the French version for Annexe A in the French text ;

WHEREAS it is expedient to amend Order in Council 850-2001 ;

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

THAT Order in Council 850-2001 dated 4 July 2001, amended by Order in Council 1475-2001 dated 12 December 2001, be further amended

(1) by inserting the following sections after section 10:

“10.1. The mayor shall chair the council sittings ; the mayor may also, at will, appoint a councillor to chair the sittings ; in the event of the chair’s absence, the council shall select a chair from among the members of the council.

10.2. The council shall designate a councillor as acting mayor for the period determined in the resolution.

10.3. The council may, at all times, on its own initiative, form committees consisting of the persons it designates and amend the composition of the committees when it deems it appropriate.

These committees shall examine any facts, matters and issues related to the municipality’s jurisdiction that the council deems appropriate to submit to it ; the committees shall report to the council within the prescribed time limit.” ;

(2) by adding the following sentence at the end of the first paragraph of section 15 :

“The city clerk shall convene a sitting for that purpose as soon as practicable after the election and once the council members have been sworn.” ;

(3) by inserting the following after section 40:

#### “DIVISION V.1 SPECIAL POWER OF THE CITY CLERK

40.1. The city clerk is authorized to amend the minutes, by-laws, resolutions, ordinances or other acts of the municipal council, executive committee or borough councils in order to correct clerical errors. In such cases,

the clerk shall attach the minutes of the correction to the original amended document and file a copy of the amended document and the minutes of the correction at the next sitting of the city council, executive committee or borough council, as the case may be.”;

(4) by inserting the following after section 60:

“§8. *Miscellaneous powers*

60.1. The city may, when it deems it appropriate, revise or consolidate part or all of its by-laws so as to combine them into one volume or more and, for those purposes, may revoke, replace or amend them.

For the purposes of the first paragraph, the city may establish terminology and rules for the writing, citation or publication of revised or consolidated by-laws; it may also establish all the rules required for the coming into force of these by-laws and provide for their annual updating to ensure their ongoing consolidation.

Nothing in this section shall be construed as affecting things or matters that have taken place or will take place, the resolutions, decisions, orders or other acts of the city, the debentures, bonds, notes or other obligations issued, the rolls set up for the collection of special taxes or the rights and duties of municipal officers who shall continue to be governed by the previous by-laws until the set term has expired.

60.2. The city may, by by-law, adopt a subsidy plan to cover the costs of acquiring, planting and maintaining trees, shrubs or other plants on the conditions and in the parts of the city that it determines. The subsidies may be uniform or vary for the different parts of the city.

60.3. The city may, by by-law, set the tariff of costs for moving or towing a vehicle parked in violation of any regulatory provision under the Cities and Towns Act (R.S.Q., c. C-19) or the Highway Safety Code (R.S.Q., c. C-24.2). The city may, by the same by-law establish that in all cases where it is provided that a vehicle may be moved or towed for a parking offence, the amount prescribed under the first paragraph may be claimed on the statement of offence and collected by the collector in accordance with sections 321, 322 and 327 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

60.4. The council may, in a by-law on fire prevention made in accordance with paragraph 22 of section 412 of the Cities and Towns Act, order that all or part of a compendium of fire prevention standards shall constitute that by-law. It may provide that any amendments made to the standards or to the applicable part after the coming into force of the by-law shall also constitute part of the by-laws, without having to make a new by-law.

Such amendments shall come into force on the date that the council determines by resolution; the city clerk shall give public notice of the adoption of the resolution in accordance with the law. The compendium of standards or applicable part thereof shall be attached to the by-law and be an integral part of it.

60.5. For the purposes of section 463 of the Cities and Towns Act, any cost incurred for the city to move or have removed any nuisance or to execute any measure for the removal or prevention of any nuisance shall constitute, against the immovable where the nuisance was located, a charge dealt with as a property tax and shall be collected accordingly.

60.6. Notwithstanding sections 573 and 573.1 of the Cities and Towns Act, the city may enter into an agreement with a railway company to have any work carried out on a railway right-of-way.

60.7. Sections 573 and 573.1 of the Cities and Towns Act do not apply to a contract granted by the city and the object of which is the removal, moving or reconstruction of conduits or the installation of a drinking water supply or sewer system, or of conduits for electricity, gas, steam, telecommunications, oil or other fluids, and entered into with the owner of conduits or facilities or with a public utility company for a cost equal to that which a company that generally carries out such work usually charges.

They also do not apply to any contract granted by the city the object of which is the supply of services by a sole supplier or a supplier that has a monopoly in communications, electricity or gas, or the object of which is the maintenance of specialized equipment that must be done by the manufacturer or the manufacturer’s representative.

60.8. The city may, by by-law, adopt a program to grant, on the terms and conditions determined therein, a tax credit related to the setting up or development of high technology establishments in the territory referred to in the sixth paragraph.

For the purposes of this section, “high technology” refers namely to the following areas: biotechnology, biopharmaceuticals, medical computer technology, distance health services and medical equipment. The expression is used principally for

- (1) scientific or technological research and development;
- (2) scientific or technological training;
- (3) management of a technology firm; or

(4) manufacturing of technological products and experimental research and development;

A by-law made under this section may not provide for a tax credit for a period exceeding five years and the eligibility period for the program may not exceed 31 December 2005.

The tax credit shall compensate for the increase in property tax that may result from the reassessment of immovables after the work is completed. For the fiscal year in which the work was completed and the two following fiscal years, the amount of the credit shall equal the difference between the amount in property tax that would be due if the immovables had not been reassessed and the amount in taxes actually due. For the following two fiscal years, the credit shall be respectively 80% and 60% of the credit for the first fiscal year.

The by-law provided for in the first paragraph may be made and as such apply only if the municipal zoning by-law provides that, for the principal activities referred to in subparagraphs 1 and 4 of the second paragraph, the use shall include a gross floor area reserved and intended for experimental scientific research and development equal to at least 15% of the total gross floor area occupied or intended for such use. The zoning by-law shall also provide that use, the principal activity of which is one of those referred to in subparagraphs 2 and 3 of the second paragraph, may not be authorized for more than 30% of the territory referred to in the first paragraph.

The territory referred to in the first paragraph is made up of lots 1624802 and 1625144 of the cadastre of Québec.”;

(5) by adding the following after section 70:

“70.1. The borough council shall obtain authorization from the city council before granting a subsidy to a non-profit organization that has instituted proceedings against the city.”;

(6) by substituting “October” for “September” in paragraph 9 of section 95;

(7) by substituting the following for section 150:

“150. A fund of a maximum of \$5 000 000 shall be constituted for the city from the budgetary surpluses.

The following shall constitute the fund:

(1) for the municipality having the lowest accumulated surplus, half of that surplus;

(2) for every other municipality, the part of its accumulated surplus that corresponds, in terms of percentage, to the proportion that is equal to the amount referred to in subparagraph 1 with respect to the standardized property value of the municipality referred to in that subparagraph.

The fund may be used by the city in full or in part as a working fund or its first accumulated surplus.”; and

(8) by substituting the text of Annexe A attached to the French Order in Council for the text of Annexe A.

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

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