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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 137  
(2002, chapter 77)

**An Act to amend various legislative  
provisions concerning municipal affairs**

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**Introduced 7 November 2002**  
**Passage in principle 17 December 2002**  
**Passage 19 December 2002**  
**Assented to 19 December 2002**

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## EXPLANATORY NOTES

*This bill enacts, amends or strikes out various provisions governing municipal bodies.*

*The bill amends the Act respecting land use planning and development in particular to authorize municipalities to prescribe the maximum number of employees who may work in a residence where permitted by the zoning by-law. As regards larger cities, the bill allows the city council to delegate the exercise of certain powers to the executive committee.*

*The bill amends the Cities and Towns Act to allow cities and towns to maintain lands or passages used as roads by the mere permission of the owner. The bill also amends the Cities and Towns Act and the Municipal Code of Québec to authorize municipalities to contribute financially to the costs of placing a telecommunications system underground.*

*The bill amends the Municipal Code of Québec to eliminate the requirement that the municipal council limit the term of appointment of certain officers of a municipality to two years.*

*The bill amends the Act respecting municipal taxation to exempt nature reserves on private land from property taxes.*

*The bill amends the Act respecting the Communauté métropolitaine de Montréal, in particular to provide that an interim control by-law or resolution adopted or passed by the Community is binding on the Government and its mandataries. In addition, the bill amends the Act respecting the Communauté métropolitaine de Québec to provide that a power of the council may be delegated to the executive committee only with the majority applicable to the council in respect of the exercise of that power, if that majority is greater than the majority normally required to delegate such a power.*

*The bill amends the Charter of Ville de Montréal to confer on the advisory planning committee the power to decide applications for demolition permits.*

*The bill amends the charters of the cities of Gatineau, Lévis, Longueuil, Montréal, Québec, Saguenay, Sherbrooke, Trois-Rivières and Laval to provide that a loan by-law for the execution of permanent*

*work on bicycle paths or the development of banks and shores or parks need not be submitted for approval to the qualified voters.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

- Act to amend the charter of the City of Laval (1971, chapter 99);
- Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67);
- Act respecting Ville de Chapais (1999, chapter 98).

**LEGISLATION REPEALED BY THIS BILL :**

- Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04).

## Bill 137

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

**1.** Section 3 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02), replaced by section 207 of chapter 23 of the statutes of 2001, is amended by inserting “, of Ville de Saint-Jérôme” after “Montréal” in the second line of the first paragraph.

**2.** Section 70 of the said Act, amended by section 225 of chapter 23 of the statutes of 2001, is again amended by adding the following paragraph after the fourth paragraph :

“Notwithstanding the first paragraph, the municipalities whose territory was not situated within the area of jurisdiction of the Agency on 31 December 2002 shall pay, for the year 2003, only one-third of the amount payable under that paragraph for the year 2003 and two-thirds of that amount for the year 2004.”

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**3.** Section 68 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 26 of chapter 35 of the statutes of 2001 and by section 16 of chapter 37 of the statutes of 2002, is again amended by replacing the fourth paragraph by the following paragraph :

“The third paragraph ceases to apply at the expiry of the period that begins on the day of the filing of the notice of motion and that ends six months later in the case of a regional county municipality all or part of whose territory is comprised in or is contiguous to that of a metropolitan community, or four months later in the case of any other regional county municipality. The third paragraph ceases, however, to apply before the expiry of that period on the day on which a notice of motion relating to a replacement by-law is filed or, failing that, on the day on which the time limit fixed by the Minister pursuant to the second paragraph of section 65 expires.”

**4.** Section 113 of the said Act, amended by section 18 of chapter 40 of the statutes of 1999, by section 82 of chapter 6 of the statutes of 2002 and by

section 21 of chapter 37 of the statutes of 2002, is again amended by inserting the following subparagraph after subparagraph 3.1 of the second paragraph :

“(3.2) to prescribe, for each zone, where the carrying on of an enterprise is permitted inside a residence, the maximum number of persons not resident therein who may work in the residence because of the carrying on of that enterprise;”.

**5.** Section 145.14 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**145.14.** The council may, in accordance with the applicable provisions of Division V, adopt a by-law amending the planning by-laws of the municipality to integrate an approved comprehensive development program.”

**6.** The said Act is amended by inserting the following section after section 237.2:

“**237.3.** The council of a municipality having a population of 100,000 or more, except the council of the cities of Longueuil and Montréal, may, notwithstanding any provision, delegate to the executive committee

- (1) the granting of minor exemptions in accordance with section 145.4;
- (2) the approval of comprehensive development programs in accordance with sections 145.12 and 145.13;
- (3) the exercise of the powers provided for in sections 145.18 to 145.20 relating to site planning and architectural integration programs;
- (4) the making of the municipal works agreements provided for in section 145.21;
- (5) the authorization of conditional uses in accordance with section 145.34;
- (6) the authorization of specific proposals for the construction, alteration or occupancy of an immovable in accordance with section 145.38.

The first paragraph applies subject to the powers granted to a borough council by any applicable provision.”

**7.** Section 267.2 of the said Act, replaced by section 8 of chapter 25 of the statutes of 2001 and amended by section 3 of chapter 68 of the statutes of 2001, is again amended by adding the following subparagraph after subparagraph 2 of the third paragraph :

“(3) pursuant to section 65 in respect of a replacement interim control by-law adopted following a request made by the Minister under the second paragraph of that section.”

**8.** Section 267.3 of the said Act, enacted by section 4 of chapter 68 of the statutes of 2001, is amended by replacing “of section 267.2 applies” in the sixth line of the first paragraph by “and the third paragraph of section 267.2 apply”.

#### CHARTER OF VILLE DE GATINEAU

**9.** Section 74 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended

(1) by replacing “waste water purification works, drinking water supply systems” in the second line by “park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “of land” in the fourth line by “of immovables”.

#### CHARTER OF VILLE DE LÉVIS

**10.** Section 99 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended

(1) by replacing “waste water purification works, drinking water supply systems” in the second line by “park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “of land” in the fourth line by “of immovables”.

#### CHARTER OF VILLE DE LONGUEUIL

**11.** Section 85 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended

(1) by replacing “waste water purification works, drinking water supply systems” in the second line by “park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “of land” in the fourth line by “of immovables”.

#### CHARTER OF VILLE DE MONTRÉAL

**12.** Section 8 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 238 of chapter 25 of the statutes of 2001, by section 1 of Order in Council 1308-2001 dated 1 November 2001 and by section 116 of chapter 68 of the statutes of 2001, is again amended by adding the following sentence at the end of the eighth paragraph: “The expenditures necessary to make up the negative balance of the assets of Corporation Anjou 80, as established at 31 December 2001, are deemed to be expenditures relating to a debt of Ville d’Anjou and financed by revenues derived from the whole territory of Ville d’Anjou.”

**13.** Section 89 of the said Charter, replaced by section 265 of chapter 25 of the statutes of 2001, is amended by inserting “, particularly within the framework of a social housing program implemented under the Act respecting the Société d’habitation du Québec (chapter S-8)” after “lodging” in the second line of subparagraph 4 of the first paragraph.

**14.** Section 100 of the said Charter is amended by replacing “section 48” in the sixth line of the first paragraph by “section 48 or 49”.

**15.** Section 148 of the said Charter, amended by section 284 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “waste water purification works, drinking water supply systems” in the first and second lines of subparagraph 2 of the first paragraph by “park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “of land” in the fourth line of subparagraph 2 of the first paragraph by “of immovables”.

**16.** Section 151.6 of the said Charter, enacted by section 286 of chapter 25 of the statutes of 2001 and amended by section 134 of chapter 68 of the statutes of 2001, is replaced by the following sections:

**“151.6.** The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a subsidy or a credit to the debtor of the general property tax imposed, for any of the fiscal years referred to in the fourth paragraph, on any unit of assessment that is eligible according to the rules provided for in the fifth paragraph.

The subsidy or credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the rental tax is not imposed in respect of a sector, either separately or within the whole territory of the city;

(2) the rental tax was imposed in respect of the sector referred to in subparagraph 1, for the fiscal year preceding the fiscal year referred to in that subparagraph, without being imposed in respect of the whole territory of the city;

(3) in respect of the sector referred to in subparagraph 1 and for the fiscal year referred to in that subparagraph, the estimated general property tax revenues derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation (chapter F-2.1), combined, where applicable, with the estimated revenues derived from the tax imposed pursuant to the sixth paragraph of section 101 of Schedule C, are greater than they would have been were it not for the loss of rental tax revenues; and



(4) the city does not avail itself of the power provided for in section 244.59 of the Act respecting municipal taxation.

For the purposes of the second paragraph, “rental tax” means the business tax, the tax provided for in section 101 of Schedule C where its rate is based on the rental value, or the combination of those two taxes if they cease simultaneously to be imposed in respect of the sector referred to in subparagraph 1 of that paragraph.

The fiscal years for which the subsidy or credit may be granted are the fiscal year referred to in subparagraph 1 of the second paragraph and the next two fiscal years.

The eligible units of assessment are determined among the units of assessment situated in the sector referred to in subparagraph 1 of the second paragraph and that belong to the group described in section 244.31 of the Act respecting municipal taxation. The program shall set out rules to determine the eligibility of units of assessment. The rules may, for that purpose, use criteria that are based on

- (1) the value of the unit ;
- (2) the vacant nature, as defined by the rules, of the land in the unit ;
- (3) the vacancy, as defined by the rules, of the unit or of certain of its parts ;
- (4) the transfer of the tax burden, as defined by the rules, measured in respect of the unit.

The credit shall diminish the amount payable of the general property tax imposed on any eligible unit of assessment in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the subsidy or credit shall be established according to the rules set out in the program. The rules may define categories among the units concerned and vary according to those categories. The rules shall also specify the conditions and procedures for the granting of the subsidy or credit.

The cost of the aggregate of the subsidies or credits granted in respect of the units of assessment situated in a sector shall be a burden on the aggregate of the units situated in the sector that belong to the group described in section 244.31 of the Act respecting municipal taxation.

Where the city imposes the surtax or the tax on non-residential immovables, it must, if it avails itself of the power under the first paragraph, prescribe the rules enabling the appropriate correspondences to be made so as to obtain the same results, as regards the application of the first seven paragraphs, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to the surtax or the tax on non-residential immovables.

**“151.6.1.** The city may establish a program for the purpose of granting a subsidy, in the circumstances described in subparagraphs 1 to 3 of the second paragraph of section 151.6 and for any of the fiscal years referred to in the fourth paragraph of that section, to any eligible lessee.

A lessee referred to in subparagraph *g* or *h* of paragraph 1 of section 236 of the Act respecting municipal taxation (chapter F-2.1) or in any of paragraphs 3 to 5 of that section is, among the lessees whose lease is entered into for all or part of a unit of assessment situated in the sector referred to in subparagraph 1 of the second paragraph of section 151.6 and that belongs to the group described in section 244.31 of that Act, an eligible lessee.

The amount of the subsidy is established according to the rules set out by the program. The rules may define categories among the eligible lessees and vary according to those categories. The rules shall also specify the conditions and procedures for the granting of the subsidy.

The cost of the aggregate of the subsidies granted to the lessees of units of assessment situated in a sector shall be a burden on the aggregate of the units situated in the sector that belong to the group described in section 244.31 of the Act respecting municipal taxation.

**“151.6.2.** Where a unit of assessment situated in a sector that belongs to the group described in section 244.31 of the Act respecting municipal taxation (chapter F-2.1) is the subject of a lease that is in force on the first day following the fiscal year of reference, within the meaning of the second paragraph, and that does not allow the owner to increase the rent stipulated to take into account new taxes for which the owner becomes the debtor, or to have the lessee otherwise assume payment of such a tax, the owner may nonetheless, in accordance with the rules set out in this section, increase the rent stipulated to take into account all or part of the additional amount payable by the owner for a fiscal year in relation to the fiscal year of reference by reason of the imposition of a mode of property taxation specific to the non-residential sector.

The fiscal year of reference is the last fiscal year for which the city imposes the rental tax in respect of the sector concerned, either separately or within the whole territory of the city. “Rental tax” means the business tax or the tax provided for in section 101 of Schedule C where its rate is based on the rental value. Where one of those taxes ceases to be imposed in respect of the sector while the other continues to be imposed, the fiscal year of reference is determined on the basis of the first tax.

The rent that may be so increased is the rent payable for the period, subsequent to the fiscal year of reference, in which the lease is effective and that includes all or part of a fiscal year for which the amount referred to in the first paragraph is payable.

However, the rent stipulated in a lease entered into for part of the unit of assessment that does not constitute premises within the meaning of the last two paragraphs of section 244.34 of the Act respecting municipal taxation, cannot be so increased.

Where the lease is entered into for such premises among other premises within the unit of assessment, the increase in rent shall take into account only the proportion of the amount referred to in the first paragraph that corresponds to the proportion that the premises under lease are of the total of the rental values of all the premises at the end of the fiscal year of reference. However, another proportion, as agreed upon by the owner and all the lessees of the premises, may be established.

Subject to the seventh and eighth paragraphs, the amount payable for a fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector is,

(1) where under section 244.29 of the Act respecting municipal taxation, the city fixes a general property tax rate specific to the category provided for in section 244.33 of that Act, the difference obtained by subtracting the amount of the tax that would be payable if only the basic rate provided for in section 244.38 of that Act were applied from the amount of the tax payable in respect of the unit of assessment for the fiscal year ; or

(2) where the city imposes the surtax or the tax on non-residential immovables, the amount of the surtax or of the tax payable in respect of the unit of assessment for the fiscal year.

Where the city avails itself of the power under the sixth paragraph of section 101 of Schedule C to impose the tax provided for in that section for a fiscal year, the total obtained by adding the amount of that tax payable in respect of the unit of assessment and the amount determined under the sixth paragraph of this section is the amount payable for that fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector.

For the fiscal year before the end of which the lease ceases to be effective, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is the product obtained by multiplying the amount determined under the sixth or the seventh paragraph, as the case may be, by the quotient resulting from the division of the number of whole days in the fiscal year that have elapsed at the time at which the lease ceases to be effective, by 365 or by 366 in the case of a leap year.

Sections 491 and 244.64 of the Act respecting municipal taxation apply, with the necessary modifications, for the purpose of interpreting, in the first case, the word “owner” and, in the second case, the words “surtax” and “tax” used in this section.”

**17.** Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 12:

“**12.1.** The city may enter into any agreement with the legal person known as Quartier international de Montréal concerning the carrying out and financing of work on the part of the city’s territory known as the Quartier international de Montréal.

The Government may be a party to the agreement provided for in the first paragraph.”

**18.** Section 101 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by striking out the last four paragraphs.

**19.** Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 137:

“**137.1.** The city may acquire by agreement any immovable outside its territory that is required for the purpose of establishing a nursery.”

**20.** Section 139 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by striking out “, with the authorization of the Minister of Industry and Commerce” in the first paragraph.

**21.** Section 169 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001 and amended by section 58 of chapter 37 of the statutes of 2002, is again amended by adding the following paragraph at the end:

“However, the functions assigned by the Cities and Towns Act to the committee established under section 412.23 of that Act shall be exercised by the advisory planning committee established under section 132 of this Charter. The sittings of the committee held for such purpose are public; the committee may also hold a public hearing if it considers it advisable.”

**22.** Section 237 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended

(1) by replacing “guaranteed by a privilege, which has the same rank as municipal taxes and assessments” in the first paragraph by “, from 1 January 1994, deemed to be a property tax secured by a prior claim constituting a real right”;

(2) by replacing “all or part of the privilege” in the second paragraph by “all or part of the prior claim”;

(3) by replacing “affected by the privilege” in the second paragraph by “affected by the prior claim”.

**23.** Section 251 of the French text of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing “Saint-Laurent” by “Technoparc Saint-Laurent”.

**24.** Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 253 :

**“253.1.** Notwithstanding section 8, the expenditures relating to payment of a final expropriation indemnity by the city within the framework of an expropriation begun before 1 January 2002 under the Act respecting the city of Saint-Laurent (1992, chapter 69) shall be financed by the revenues derived exclusively from the territory of Ville de Saint-Laurent instead of solely from the part of that territory determined under section 9 of that Act.”

#### CHARTER OF VILLE DE QUÉBEC

**25.** Section 128 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5), amended by section 336 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “waste water purification works, drinking water supply systems” in the first and second lines of subparagraph 2 of the first paragraph by “park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “of land” in the fourth line of subparagraph 2 of the first paragraph by “of immovables”.

**26.** Section 72 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting “on the streets and roads which form the arterial system of the city as well as those which form the system under the responsibility of the borough councils” after “travel” in the first paragraph.

**27.** Section 97 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is repealed.

#### CITIES AND TOWNS ACT

**28.** Section 29.1.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by striking out “on an experimental basis” in the fourth line ;

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

“The municipality and any minister or body of the Government may enter into any agreement necessary for the application of the agreement provided for in the first paragraph or that is incidental to such an agreement.”

**29.** Section 29.1.2 of the said Act is repealed.

**30.** The said Act is amended by inserting the following after section 29.18 :

“§1.2. — *Occupation of the public domain of the municipality*

“**29.19.** A municipality may, by by-law, as regards the occupation of its public domain, determine

(1) the purposes for which the occupation is authorized unconditionally or may be so authorized subject to compliance with certain conditions ;

(2) the conditions that must be met for the occupation to be authorized, in particular payment of an amount in one or more instalments ;

(3) the terms and conditions according to which the occupation is authorized where the required conditions are met, in particular the adoption of a resolution or the issue of a permit ;

(4) the rules relating to the duration and the premature end of the authorized occupation, in particular the rules concerning revocation of the authorization ;

(5) (a) the circumstances in which all or part of the structures or installations situated in the public domain in accordance with the authorization may, notwithstanding the authorization, be permanently or temporarily removed ;

(b) the rules relating to a removal under subparagraph a ;

(6) (a) the categories of occupation for the purposes of this paragraph ;

(b) the rules relating to the entry of any authorized occupation in any category it specifies in a register kept for that purpose ;

(c) the rules relating to the issue of certified extracts from the register provided for in subparagraph b.

The municipality may, in the by-law, define categories of cases and avail itself of any power provided for in the first paragraph in a manner that varies according to the category. The municipality may also, in the by-law, provide that the council or other deliberative body it designates is empowered, in the circumstances and subject to the conditions it indicates, to exercise case by case and by resolution any power it specifies among those provided for in subparagraphs 2 to 5 of the first paragraph.

**“29.20.** Where the by-law provided for in section 29.19 is in force, every structure or installation situated in the public domain of the municipality otherwise than in accordance with an authorization granted under the by-law must be removed from the public domain of the municipality.

Such by-law may contain rules concerning the removal of the structure or installation.

**“29.21.** Every person who occupies the public domain of the municipality in accordance with an authorization granted under the by-law provided for in section 29.19 is liable for any harm resulting from that occupation.

The person must take up the defence of the municipality and indemnify it in any claim in damages against the municipality.

**“29.22.** The amount payable under subparagraph 2 of the first paragraph of section 29.19 is secured by a legal hypothec on the immovable for whose utility the occupation of the public domain of the municipality was authorized.

The amount shall be collected in accordance with the provisions relating to the collection of the property taxes of the municipality.”

**31.** The said Act is amended by inserting the following section after section 327:

**“327.1.** Where a borough council can no longer validly sit, the city council may, as long as the situation lasts, exercise the powers of the borough council on its behalf.

The acts so done shall have the same effect, in all respects, as if the borough council itself had acted.”

**32.** The said Act is amended by inserting the following section after section 360:

**“360.1.** The by-laws adopted under any of subdivisions 5, 9, 10, 15 and 19 may be different in respect of the parts of the territory of the municipality the council determines.

The first paragraph does not operate to limit the powers of territorial discrimination currently existing under those subdivisions.”

**33.** Section 415 of the said Act is amended

(1) by inserting “to prescribe in which cases the opening, widening or extension of streets may be ordered by resolution” after “streets,” in the second line of the first paragraph of paragraph 1;

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

“The powers provided for in the first paragraph that concern the manner of maintaining streets also apply in respect of land or a passage that is used as a road by the mere permission of the owner and that, even if the land or passage is ordinarily kept closed at one of its extremities, meets the other conditions set out in the first paragraph of article 736 of the Municipal Code of Québec (chapter C-27.1);”;

(3) by inserting the following paragraph after paragraph 17 :

“(17.1) To contribute financially, in whole or in part and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the costs of burying wires or any telecommunications system;”.

**34.** The said Act is amended by inserting the following after section 463.1 :

“§19.2. — *Spreading of livestock waste*

“**463.2.** The council may, by by-law, prohibit the spreading of livestock waste, sludge or residues from pulp and paper mills for up to eight days, after 31 May and before 1 October, the dates of which shall be specified by the council so that the prohibition does not apply for more than two consecutive days.

In order for the prohibition to apply in the course of a year, the by-law establishing the prohibition must be adopted and published not later than the last day of February and March, respectively, of that year.

The clerk may, in writing and on request, authorize a person to carry out spreading prohibited by the by-law. Where there has been rain on five consecutive days, the clerk must grant the authorization.”

**35.** Section 466.3 of the said Act is amended by replacing “Where” in the first line of the fourth paragraph by “In the case of Ville de Montréal, where”.

#### MUNICIPAL CODE OF QUÉBEC

**36.** Article 10.5 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by striking out “on an experimental basis” in the fourth line ;

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

“The municipality and any minister or body of the Government may enter into any agreement necessary for the application of the agreement provided for in the first paragraph or that is incidental to such an agreement.”



**37.** Article 10.6 of the said Code is repealed.

**38.** The said Code is amended by inserting the following articles after article 14.16:

“**14.16.1.** A municipality may, by by-law, as regards the occupation of its public domain, determine

(1) the purposes for which the occupation is authorized unconditionally or may be so authorized subject to compliance with certain conditions;

(2) the conditions that must be met for the occupation to be authorized, in particular payment of an amount in one or more instalments;

(3) the terms and conditions according to which the occupation is authorized where the required conditions are met, in particular the adoption of a resolution or the issue of a permit;

(4) the rules relating to the duration and the premature end of the authorized occupation, in particular the rules concerning revocation of the authorization;

(5) (a) the circumstances in which all or part of the structures or installations situated in the public domain in accordance with the authorization may, notwithstanding the authorization, be permanently or temporarily removed;

(b) the rules relating to a removal under subparagraph *a*;

(6) (a) the categories of occupation for the purposes of this paragraph;

(b) the rules relating to the entry of any authorized occupation in any category it specifies in a register kept for that purpose;

(c) the rules relating to the issue of certified extracts from the register provided for in subparagraph *b*.

The municipality may, in the by-law, define categories of cases and avail itself of any power provided for in the first paragraph in a manner that varies according to the category. The municipality may also, in the by-law, provide that the council or other deliberative body it designates is empowered, in the circumstances and subject to the conditions it indicates, to exercise case by case and by resolution any power it specifies among those provided for in subparagraphs 2 to 5 of the first paragraph.

“**14.16.2.** Where the by-law provided for in article 14.16.1 is in force, every structure or installation situated in the public domain of the municipality otherwise than in accordance with an authorization granted under the by-law must be removed from the public domain of the municipality.

Such by-law may contain rules concerning the removal of the structure or installation.

**“14.16.3.** Every person who occupies the public domain of the municipality in accordance with an authorization granted under the by-law provided for in article 14.16.1 is liable for any harm resulting from that occupation.

The person must take up the defence of the municipality and indemnify it in any claim in damages against the municipality.

**“14.16.4.** The amount payable under subparagraph 2 of the first paragraph of article 14.16.1 is secured by a legal hypothec on the immovable for whose utility the occupation of the public domain of the municipality was authorized.

The amount shall be collected in accordance with the provisions relating to the collection of the property taxes of the municipality.”

**39.** Article 219 of the said Code is amended by striking out “in the month of March of every second year,” in the first line.

**40.** Article 223 of the said Code is amended by striking out “, every two years, in the month of March,” in the second line.

**41.** The said Code is amended by inserting the following article after article 550.1 :

**“550.2.** Every local municipality may, by by-law, prohibit the spreading of livestock waste, sludge or residues from pulp and paper mills for up to eight days, after 31 May and before 1 October, the dates of which shall be specified by the council so that the prohibition does not apply for more than two consecutive days.

In order for the prohibition to apply in the course of a year, the by-law establishing the prohibition must be adopted and published not later than the last day of February and March, respectively, of that year.

The clerk may, in writing and on request, authorize a person to carry out spreading prohibited by the by-law. Where there has been rain on five consecutive days, the clerk must grant the authorization.”

**42.** Article 557 of the said Code is amended by inserting the following paragraph after paragraph 7 :

“(7.1) to contribute financially, in whole or in part and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the costs of burying wires or any telecommunications system wires;”.

**43.** Article 627.3 of the said Code is amended by striking out the fourth paragraph.

**44.** Article 936.0.1.1 of the said Code, enacted by section 109 of chapter 37 of the statutes of 2002, is amended

(1) by inserting the following paragraph after the fourth paragraph:

“The council may, by by-law, delegate to any officer or employee the power to establish the selection committee and fix the conditions and procedures for the exercise of the delegated power.”;

(2) by replacing “and fourth” in the fourth line of the fifth paragraph by “, fourth and fifth”.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**45.** Section 147 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended

(1) by inserting “and the provisions of Title III of that Act concerning sanctions and recourses in respect of the interim control by-law or resolution” after “(chapter A-19.1)” in the third line of the first paragraph;

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

“Where an interim control by-law adopted by the council of the Community under the first paragraph is in force, section 2 and Chapter VI of Title I of that Act apply.”

**46.** The said Act is amended by inserting the following section after section 147:

**147.1.** Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and prohibiting an activity in a given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 147 authorizes the activity, in the same portion of territory, upon issuance of a permit or certificate.

Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and authorizing, upon issuance of a permit or a certificate, an activity in a given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 147

(1) prohibits the activity, in the same portion of territory ;

(2) authorizes the activity in the same portion of territory, upon issuance of a permit or a certificate, and the terms and conditions for the issuance thereof or the officers charged with the issuance thereof are not the same.”

**47.** The said Act is amended by inserting the following section after section 149:

**“149.0.1.** The Government may, by regulation, prescribe rules governing the form in which the content of the metropolitan land use and development plan or an interim control by-law adopted by the council of the Community must be presented.”

**48.** Section 181 of the said Act is amended by replacing the third paragraph by the following paragraph:

“The fund is comprised of any amount paid into it, in particular under the second paragraph of section 180, and the interest earned on that amount.”

**49.** Section 221 of the said Act is amended by inserting “or under a by-law or an order of the Community” after “Act” in the second line.

**50.** Section 222 of the said Act is amended by inserting “or under a by-law or an order of the Community” after “Act” in the second line.

**51.** The said Act is amended by inserting the following sections after section 223.1:

**“223.2.** Subject to section 223.1, the Community may determine, by by-law, from among the provisions of a by-law adopted under this Act, those the contravention of which constitutes an offence, and prescribe, for each offence, the fines to which the offender is liable.

The fixed or maximum amount prescribed for a first offence may not exceed \$1,000 if the offender is a physical person or \$2,000 if the offender is a legal person.

For a second or subsequent offence, the fixed or maximum amount prescribed may not exceed \$2,000 if the offender is a physical person or \$4,000 if the offender is a legal person.

**“223.3.** For the purposes of this Act, the Community may authorize a person to act as an inspector.

**“223.4.** An inspector may, in the exercise of his or her functions :

(1) enter any premises, at any reasonable hour, to ensure this Act, a by-law or a resolution of the Community is being enforced or complied with ;

(2) take pictures of the premises and the property situated thereon ;

(3) require any information or document relating to the application of this Act.

An inspector must present identification on request and show the certificate bearing the signature of the department head attesting to the inspector's capacity.

**“223.5.** Every person who hinders the work of an inspector, makes a false or misleading statement or refuses to provide any information or document that the inspector is entitled to obtain under this Act or a by-law adopted pursuant to this Act is liable to a fine of not more than \$2,000.

For a second or subsequent offence, the maximum fine is \$4,000.

**“223.6.** Every person who assists another person in committing an offence under this Act or a by-law adopted pursuant to the Act or who, by encouragement, advice or consent, or by an authorization or an order, induces another person to commit such an offence is liable to the same penalty as that prescribed for the offence committed by the other person.”

**52.** Section 264 of the said Act, replaced by section 213 of chapter 25 of the statutes of 2001, is amended by adding the following subparagraph after subparagraph 2 of the third paragraph :

“(3) pursuant to section 65 of the Act respecting land use planning and development in respect of a replacement interim control by-law adopted following a request made by the Minister pursuant to the second paragraph of that section.”

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**53.** Section 40 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by adding the following paragraph at the end :

“However, if the majority required for the exercise of a power by the council is greater than the majority required under the first paragraph, the greater majority applies to the decision of the council to delegate that power to the executive committee.”

**54.** The said Act is amended by inserting the following section after section 139 :

**“139.1.** Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and prohibiting an activity in a

given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 139 authorizes the activity, in the same portion of territory, upon issuance of a permit or certificate.

Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and authorizing, upon issuance of a permit or a certificate, an activity in a given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 139

(1) prohibits the activity, in the same portion of territory ;

(2) authorizes the activity in the same portion of territory, upon issuance of a permit or a certificate, and the terms and conditions for the issuance thereof or the officers charged with the issuance thereof are not the same.”

**55.** The said Act is amended by inserting the following section after section 141 :

“**141.1.** The Government may, by regulation, prescribe rules governing the form in which the content of the metropolitan land use and development plan or an interim control by-law adopted by the council of the Community must be presented.”

**56.** Section 171 of the said Act is amended by replacing the third paragraph by the following paragraph :

“The fund is comprised of any amount paid into it, in particular under the second paragraph of section 170, and the interest earned on that amount.”

**57.** The said Act is amended by inserting the following sections after section 210 :

“**210.1.** The Community may determine, by by-law, from among the provisions of a by-law adopted under this Act, those the contravention of which constitutes an offence, and prescribe, for each offence, the fines to which the offender is liable.

The fixed or maximum amount prescribed for a first offence may not exceed \$1,000 if the offender is a physical person or \$2,000 if the offender is a legal person.

For a second or subsequent offence, the fixed or maximum amount prescribed may not exceed \$2,000 if the offender is a physical person or \$4,000 if the offender is a legal person.

**“210.2.** For the purposes of this Act, the Community may authorize a person to act as an inspector.

**“210.3.** An inspector may, in the exercise of his or her functions :

- (1) enter any premises, at any reasonable hour, to ensure this Act, a by-law or a resolution of the Community is being enforced or complied with ;
- (2) take pictures of the place and the property situated thereon ;
- (3) require any information or document relating to the application of this Act.

An inspector must present identification on request and show the certificate bearing the signature of the department head and attesting to the inspector’s capacity.

**“210.4.** Every person who hinders the work of an inspector, makes a false or misleading statement or refuses to provide any information or document that the inspector is entitled to obtain under this Act or a by-law adopted pursuant to this Act is liable to a fine of not more than \$2,000.

For a second or subsequent offence, the maximum fine is \$4,000.

**“210.5.** Every person who assists another person in committing an offence under this Act or a by-law adopted pursuant to the Act or who, by encouragement, advice or consent, or by an authorization or an order, induces another person to commit such an offence is liable to the same penalty as that prescribed for the offence committed by the other person.”

**58.** Section 227 of the said Act, replaced by section 491 of chapter 25 of the statutes of 2001, is amended by adding the following subparagraph after subparagraph 2 of the third paragraph :

“(3) pursuant to section 65 of the Act respecting land use planning and development in respect of a replacement interim control by-law adopted following a request made by the Minister pursuant to the second paragraph of that section.”

#### ACT RESPECTING MUNICIPAL TAXATION

**59.** Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 119 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraph after paragraph 18 :

“(19) an immovable that is a nature reserve recognized under the Act respecting nature reserves on private land (2001, chapter 14).”

**60.** Section 205 of the said Act, amended by section 229 of chapter 37 of the statutes of 2002, is again amended by replacing “and 11” in the third line of the first paragraph by “, 11 and 19”.

**61.** Section 205.1 of the said Act is amended by replacing “and 11” in the second line of the first paragraph by “, 11 and 19”.

**62.** Section 206 of the said Act is amended by replacing “or 10 to 12” in the second line by “, 10 to 12 and 19”.

**63.** Section 208 of the said Act, amended by section 60 of chapter 68 of the statutes of 2001, is again amended by adding the following sentence at the end of the first paragraph: “However, that rule does not apply in the case of an immovable referred to in paragraph 1.1 of section 204 where, according to the legislation of the Parliament of Canada relating to subsidies to municipalites that are to stand in lieu of property taxes, and according to the instruments made under that legislation, such a subsidy is paid in respect of the immovable notwithstanding its being occupied as described in this paragraph.”

**64.** Section 244.44 of the said Act, amended by section 231 of chapter 37 of the statutes of 2002, is again amended by replacing the second and third paragraphs by the following paragraphs:

“Where the municipality fixes a rate specific to the category of industrial immovables for a fiscal year, the applicable coefficient for that fiscal year is the product obtained by multiplying the quotient resulting from the division under the first paragraph of section 244.45 by the coefficient applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll applying for the fiscal year for which the rate is fixed applied.

The applicable coefficient for that preceding fiscal year is deemed to be equal to 1 if, for that preceding fiscal year, the municipality has not fixed a rate specific to the category of industrial immovables or has fixed a rate that was equal to or less than the rate specific to the category of non-residential immovables.

The first three paragraphs apply subject to section 244.45.4.”

**65.** Section 244.45 of the said Act, amended by section 232 of chapter 37 of the statutes of 2002, is again amended by striking out the sixth paragraph.

**66.** The said Act is amended by inserting the following section after section 244.45.3, enacted by section 233 of chapter 37 of the statutes of 2002:

**“244.45.4.** Where the municipality avails itself of the power under section 253.27 in respect of its property assessment roll, the operations described in the second and third paragraphs are performed to calculate an adjusted coefficient, by which the rate specific to the category of non-residential



immovables is multiplied, to establish the maximum rate specific to the category of industrial immovables for either of the first two fiscal years for which the roll applies.

The first operation in relation to the calculation of the adjusted coefficient consists in subtracting the second of the following coefficients from the first :

(1) the coefficient from which the other coefficient is subtracted is the coefficient that is calculated pursuant to section 244.44 for the fiscal year for which the maximum specific rate is established; and

(2) the coefficient that is subtracted from the other coefficient is the coefficient that is applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll referred to in the first paragraph applied.

The second operation consists in algebraically adding the coefficient described in subparagraph 2 of the second paragraph and the number that is one-third or two-thirds, according to whether the fiscal year for which the maximum specific rate is established is the first or the second fiscal year to which the roll referred to in the first paragraph applies, of the difference resulting from the subtraction under the second paragraph.

Where the property assessment roll in respect of which the municipality avails itself of the power under section 253.27 applies to two fiscal years only, an adjusted coefficient is calculated only for the first of those fiscal years. For that purpose, for the application of the third paragraph, one-half, rather than one-third or two-thirds, of the difference resulting from the subtraction under the second paragraph shall be taken into account.”

**67.** Section 244.47 of the said Act, amended by section 234 of chapter 37 of the statutes of 2002, is again amended by replacing the second and third paragraphs by the following paragraphs :

“Where the municipality fixes a rate specific to that category for a fiscal year, the applicable coefficient for that fiscal year is the product obtained by multiplying the quotient resulting from the division under the first paragraph of section 244.48 by the coefficient applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll applying for the fiscal year for which the rate is fixed applied.

The applicable coefficient for that preceding fiscal year is deemed to be equal to 1 if, for that preceding fiscal year, the municipality has not fixed a rate specific to the category of immovables consisting of six or more dwellings.

The first three paragraphs apply subject to section 244.48.1.”

**68.** Section 244.48 of the said Act, amended by section 235 of chapter 37 of the statutes of 2002, is again amended by striking out the sixth paragraph.

**69.** The said Act is amended by inserting the following section after section 244.48:

**“244.48.1.** Where the municipality avails itself of the power under section 253.27 in respect of its property assessment roll, the operations described in the second and third paragraphs are performed to calculate an adjusted coefficient, by which the basic rate is multiplied, to establish the maximum rate specific to the category of immovables consisting of six or more dwellings for either of the first two fiscal years for which the roll applies.

The first operation in relation to the calculation of the adjusted coefficient consists in subtracting the second of the following coefficients from the first:

(1) the coefficient from which the other coefficient is subtracted is the coefficient that is calculated pursuant to section 244.47 for the fiscal year for which the maximum specific rate is established; and

(2) the coefficient that is subtracted from the other coefficient is the coefficient that is applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll referred to in the first paragraph applied.

The second operation consists in algebraically adding the coefficient described in subparagraph 2 of the second paragraph and the number that is one-third or two-thirds, according to whether the fiscal year for which the maximum specific rate is established is the first or the second fiscal year to which the roll referred to in the first paragraph applies, of the difference resulting from the subtraction under the second paragraph.

Where the property assessment roll in respect of which the municipality avails itself of the power under section 253.27 applies to two fiscal years only, an adjusted coefficient is calculated only for the first of those fiscal years. For that purpose, for the application of the third paragraph, one-half, rather than one-third or two-thirds, of the difference resulting from the subtraction under the second paragraph shall be taken into account.”

#### ACT RESPECTING THE MINISTÈRE DES RÉGIONS

**70.** Section 8 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001) is amended by inserting “a body mentioned in Schedule A or” after “is” in the first line of the first paragraph.

**71.** Section 9 of the said Act is amended by replacing “accredited as such” in the second line of the second paragraph by “mentioned in Schedule A or accredited as a local development centre”.

**72.** Section 11 of the said Act is replaced by the following section:

“**11.** Local development centres shall be distributed as follows :

(1) the territory of a regional county municipality may only be served by one local centre ;

(2) the territories of two or more regional county municipalities may be served by one local centre ;

(3) every territory of a local municipality not comprised within the territory of a regional county municipality may be served by one local centre only, either exclusively or jointly with any other such territory or with the territory adjacent to any regional county municipality.

Notwithstanding subparagraph 3 of the first paragraph, the territory of Ville de Montréal is served by more than one local centre and, in particular, by the local centres mentioned in Schedule A, which serve, respectively, the parts of the territory of the city described in that schedule.”

**73.** The said Act is amended by adding the following schedule at the end :

“SCHEDULE A  
“(sections 8 and 11)

“LOCAL DEVELOPMENT CENTRES AND PARTS OF THE  
TERRITORY OF VILLE DE MONTRÉAL SERVED BY EACH LOCAL  
CENTRE

“**Corporation de développement économique communautaire Côte-des-Neiges/Notre-Dame-de-Grâce**

“The part of the territory of Ville de Montréal corresponding to the Côte-des-Neiges/Notre-Dame-de-Grâce borough.

“**Corporation de développement économique communautaire Ahuntsic-Cartierville**

“The part of the territory of Ville de Montréal corresponding to the Ahuntsic/Cartierville borough.

“**CDEC Rosemont-Petite Patrie, Corporation de développement économique communautaire**

“The part of the territory of Ville de Montréal corresponding to the Rosemont/Petite-Patrie borough.

“**Corporation de développement économique communautaire (CDEC) Centre-Nord**

“The part of the territory of Ville de Montréal corresponding to the Villeray/Saint-Michel/Parc-Extension borough.

**“Corporation de développement économique communautaire Centre-Sud**

“The part of the territory of Ville de Montréal corresponding to the Plateau Mont-Royal borough, except the quadrant formed by Saint-Laurent boulevard, Sherbrooke street west, University street and des Pins avenue west and the part of the territory of Ville de Montréal corresponding to the part of the Ville-Marie borough situated east of Saint-Denis street and north of Notre-Dame street east and the railway tracks along Port-de-Montréal street.

**“Société de développement économique de Rivière-des-Prairies et Pointe-aux-Trembles**

“The part of the territory of Ville de Montréal corresponding to the Rivière-des-Prairies/Pointe-aux-Trembles/Montréal-Est borough.

**“Regroupement pour la relance économique et sociale du Sud-Ouest de Montréal**

“The part of the territory of Ville de Montréal corresponding to the Sud-Ouest borough.

**“Corporation de développement de l’Est (CDEST) inc.**

“The part of the territory of Ville de Montréal corresponding to the Mercier/Hochelaga-Maisonneuve borough.

**“Société de développement économique (SDE) Ville-Marie**

“The part of the territory of Ville de Montréal corresponding to the Ville-Marie borough, except the part situated east of Saint-Denis street and north of Notre-Dame street east and the railway tracks along Port-de-Montréal street and the part of the territory of Ville de Montréal corresponding to the part of the Plateau Mont-Royal borough comprised in the quadrant formed by Saint-Laurent boulevard, Sherbrooke street west, University street and des Pins avenue west.

**“Corporation de relance économique et communautaire de Saint-Léonard**

“The part of the territory of Ville de Montréal corresponding to the Saint-Léonard borough.”

## ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

**74.** Section 76.4 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), enacted by section 171 of chapter 25 of the statutes of 2001 and amended by section 90 of chapter 68 of the statutes of 2001, is again amended by inserting the following paragraph after the first paragraph :

“The plan established under the first paragraph may define classes among the beneficiaries of supplementary benefits and order benefits that vary according to the classes.”

## ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

**75.** Section 3.1.1 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by striking out “authorized by the Minister” in the first line of the first paragraph.

## ACT RESPECTING THE SOCIÉTÉ DE PROMOTION ÉCONOMIQUE DU QUÉBEC MÉTROPOLITAIN

**76.** The Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04) is repealed.

## TRANSPORT ACT

**77.** Section 88.6 of the Transport Act (R.S.Q. chapter T-12), replaced by section 241 of chapter 23 of the statutes of 2001, is amended by replacing the first paragraph by the following paragraph :

“**88.6.** The sums which the Minister must pay shall be apportioned in proportion to the contributions collected, since the preceding payment, in the territory of each metropolitan community and in each region described in Schedule A, as well as in the territory of Ville de Saint-Jérôme.”

**78.** Schedule A to the said Act, replaced by section 242 of chapter 23 of the statutes of 2001 and amended by section 69 of chapter 66 of the statutes of 2001, is again amended by adding the following paragraph after paragraph 6 :

“7. Ville de Saint-Jérôme”.

## ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**79.** Section 76 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing subparagraph *b* of the first paragraph by the following subparagraphs :

“(b) the date of the advance poll and the opening and closing times of the polling station or stations on that day ;

“(c) the date of polling day and the opening and closing times of the polling station or stations on that day.”

**80.** Section 85 of the said Act is amended by inserting “when an advance poll or a poll is held” after “established” in paragraph 1 of subsection 3.

**81.** The said Act is amended by inserting the following division after section 85 :

**“DIVISION V.1**

**“ADVANCE POLL**

**“85.1.** Where a poll must be held, an advance poll must be held on the Sunday preceding polling day.

However, the presiding officer may decide that the advance poll will be held on the Sunday and the Monday preceding polling day.

**“85.2.** Election officers, handicapped persons and persons who have reasonable cause to believe that they will be absent or unable to vote on polling day may vote at the advance poll.

**“85.3.** Every advance polling station must be open from 12 noon to 8 p.m.

**“85.4.** The provisions of this Act relating to the holding of a poll, except section 94, apply, with the necessary modifications, to the advance poll, to the extent that they are consistent with this division. The same applies to sections 182 to 185 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”

**82.** Section 266 of the said Act is amended by replacing “chefs” in the French text of the first line of the second paragraph by “directeurs”.

**83.** Section 297 of the said Act is amended by replacing “chefs” in the French text of the third line by “directeurs”.

**84.** Section 298 of the said Act is amended

(1) by replacing “manager” in the first line of subsection 1 by “director general” ;

(2) by replacing “assistant manager” in the fourth line of subsection 4 by “assistant director general”.

**85.** The heading of Division II of Chapter III of Title II of Part II of the said Act is replaced by the following heading:

“THE DIRECTOR GENERAL”.

**86.** Section 303 of the said Act is amended

(1) by replacing “manager” in the first line of the first paragraph and in the second line of the second paragraph by “director general”;

(2) by replacing “chefs” in the French text of the second line of subparagraph *b*, in subparagraph *c* and in the second line of subparagraph *i* of the first paragraph by “directeurs”.

**87.** Section 306 of the said Act is amended by striking out the third sentence.

**88.** The said Act is amended by inserting the following section after section 306:

“**306.1.** The secretary and the chairman of the committee shall sign all the contracts of the Regional Government and the agreements made with the Government.”

**89.** Section 356 of the said Act is amended by replacing “manager’s” in the second line of the second paragraph by “director general’s”.

**90.** Section 387 of the French text of the said Act is amended by replacing “chef” in the first line by “directeur”.

**91.** Section 388 of the French text of the said Act is amended by replacing “chefs” in the second line by “directeurs”.

#### ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

**92.** Section 19 of the Act to amend the charter of the City of Laval (1971, chapter 99), replaced by section 11 of chapter 112 of the statutes of 1978 and by section 262 of chapter 38 of the statutes of 1984, is amended

(1) by inserting “park development, the development of banks and shores, bicycle paths, water treatment,” after “works for” in the fifth line;

(2) by replacing “of the lands” in the seventh line by “of immovables”.

ACT TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCEDURE  
FOR REAL ESTATE ASSESSMENT AND TO AMEND OTHER  
LEGISLATIVE PROVISIONS

**93.** Section 68 of the Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67), amended by section 177 of chapter 93 of the statutes of 1997 and by section 104 of chapter 54 of the statutes of 2000, is again amended by replacing “2002” in the first paragraph by “2003”.

ACT RESPECTING VILLE DE CHAPAIS

**94.** Section 2 of the Act respecting Ville de Chapais (1999, chapter 98) is amended by replacing “2002” in the second paragraph by “2003”.

OTHER AMENDING PROVISIONS

**95.** Section 82 of Order in Council 841-2001 dated 27 June 2001 respecting Ville de Saguenay is amended

(1) by replacing “waste water treatment works, drinking water supply systems” by “the supply of electricity, park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “land” by “immovables”.

**96.** Section 76 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke is amended

(1) by replacing “waste water purification works, drinking water supply systems” by “the supply of electricity, park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “land or servitudes and work respecting the supply of electricity” by “immovables or servitudes”.

**97.** The said Order in Council is amended by inserting the following section after section 144:

**“144.1.** Notwithstanding section 144 and section 63 of chapter 59 of the statutes of 1999, the intermunicipal agreement concluded on 8 December 1992 between several municipalities including, among others, Ville de Bromptonville, Paroisse de Saint-Denis-de-Brompton and Municipalité de Stoke, that enables Municipalité régionale de comté du Val-Saint-François to establish and operate one or more waste management systems, continues to apply according to the terms and conditions stipulated therein, until the date on which the parties terminate the agreement.”



**98.** Section 35 of Order in Council 851-2001 dated 4 July 2001 respecting Ville de Trois-Rivières is amended

(1) by replacing “waste water purification works, drinking water supply systems” by “park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths”;

(2) by replacing “of land or servitudes and power supply work” by “of immovables or servitudes”.

**99.** Section 15 of Order in Council 1133-2001 dated 26 September 2001, respecting Municipalité de Saint-Damase, is amended by replacing “standardized property values of” in the sixth line and in the eighth and ninth lines by “value of the taxable immovables, as entered on the assessment roll in force, situated in”.

**100.** Sections 74 and 75 of Order in Council 202-2002 dated 6 March 2002, concerning Ville de Repentigny, are replaced by the following sections:

**“74.** For each of the fiscal years 2003 to 2007, the new city may, as regards the general property tax, fix different rates for the two amalgamated territories.

In such a case, every rate specific to a category of immovables that is fixed for the territory of the former Ville de Le Gardeur must be greater than the rate specific to the same category that is fixed for the territory of the former Ville de Repentigny.

However, the proportion that the first of such rates is of the second may not exceed the proportion that, for the fiscal year 2002, the rate of the general property tax fixed by the former Ville de Le Gardeur was of the general property tax rate fixed by the former Ville de Repentigny.

**“75.** For each of the fiscal years 2003 to 2007, the new city may, as regards any service tax, fix different rates for the two amalgamated territories.

However, the proportion that the rate fixed for one territory is of the rate fixed for the other territory, in respect of the same service, may not exceed the proportion that the rates of the tax imposed in respect of that service for the same two territories in relation to each other was for the former cities for the fiscal year 2002.

For the purposes of the first two paragraphs, “service tax” means any tax, compensation or mode of tariffing that is imposed specifically to finance a service, and “rate” means any rate or unitary amount used to calculate the amount payable by the debtor.”

## TRANSITIONAL AND FINAL PROVISIONS

**101.** Before 1 January 2006, the council of a municipality referred to in the third paragraph may allow, by by-law and notwithstanding any applicable planning by-law, the carrying out of a project in connection with a social housing program implemented under the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

A by-law adopted under the first paragraph may only contain the planning rules necessary for the carrying out of the project. The effect of the by-law is to amend any by-law in force to such extent as it must provide for in a clear and precise manner, and Division V of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) does not apply in its respect.

The first two paragraphs apply to the cities of Gatineau, Laval, Lévis, Longueuil, Québec, Saguenay, Sherbrooke and Trois-Rivières.

**102.** Any act performed or decision made by the Commission conjointe d'aménagement de l'Outaouais in the conduct of its affairs or in the exercise of its functions since 16 May 2002 is valid, notwithstanding the fact that the Commission acted before the Minister fixed the number of its members.

**103.** Notwithstanding any contrary provision, the executive committee of Ville de Montréal shall, by a resolution passed not later than 31 December 2002, establish the places, other than the chief-place, where the Municipal Court of Ville de Montréal may hold its sittings as of 1 January 2003.

The resolution shall cease to have effect on the earlier of

(1) the day of coming into force of a resolution passed by the city council pursuant to section 24 of the Act respecting municipal courts (R.S.Q., chapter C-72.01); and

(2) 31 October 2003.

**104.** Notwithstanding any contrary provision, the executive committee of Ville de Longueuil shall, by a resolution passed not later than 31 December 2002, establish the chief-place and any other place where the Municipal Court of Ville de Longueuil may hold its sittings.

The resolution shall take effect as of 1 January 2003 and shall cease to have effect on the earlier of

(1) the day of coming into force of a resolution passed by the city council pursuant to section 24 of the Act respecting municipal courts (R.S.Q., chapter C-72.01); and

(2) 31 October 2003.

**105.** Notwithstanding the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the vacancy in the office of councillor No. 4 of Ville de Fermont need not be filled before the holding of the next general election.

**106.** Notwithstanding the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the vacancy in the office of councillor No. 1 of Municipalité de New Carlisle need not be filled before the next regular election.

**107.** The tax levied under By-law 92-05-03 of Municipalité de L'Acadie on the basis of the frontage of the immovables does not apply and is deemed never to have applied to agricultural operations registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14).

To compensate for the insufficiency of revenues resulting from the application of the first paragraph, Ville de Saint-Jean-sur-Richelieu is not required, notwithstanding the provisions of Order in Council 17-2001 dated 17 January 2001, to use the revenues derived exclusively from the part of the territory provided for by By-law 92-05-03 for the purposes of the tax, or the revenues derived exclusively from the territory of Municipalité de L'Acadie.

**108.** In case of the death, in the compensation period, of a person eligible under the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) or a similar compensation program established by an order referred to in section 125.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the balance of the compensation shall be paid to the surviving spouse under the same terms and conditions or, if there is no surviving spouse, to the person's successors in a single payment.

For the purposes of the first paragraph, the spouse is the person who, at the time of the death, was married to or in a civil union with the eligible person referred to in the first paragraph, or provided neither was married or in a civil union at the time of the death, the person of the opposite or the same sex who had been living in a conjugal relationship with the eligible person referred to in the first paragraph and had been publicly represented as the eligible person's spouse for one year if a child is born or to be born of their union or, otherwise, for not less than three years.

This section has effect from 1 January 2002.

**109.** Any authorization necessary under section 496 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25) may be given by the Minister of Municipal Affairs and Greater Montréal, at the request of the municipality or the body that succeeds, as the case may be, to the former municipality, the urban community or any other body referred to

in that section. Authorization so given is deemed to have been given under that section.

The alienation of the property in respect of which the authorization was so given is deemed to be or to have been made, as the case may be, by the former municipality, the urban community or the body that was required to obtain the authorization required by that section. If the alienation was made before the authorization was so given in its respect, the alienation is nonetheless valid.

This section has effect from 1 January 2002.

**110.** Notwithstanding section 8 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2), section 8 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3), section 8 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), section 8 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5), section 146 of Order in Council 841-2001 dated 27 June 2001 respecting Ville de Saguenay, section 140 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke, section 94 of Order in Council 851-2001 dated 4 July 2001 respecting Ville de Trois-Rivières and section 78 of Order in Council 1012-2001 dated 5 September 2001 respecting Ville de Shawinigan, the city council may choose 31 December 2001 as the date for determining a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) or for determining an unfunded actuarial liability.

Where the city council makes the choice mentioned in the first paragraph, every pension plan to which a former municipality whose territory is included in whole or in part in the territory of the city was required to contribute on the day preceding the day of the constitution of the city, must, if it is governed by Chapter X of the Supplemental Pension Plans Act, be the subject of an actuarial valuation as at 31 December 2001.

The choice mentioned in the first paragraph must be made before 31 March 2003 and a copy of the resolution whereby the council makes the choice must be transmitted, within 30 days after its passage, to each pension committee concerned.

The report relating to an actuarial valuation must be transmitted to the Régie des rentes du Québec by the pension committee not later than 30 September 2003.

**111.** Sections 1, 2, 77 and 78 have effect from 1 January 2003.

**112.** Any provision of a by-law of Ville de Québec that was adopted under section 97 of Schedule C to the charter of the city, repealed by section 27, and that prescribes the maximum number of persons not resident in a residence that may work in the residence is deemed to have been adopted under subparagraph 3.2 of the second paragraph of section 113 of the Act respecting

land use planning and development (R.S.Q., chapter A-19.1), enacted by section 4.

**113.** Sections 59 to 69 have effect for the purposes of any fiscal year from the fiscal year 2003.

**114.** Section 17 has effect from 16 June 2000.

**115.** Sections 28, 29, 36 and 37 have effect from 7 November 2002.

Any agreement entered into, on an experimental basis, under section 29.1.1 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 10.5 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) before the date mentioned in the first paragraph or authorized by an order in council made before that date, may be continued or entered into, as the case may be, notwithstanding the sections mentioned in the first paragraph.

**116.** Sections 39 and 40 do not abridge the duration of the functions of the persons who on 18 December 2002 held the positions the holders of which are appointed under the provisions amended by those sections.

**117.** Notwithstanding section 466.3 of the Cities and Towns Act (R.S.Q., chapter C-19), the amount of the sum that Ville de Montréal is required to pay in support of the bodies mentioned in Schedule A to the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001), enacted by section 73, is, for the years 2003 to 2007, determined in an agreement entered into by the city and the Government pursuant to section 29.1.1 of the Cities and Towns Act, as amended by section 28.

For the years 2003 to 2007, sections 12, 14 and 15 of the Act respecting the Ministère des Régions are deemed to read as follows :

“**12.** Subject to the third paragraph, the Minister shall enter into an agreement with each local development centre and the municipal body referred to in section 11 whose territory it serves determining the conditions to be met by the centre, and the role and responsibilities of each of the parties.

The municipal body party to the agreement holds the powers required for the carrying out of the agreement.

Where the local development centre is a body mentioned in Schedule A, an agreement regarding the objects referred to in the first paragraph shall be entered into only by that local centre and the Minister.

“**14.** A local development centre shall administer the funds entrusted to it pursuant to the agreement referred to in section 12.

Where the local development centre is a body mentioned in Schedule A, the local centre shall also administer the sum the amount of which is determined in an agreement entered into by Ville de Montréal and the Government pursuant to section 29.1.1 of the Cities and Towns Act (chapter C-19).

**“15.** A local development centre must, annually, file a report on its activities with the Minister on the date and in the manner determined by the Minister, together with its financial statements for the preceding fiscal year.

The report shall contain any other information required by the Minister. The financial statements shall be filed together with the auditor’s report.

The activity report, the financial statements and the auditor’s report shall also be transmitted to the municipal body party to the agreement referred to in section 12 or to Ville de Montréal where the local development centre is a body mentioned in Schedule A.”

**118.** Section 74 has effect from 1 January 2002.

**119.** Section 76 has effect from the date fixed by the Government. The Government must, by the same order, fix the terms and conditions of dissolution and succession of the Société de promotion économique du Québec métropolitain.

**120.** This Act comes into force on 19 December 2002.