NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Voir erratum

Bill 54

(2004, chapter 20)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 13 May 2004
Passage in principle 26 May 2004
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Assented to 1 November 2004

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EXPLANATORY NOTES

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

The bill amends the Act respecting land use planning and development to enable the Minister of Municipal Affairs, Sports and Recreation to request that a development plan be amended for reasons of public safety. It also amends that Act to allow municipalities to set quotas for hog farms and impose conditions, following a public consultation, for the issue of a permit or certificate for the construction, restoration or expansion of a building intended for hog-raising. Lastly, it amends that Act to introduce a special system of fines for offences against the regulations on felling trees and to grant municipalities the power to set standards and prescribe measures regarding the occupancy and maintenance of buildings.

The bill amends the Cities and Towns Act and the Municipal Code of Québec to add the officers and employees responsible for applying the Groundwater Catchment Regulation to the list of officers and employees protected by a remedy before the Commission des relations du travail. It also amends those Acts to provide that the expenses incurred by a municipality to remove nuisances or have them removed constitute a charge equivalent to a property tax against the immovable where the nuisances were located. It further amends those Acts to increase from eight to twelve the maximum number of days during which the spreading of manure, or of sludge or residues from pulp and paper mills, may be prohibited, stipulates that that number may be changed by agreement between the municipality and the representatives of the farm producers, and increases from two to three the number of consecutive days during which such a prohibition may apply. Finally, the bill amends those two Acts to enable the council to borrow from its working-fund the amounts required to provide severance pay under a departure incentive program for municipal officers and employees.

The bill also amends the Municipal Code of Québec to provide that a municipality governed by that Code has a director general and that the secretary-treasurer normally holds that office. Someone else may be appointed to that office, however, if the municipality so decides in the by-law ordering that its director general is to have exactly the same functions as the director general of a municipality governed by the Cities and Towns Act.

The bill amends the James Bay Region Development and Municipal Organization Act to grant Municipalité de Baie-James the power to carry on an agricultural activity in any part of its territory it determines.

The bill amends the Act respecting duties on transfers of immovables to allow a municipality that imposes special duties when an immovable that is transferred is exempt from transfer duties to provide that those special duties do not have to be paid when the transfer is between spouses or members of the same family as the result of a death.

The bill amends the Act respecting municipal taxation and the municipal charters included in the Revised Statutes of Québec to withdraw the provisions concerning the tax and the surtax on non-residential immovables and the surtax on serviced vacant land.

The bill amends the Act respecting municipal taxation to specify that, as of the application of the provisions of that Act that concern tariffing, the activity of a municipality that consists in examining an application and responding to it is deemed to benefit the applicant, regardless of the response given, and may therefore give rise to payment of a tariff.

The bill amends the Act respecting municipal taxation to allow a municipal body responsible for assessment to entrust certain communication duties otherwise performed by its secretary to its assessor. It also amends that Act to allow the body responsible for collecting municipal property taxes to decide on the minimum amount of a tax bill that will give rise to payment in several instalments, provided that the amount determined by the municipal body is less than that prescribed in the ministerial regulation on the matter. The body may also prescribe that instalments for registered agricultural operations may be made over longer periods than for other immovables.

The bill amends the Act respecting municipal taxation to clarify the meaning of several provisions in which "immovable" refers to a number of immovables forming one unit of assessment, and "owner", used in relation to a given immovable, designates the person in whose name the unit of assessment including the immovable is entered. It amends that Act to mitigate the current rule according to which the whole unit is entered in the name of the building owner rather than the public body when the parcel of land included in a unit of assessment belongs to a public body and the unit also includes a building belonging to someone else.

The bill amends the Act respecting municipal taxation to allow a municipality that imposes the general property tax at a specific rate on the category of serviced vacant land to impose another tax on certain vacant lands that are not serviced.

The bill amends the Forest Act, the Mining Act and the Act respecting the lands in the domain of the State to allow municipalities to see to the maintenance of the roads constructed in the domain of the State, after being so authorized by the Minister responsible.

The bill amends the Act respecting the Pension Plan of Elected Municipal Officers as regards disputes arising from the application of that pension plan to replace the process of appeal before the Administrative Tribunal of Québec by arbitration. It also amends that Act to enable the beneficiary of a pension taken before normal retirement age to defer payment of the pension to a date subsequent to the application date.

The bill amends the Act respecting the remuneration of elected municipal officers to increase, as of 2005, certain minimum and maximum amounts relating to the remuneration of municipal officers and to stipulate that those amounts shall be set by regulation of the Government. It also amends that Act to allow a municipality to decide, by by-law, that the remuneration used as a basis for calculating a severance allowance includes remuneration paid by a mandatary body of the municipality or by a supramunicipal body for the exercise of a function, whether or not the function was exercised by virtue of office.

The bill amends the Act respecting Northern villages and the Kativik Regional Government to group together and clarify the provisions relating to the remuneration and indemnity paid to the members of the council of that Government.

Lastly, the bill contains various provisions regarding certain special situations that arise in municipal matters.

LEGISLATION AMENDED BY THIS BILL:

– 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);

– James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2);

– Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Forest Act (R.S.Q., chapter F-4.1);

– Act respecting administrative justice (R.S.Q., chapter J-3);

– Mining Act (R.S.Q., chapter M-13.1);

– Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

– Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);

– Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

– Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

– Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

– Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67);

– Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions (1996, chapter 77);

– Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3);

– Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29).

Bill 54

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by striking out "minimal" in the second line of the second paragraph.

2. Section 6 of the said Act is amended

(1) by inserting "or any by-law provided for in Divisions IV or VII to XI of Chapter IV of Title I" after "116" in the third line of subparagraph 1 of the third paragraph;

(2) by striking out subparagraph 2 of the third paragraph;

(3) by replacing "general rules" in the first line of subparagraph 3 of the third paragraph by "rules and criteria";

(4) by replacing "their zoning, subdivision and building by-laws" in the third line of subparagraph 3 of the third paragraph by "a zoning, subdivision or building by-law or a by-law provided for in Divisions IV or VII to XI of Chapter IV";

(5) by adding the following subparagraph after subparagraph 3 of the third paragraph:

"(4) require municipalities whose territories are comprised in that of a regional county municipality to include in an urban planning by-law provisions that are at least as restrictive as those included in the complementary document."

3. The said Act is amended by inserting the following section after section 53.13:

"**53.14.** The Minister may, by way of a notice, request that the development plan in force be amended for reasons of public safety. The notice must include reasons and state the nature and purpose of the amendments to be made.

The third and fourth paragraphs of section 53.12 apply, with the necessary modifications, to an application made under the first paragraph."

4. Section 64 of the said Act is amended

(1) by inserting ", 4.1" after "4" in the fifth line of the third paragraph;

(2) by adding the following sentence at the end of the third paragraph: "In such a case, as soon as a notice of motion is given prior to the adoption of the by-law, the secretary-treasurer shall send the Minister, by recommended or certified mail, a copy of the notice, of the minutes in which it is mentioned or, where applicable, of the notice referred to in the fourth paragraph of article 445 of the Municipal Code of Québec (chapter C-27.1)."

5. Section 68 of the said Act is amended by replacing "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" in the second, third, fourth and fifth lines of the fourth paragraph by "four months later".

6. The said Act is amended by inserting the following section after section 79.19:

"**79.19.1.** When a notice of motion has been given in order to adopt or amend a by-law provided for in section 79.1, no permit or certificate may be granted by the regional county municipality for carrying out work that will be prohibited if the by-law that is the subject of the notice of motion is adopted.

When the notice of motion has been sent to the members of the council of the regional county municipality by registered or certified mail in accordance with the fourth paragraph of article 445 of the Municipal Code of Québec, as of receipt of the notice, no permit or certificate may be granted by a local municipality for carrying out work that will be prohibited if the by-law that is the subject of the notice of motion is adopted, if an authenticated copy of the notice was also transmitted, in the same manner, to the clerk or the secretary-treasurer of each local municipality in whose territory such a prohibition is to apply.

The first two paragraphs cease to be applicable on the day that is two months after the filing of the notice of motion in accordance with the first paragraph or the mailings under the second paragraph if the by-law is not adopted on that date, or, in the opposite case, on the day that is four months after the adoption of the by-law if it is not in force on that date."

7. Section 113 of the said Act is amended

(1) by replacing "no" in the fifth line of subparagraph 4.1 of the second paragraph by "a";

(2) by replacing "apply to" in the fifth line of subparagraph 4.1 of the second paragraph by "only apply, as regards";

(3) by inserting ", to hog farms" after "Act" in the eighth line of subparagraph 4.1 of the second paragraph.

8. Section 145.7 of the said Act is amended by adding the following sentence at the end of the second paragraph: "The resolution may provide for any condition among those set out in section 165.4.13 when the exemption granted concerns non-compliance, during the construction or expansion of a livestock facility or building not referred to in the second paragraph of section 165.4.2, with separation distances provided for in a regulatory provision adopted under subparagraph 4 of the second paragraph of section 113 or, if there is no such provision, under the Guidelines respecting odours caused by manure from agricultural activities (2003, G.O. 2, No. 25A, p. 1919A) applicable in such a case under section 38 or 39 of the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, chapter 35)."

9. The said Act is amended by inserting the following after section 145.40:

"**DIVISION XII**

"OCCUPANCY AND MAINTENANCE OF BUILDINGS

"**145.41.** A council of a municipality may, by by-law, set standards and prescribe measures for the occupancy and maintenance of buildings.

If a building is decrepit or dilapidated, a municipality where a by-law under the first paragraph is in force may require that restoration, repair or maintenance work be carried out. The municipality must send the owner of the building a written notice indicating the work to be done to bring the building into conformity with the standards and measures prescribed by regulation and the time limit for carrying out the work. The municipality may grant additional time.

If the owner fails to carry out the work, the Superior Court may, on a motion by the municipality, authorize the latter to carry it out and recover the cost from the owner. The motion is heard and decided by preference.

The cost of such work constitutes a prior claim on the immovable on which the work is carried out in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable."

10. The said Act is amended by inserting the following after section 165.4:

"**CHAPTER IX**

"SPECIAL PROVISIONS REGARDING HOG FARMS

"**DIVISION I**

"GENERAL PROVISIONS

"**165.4.1.** An applicant for a permit or certificate for building, converting or expanding a building intended for hog farming must present the following documents signed by a member of the Ordre des agronomes du Québec together with the application:

(1) a document stating whether or not an agro-environmental fertilization plan has been established for the hog farm for which an application is made;

(2) a summary of the plan referred to in subparagraph 1, if any;

(3) a document, incorporated into the summary required under subparagraph 2, if any, mentioning

(*a*) for each parcel of land under cultivation, the doses of fertilizer materials to be used and the methods and periods for spreading liquid manure;

(*b*) the name of any other municipality, designated as "other interested municipality" in this chapter, in whose territory the liquid manure from the hog farm is to be spread;

(*c*) the annual phosphoric anhydride production resulting from the activities inherent in hog raising.

For the purposes of this chapter, "annual production of phosphoric anhydride" means the product obtained by multiplying the annual volume in cubic metres of manure resulting from the activities inherent in hog raising by the average phosphoric anhydride concentration in kilograms per cubic metre of that manure.

"**165.4.2.** Within 30 days after receipt of the application for the building permit or certificate, the competent municipal officer shall inform the applicant of the admissibility or inadmissibility of the application under the applicable municipal regulations, and issue the permit or certificate if the application is admissible.

However, sections 165.4.3 to 165.4.17 apply prior to the issue of the permit or certificate

(1) if the application concerns a new hog farm in the territory of the municipality;

(2) if the application involves an increase of more than 3,200 kilograms in the annual production of phosphoric anhydride by an existing hog farm, either by itself or in combination with the production resulting from an application made less than five years before.

For the purposes of the second paragraph, a hog farm is deemed to be a new hog farm if it cannot be operated in the immovable where the existing hog farm is operated or in an immovable contiguous to it or that would be contiguous if it were not separated by a watercourse, a thoroughfare or a public utility network.

"**165.4.3.** The municipality must notify any other interested municipality in whose territory liquid manure from the hog farm is to be spread.

"**DIVISION II**

"PUBLIC CONSULTATION

"**165.4.4.** Depending on whether the project for which the application is made does or does not require an authorization certificate under the Environment Quality Act (chapter Q-2), the Minister of the Environment shall send the municipality either an authenticated copy of the certificate or written confirmation that no certificate is required.

The certificate or confirmation must be sent within 15 days after it is issued.

"**165.4.5.** Within 30 days after receipt of the copy of the certificate or written confirmation, a public meeting must be held on the permit or certificate application in order to hear the citizens of the municipality and any other interested municipality, to receive their written comments and answer their questions; the municipality also receives written comments until the fifteenth day after the meeting is held.

The meeting is held by a committee chaired by the mayor of the municipality and consisting of at least two other council members designated by the mayor.

The applicant or a representative designated by the applicant must also be present.

If the applicant is the mayor, the mayor is replaced as chair by the acting mayor. A council member who is also the applicant may not form part of the committee.

"**165.4.6.** The council shall fix the date, time and place of the meeting; it may delegate all or part of that power to the clerk or the secretary-treasurer of the municipality.

"**165.4.7.** Not later than the fifteenth day before the meeting, the clerk or the secretary-treasurer of the municipality shall post a notice of the date, time, place and purpose of the meeting at the office of the municipality and publish the notice in a newspaper in both the territory of the municipality and the territory of any other interested municipality, and send the notice, by recommended or certified mail, to the applicant and

(1) to any other interested municipality;

(2) to the regional county municipality concerned;

(3) to the Minister of Agriculture, Fisheries and Food, the Minister of the Environment and the public health director appointed for the region in accordance with section 372 of the Act respecting health services and social services (chapter S-4.2). The ministers and the public health director must delegate representatives to the meeting.

The notice must indicate the location for which the application is made, using the names of thoroughfares insofar as possible, and illustrate that location by means of a sketch.

The notice must mention that all the documents filed by the applicant may be consulted at the office of the municipality; it must also mention that the committee will accept written comments filed at a meeting of the committee and that such comments will be accepted by the municipality until the fifteenth day after the meeting.

"**165.4.8.** During the meeting, the applicant or the applicant's representative shall present the project.

The committee shall hear the citizens of the municipality and of any other interested municipality; the applicant or the applicant's representative, as well as the committee and the representatives of the ministers and the public health director referred to in subparagraph 3 of the first paragraph of section 165.4.7, shall answer any questions.

Written comments may be filed at a meeting of the committee; the committee must mention that such comments will be accepted by the municipality until the fifteenth day after the meeting.

"**165.4.9.** Not later than the thirtieth day following the expiry of the period during which the municipality receives written comments, the council shall adopt a report on the consultation.

The resolution by which the report is adopted must include reasons and list the conditions on which the council, under section 165.4.13, intends to issue the permit or certificate.

"**165.4.10.** Not later than the fifteenth day after the report is adopted, the clerk or the secretary-treasurer of the municipality shall send the applicant a copy of the report and an authenticated copy of the resolution adopting it, as well as a notice stating that the applicant may request conciliation in accordance with section 165.4.14. The clerk or the secretary-treasurer shall also post at the office of the municipality and publish in a newspaper in both the territory of the municipality and the territory of any other interested municipality, a notice indicating that a person may consult the report and the resolution adopting it at the office of the municipality, or obtain copies of them on payment of a fee.

"**DIVISION III**

"CONSULTATION HELD BY THE REGIONAL COUNTY MUNICIPALITY

"**165.4.11.** The public consultation must be held by the regional county municipality whose territory includes that of the municipality if the council of the municipality adopts a resolution to that effect and sends an authenticated copy of the resolution and a copy of all the documents filed by the applicant in support of the application to the regional county municipality, by registered or certified mail, not later than 15 days after receiving the copy of the authorization certificate or the written confirmation referred to in section 165.4.4 from the Minister of the Environment.

In that case, within 30 days after receipt of the resolution referred to in the first paragraph, the meeting is held by a committee chaired by the warden and consisting of the mayor of the municipality and at least one other member of the council of the regional county municipality designated by the warden. It must be held in the territory of the municipality.

If the warden or the mayor is also the applicant, the warden or the mayor is replaced by the deputy warden or the acting mayor, respectively.

"**165.4.12.** The council of the regional county municipality shall fix the date, time and place of the meeting; it may delegate all or part of that power to the secretary-treasurer.

The regional county municipality shall hold the public meeting in accordance with sections 165.4.7 to 165.4.9, with the necessary modifications.

Not later than the tenth day after the consultation report is adopted under the first paragraph of section 165.4.9, the regional county municipality shall send an authenticated copy of it to the municipality. The municipality shall adopt the resolution referred to in the second paragraph of that section at its first regular meeting following receipt of the copy of the report.

"**DIVISION IV**

"CONDITIONS

"**165.4.13.** In the particular context of the application and in order to ensure the harmonious coexistence of hog farms and non-agricultural uses while promoting the development of hog farms, the council may issue the permit or certificate on one or more of the following conditions, or on all of them:

(1) that liquid manure storage facilities be covered at all times in order to substantially reduce the odour characteristic of such storage;

(2) that the liquid manure be spread in such a way as to ensure that, within 24 hours, it is incorporated into the soil whenever it is possible to do so without harming the crops, even those in the territory of another interested municipality;

(3) that separation distances between a facility or building for which the permit or certificate application is made and non-agricultural uses be respected when, although different from those applicable under provisions adopted under subparagraph 4 of the second paragraph of section 113, or, if there is no such provision, under the Guidelines respecting odours caused by manure from agricultural activities (2003, G.O. 2, No. 25A, p. 1919A), they are specified by the council;

(4) that an odour barrier of the nature determined by the council and designed to substantially reduce the dispersal of the odour be installed within the time specified by the council; and

(5) that the facilities and buildings have equipment designed to reduce the consumption of water.

Failure to comply with a condition set out in subparagraph 2 of the first paragraph constitutes an offence that may be prosecuted by the municipality that issued the permit or certificate. Section 369 of the Cities and Towns Act (chapter C-19) or article 455 of the Municipal Code of Québec (chapter C-27.1) applies to the amount of the fine.

The holder of a permit or certificate subject to such a condition must so notify, by recommended or certified mail, any person who, under an agreement, may spread liquid manure from the hog farm for which the permit or certificate has been issued, failing which the permit holder is liable for the payment of any fine imposed on that person. A copy of the notice must also be sent, in the same manner, to the municipality and to any other interested municipality.

"**DIVISION V**

"CONCILIATION AND ISSUE OF THE PERMIT OR CERTIFICATE

"**165.4.14.** Not later than the fifteenth day after the day the notice is sent under section 165.4.10, the applicant may send the Minister of Municipal Affairs, Sports and Recreation a request for conciliation, by registered or certified mail. The applicant must forward a copy of the request to the municipality within the same time and in the same manner.

If the municipality has not received the copy within the time specified, the competent officer shall issue the permit or certificate on presentation of a certified copy of the resolution referred to in the second paragraph of section 165.4.9, if the applicable conditions among those set out in section 120 are satisfied.

"**165.4.15.** If a request for conciliation is received within the time specified, the Minister shall appoint a conciliator, not later than the fifteenth day after receipt of the request, from among the persons named on a list prepared beforehand jointly by the Minister and the Minister of Agriculture, Fisheries and Food.

The remuneration of the conciliator and the rules governing the reimbursement of the conciliator's expenses are determined by the Minister; the remuneration and the expenses are paid by the Government.

"**165.4.16.** Not later than the thirtieth day after being appointed, the conciliator shall report to the municipality and to the applicant. The report shall indicate whether the parties have agreed on the conditions, set out in section 165.4.13, on which the permit or certificate is to be issued. If no agreement has been reached, the conciliator must take into account, in his or her recommendations, the impact they will have on the financial viability of the proposed hog farm and on the harmonious coexistence of hog farms and non-agricultural uses.

Not later than the fifteenth day after the report is submitted, the clerk or the secretary-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the report or obtain a copy of it on payment of a fee.

"**165.4.17.** Not later than the thirtieth day after the conciliator's report is submitted, the council of the municipality shall determine the conditions, among those set out in section 165.4.13, on which the permit or certificate is to be issued. However, if the report states that the parties have agreed on the conditions, the council shall confirm them.

The competent officer shall issue the permit or certificate on presentation of a certified copy of the resolution referred to in the first paragraph, if the applicable conditions among those set out in section 120 are satisfied.

The clerk or the secretary-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the resolution at the office of the municipality, or obtain a copy of it on payment of a fee.

"**DIVISION VI**

"AGREEMENTS

"**165.4.18.** The municipality and the permit or certificate holder may make an agreement on any condition prescribed by the municipality in accordance with section 165.4.13 in order to modify the terms for implementing the condition.

The clerk or the secretary-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the agreement and the resolution adopting it at the office of the municipality, or obtain a copy of them on payment of a fee.

"**165.4.19.** A permit or certificate holder may, by agreement with the municipality, undertake to carry out any measure that is defined in the agreement to ensure the follow-up of the hog raising activities at the site for which a permit has been issued, or that is to be added to the conditions prescribed by the municipality in accordance with section 165.4.13 or is to apply instead of any of those conditions.

The clerk or the secretary-treasurer of the municipality shall post at the office of the municipality and publish in a newspaper in the territory of the municipality a notice stating that any person may consult the agreement at the office of the municipality, or obtain a copy of it on payment of a fee."

11. Section 226.1 of the said Act, enacted by section 44 of chapter 19 of the statutes of 2003, is replaced by the following section:

"**226.1.** The Government may, by regulation, prescribe rules of form for the preparation of a document that may or must, under this Act, be sent to or served on the Minister."

12. Section 227 of the said Act is amended

(1) by inserting ", 165.4.18 or 165.4.19" after "145.21" in subparagraph *e* of subparagraph 1 of the first paragraph;

(2) by replacing "or 145.38" in subparagraph *f* of subparagraph 1 of the first paragraph by ", 145.38, 165.4.9 or 165.4.17".

13. The said Act is amended by inserting the following section after section 233:

"**233.1.** The minimum fine for felling trees in contravention of a regulatory provision adopted under section 79.1 or either of subparagraphs 12 or 12.1 of the second paragraph of section 113 is $500 plus,

(1) for felling trees on less than one hectare of land, an amount varying from $100 to $200 per tree illegally felled, up to a total of $5,000; or

(2) for felling trees on one or more hectares of land, a fine varying from $5,000 to $15,000 per hectare deforested, in addition to an amount determined in accordance with subparagraph 1 for each fraction of a hectare.

The amounts specified in the first paragraph are doubled for a second or subsequent offence."

14. Section 267.2 of the said Act is amended

(1) by replacing "Minister's request, and a period of 105 days applies to the Minister rather than the 60-day period provided for in those sections;" in the third and fourth lines of the second paragraph by "Minister's request;";

(2) by striking out ", and a period of 180 days applies rather than the 120-day period provided for in those sections" in the sixth and seventh lines of the second paragraph.

CHARTER OF VILLE DE GATINEAU

15. Section 8 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by striking out subparagraph 2 of the fifth paragraph.

16. Section 76.5 of the said Charter is amended by striking out the third paragraph.

17. Section 76.6 of the said Charter is repealed.

18. Section 76.7 of the said Charter is amended by replacing "76.6" in the first line of the second paragraph by "76.5".

19. Section 77 of the said Charter is amended

(1) by striking out ", the third paragraph of section 76.5" in the first line of the second paragraph;

(2) by striking out "and section 76.6" in the second line of the second paragraph.

20. Section 77.2 of the said Charter is amended

(1) by striking out ", the third paragraph of section 76.5" in the first line of the second paragraph;

(2) by striking out "and section 76.6" in the second line of the second paragraph.

21. Section 77.3 of the said Charter is amended

(1) by striking out the third paragraph;

(2) by replacing "the second or third paragraph" in the first line of the fourth paragraph by "the second paragraph".

22. Section 77.4 of the said Charter is repealed.

23. Section 77.5 of the said Charter is replaced by the following section:

"**77.5.** If the city does not impose the business tax in the whole of its territory, it may impose it in a sector in which that tax was imposed for the fiscal years 2001 and 2002.

For that purpose and pursuant to the Act respecting municipal taxation (chapter F-2.1), the city may have a roll of rental values drawn up for a sector rather than for the whole of its territory."

24. Section 77.6 of the said Charter is amended

(1) by striking out the fifth paragraph;

(2) by replacing "five" in the first line of the sixth paragraph by "four";

(3) by striking out "or surtax" in the first and second lines of the sixth paragraph.

25. Section 77.7 of the said Charter is repealed.

26. Section 137 of the said Charter, amended by section 151 of chapter 14 of the statutes of 2003, is again amended by replacing "77.7" by "77.6".

CHARTER OF VILLE DE LÉVIS

27. Section 8 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by striking out subparagraph 2 of the fifth paragraph.

28. Section 101.5 of the said Charter is amended by striking out the third paragraph.

29. Section 101.6 of the said Charter is repealed.

30. Section 101.7 of the said Charter is amended by replacing "101.6" in the first line of the second paragraph by "101.5".

31. Section 102 of the said Charter is amended

(1) by striking out ", the third paragraph of section 101.5" in the first and second lines of the second paragraph;

(2) by striking out "and section 101.6" in the second line of the second paragraph.

32. Section 102.2 of the said Charter is amended

(1) by striking out ", the third paragraph of section 101.5" in the first and second lines of the second paragraph;

(2) by striking out "and section 101.6" in the second line of the second paragraph.

33. Section 102.3 of the said Charter is amended

(1) by striking out the third paragraph;

(2) by replacing "the second or third paragraph" in the first line of the fourth paragraph by "the second paragraph".

34. Section 102.4 of the said Charter is repealed.

35. Section 102.5 of the said Charter is replaced by the following section:

"**102.5.** If the city does not impose the business tax in the whole of its territory, it may impose the business tax in a sector in which that tax was imposed for the fiscal years 2001 and 2002.

For that purpose and pursuant to the Act respecting municipal taxation (chapter F-2.1), the city may have a roll of rental values drawn up for a sector rather than for the whole of its territory."

36. Section 102.6 of the said Charter is amended

(1) by striking out the fifth paragraph;

(2) by replacing "five" in the first line of the sixth paragraph by "four";

(3) by striking out "or surtax" in the first and second lines of the sixth paragraph.

37. Section 102.7 of the said Charter is repealed.

38. Section 148 of the said Charter, amended by section 152 of chapter 14 of the statutes of 2003, is again amended by replacing "102.7" by "102.6".

CHARTER OF VILLE DE LONGUEUIL

39. Section 8 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by striking out subparagraph 2 of the fifth paragraph.

40. Section 87.5 of the said Charter is amended by striking out the third paragraph.

41. Section 87.6 of the said Charter is repealed.

42. Section 87.6.1 of the said Charter is amended by replacing "87.6" in the second line of the fourth paragraph by "87.5".

43. Section 87.7 of the said Charter is amended by replacing "and 87.4 and the first and second paragraphs of section" in the first line of the third paragraph by "to".

44. Section 88 of the said Charter is amended

(1) by striking out ", the third paragraph of section 87.5" in the first line of the second paragraph;

(2) by striking out "and section 87.6" in the second line of the second paragraph.

45. Section 88.2 of the said Charter is amended

(1) by striking out ", the third paragraph of section 87.5" in the first line of the second paragraph;

(2) by striking out "and section 87.6" in the second line of the second paragraph.

46. Section 88.3 of the said Charter is amended

(1) by striking out the third paragraph;

(2) by replacing "the second or third paragraph" in the first line of the fourth paragraph by "the second paragraph".

47. Section 88.4 of the said Charter is repealed.

48. Section 88.5 of the said Charter is replaced by the following section:

"**88.5.** If the city does not impose the business tax in the whole of its territory, it may impose it in a sector in which that tax was imposed for the fiscal years 2001 and 2002.

For that purpose and pursuant to the Act respecting municipal taxation (chapter F-2.1), the city may have a roll of rental values drawn up for a sector rather than for the whole of its territory."

49. Section 88.6 of the said Charter is amended

(1) by striking out the fifth paragraph;

(2) by replacing "five" in the first line of the sixth paragraph by "four";

(3) by striking out "or surtax" in the first and second lines of the sixth paragraph.

50. Section 88.7 of the said Charter is repealed.

51. Section 135 of the said Charter, amended by section 153 of chapter 14 of the statutes of 2003, is again amended by replacing "88.7" by "88.6".

52. Section 45 of Schedule C to the said Charter is repealed.

CHARTER OF VILLE DE MONTRÉAL

53. Section 8 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended

(1) by striking out subparagraph 2 of the fifth paragraph;

(2) by striking out "subject to subparagraph *b*," in the first line of subparagraph *a* of subparagraph 4 of the fifth paragraph;

(3) by striking out subparagraph *b* of subparagraph 4 of the fifth paragraph.

54. Section 8.6 of the said Charter is amended

(1) by replacing "municipality" at the beginning of the third line of subparagraph 1 of the first paragraph by "city";

(2) by striking out "and the revenues that the municipality would have collected from the surtax on vacant land had it imposed that surtax rather than fix a general property tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation (chapter F-2.1)" in the third, fourth, fifth and sixth lines of subparagraph 1 of the first paragraph;

(3) by replacing "municipality" in the second line of subparagraph 2 of the first paragraph by "city";

(4) by replacing "municipality" in the third line of subparagraph 4 of the first paragraph by "city";

(5) by striking out "surtax on vacant land, the surtax or the tax on non-residential immovables, the" in the first and second lines of subparagraph 5 of the first paragraph;

(6) by striking out the second paragraph.

55. Section 150.5 of the said Charter is amended by striking out the third paragraph.

56. Section 150.6 of the said Charter is repealed.

57. Section 150.7 of the said Charter is amended by replacing "150.6" in the first line of the second paragraph by "150.5".

58. Section 151 of the said Charter is amended

(1) by striking out ", the third paragraph of section 150.5" in the first and second lines of the second paragraph;

(2) by striking out "and section 150.6" in the second line of the second paragraph.

59. Section 151.2 of the said Charter is amended

(1) by striking out ", the third paragraph of section 150.5" in the first and second lines of the second paragraph;

(2) by striking out "and section 150.6" in the second line of the second paragraph.

60. Section 151.3 of the said Charter is amended

(1) by replacing "from 2002 to 2006, the city must" in the first line of the second paragraph by "2005 and 2006, the city must";

(2) by striking out ", or impose the surtax on vacant land" in the fourth line of the second paragraph;

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

"As regards a sector in which the general property tax was imposed for the fiscal year 2001 at such a specific rate, or a sector in which the surtax on vacant land was imposed for that fiscal year, the specific rate the city fixes in

order to comply with the obligation imposed by the second paragraph must be equal to twice the basic rate fixed under section 244.38 of the Act respecting municipal taxation applicable to the sector.";

(4) by striking out subparagraph 2 of the fourth paragraph.

61. Sections 151.4 and 151.4.1 of the said Charter are repealed.

62. Section 151.5 of the said Charter is replaced by the following section:

"**151.5.** If the city does not impose the business tax in the whole of its territory, it may impose it in a sector in which that tax was imposed for the fiscal years 2001 and 2002.

For that purpose and pursuant to the Act respecting municipal taxation (chapter F-2.1), the city may have a roll of rental values drawn up for a sector rather than for the whole of its territory."

63. Section 151.5.1 of the said Charter is repealed.

64. Section 151.6 of the said Charter is amended by striking out the eighth paragraph.

65. Section 151.6.2 of the said Charter is amended

(1) by striking out subparagraph 2 of the sixth paragraph;

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

"Sections 491 and 244.64 of the Act respecting municipal taxation apply respectively, with the necessary modifications, for the purpose of interpreting the words "owner" and "tax" used in this section."

66. Section 151.7 of the said Charter is repealed.

67. Section 198 of the said Charter, amended by section 154 of chapter 14 of the statutes of 2003, is again amended by replacing "151.7" by "151.6".

68. Section 16 of Schedule C to the said Charter, amended by section 66 of chapter 19 of the statutes of 2003, is again amended

(1) by inserting "the vice-chair of the council," after "the duties of" and replacing "and majority" by "or majority" in the first paragraph;

(2) by inserting "the vice-chair of the council," after "the duties of" and replacing "and majority" by "or majority" in the second paragraph.

69. Section 27 of Schedule C to the said Charter is amended by replacing the first paragraph by the following paragraph:

"**27.** Every borough council shall appoint a secretary."

70. Section 40 of Schedule C to the said Charter is amended by replacing "one of his or her employees" in the third line of the second paragraph by "an officer or employee of the city".

71. Section 43 of Schedule C to the said Charter is amended by replacing the first paragraph by the following paragraphs:

"**43.** The council shall designate one of its members to preside at the council meetings. It shall also designate one of its members as vice-chair to replace the chair whenever that person is absent.

If both the chair and the vice-chair are absent, the council shall designate a substitute."

72. Schedule C to the said Charter is amended by inserting the following section after section 99:

"**99.1.** For the purposes of the Act respecting municipal taxation (chapter F-2.1), the Société de la prévention de la cruauté contre les animaux de Montréal is deemed to have obtained a property tax and a business tax exemption under Division III.0.1 of Chapter XVIII of that Act for any immovable of which the Société is the owner and where it carries on mainly the activities consistent with its mission.

The first paragraph applies for the purposes of every fiscal year as of the fiscal year 2004."

73. Section 101 of Schedule C to the said Charter is amended

(1) by replacing the sixth and seventh paragraphs by the following paragraphs:

"In addition to the powers provided for in the first three paragraphs, the city may, by by-law, levy the water-rate and service tax on the units of assessment belonging to the group described in section 244.31 of the Act respecting municipal taxation (chapter F-2.1) when, under section 244.29 of that Act, it fixes various general property tax rates.

Sections 244.30 to 244.64 of that Act apply, with the necessary modifications, with respect to the water-rate and service tax levied under the sixth paragraph.";

(2) by replacing "subject to the surtax on vacant land" in the second line of the ninth paragraph by "that constitute a unit of assessment belonging to the category described in section 244.36 of the Act respecting municipal taxation";

(3) by replacing "the Act respecting municipal taxation" in the fourth line of the ninth paragraph by "that Act".

74. Section 102.2 of Schedule C to the said Charter, enacted by section 68 of chapter 19 of the statutes of 2003, is replaced by the following section:

"**102.2.** The city may, by by-law, impose an annual tax for the presence in its territory of an advertising installation such as a sign or a billboard situated elsewhere than at the place where the object of the advertisement is located.

The debtor of the tax is the person responsible for the presence of the installation.

The amount of the tax is based on the number of sign faces in the installation. A sign face is a surface through which different advertisements rotate in a loop by mechanical or electronic means.

The by-law defines the installations to which it applies and specifies those for which no tax is applicable."

CHARTER OF VILLE DE QUÉBEC

75. Section 8 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by striking out subparagraph 2 of the fifth paragraph.

76. Section 130.5 of the said Charter is amended by striking out the third paragraph.

77. Section 130.6 of the said Charter is repealed.

78. Section 130.7 of the said Charter is amended by replacing "130.6" in the first line of the second paragraph by "130.5".

79. Section 131 of the said Charter is amended

(1) by striking out ", the third paragraph of section 130.5" in the first and second lines of the second paragraph;

(2) by striking out "and section 130.6" in the second line of the second paragraph.

80. Section 131.2 of the said Charter is amended

(1) by striking out ", the third paragraph of section 130.5" in the first and second lines of the second paragraph;

(2) by striking out "and section 130.6" in the second line of the second paragraph.

81. Section 131.3 of the said Charter is amended

(1) by striking out the third paragraph;

(2) by replacing "the second or third paragraph" in the first line of the fourth paragraph by "the second paragraph".

82. Section 131.4 of the said Charter is repealed.

83. Section 131.5 of the said Charter is replaced by the following section:

"**131.5.** If the city does not impose the business tax in the whole of its territory, it may impose it in a sector in which that tax was imposed for the fiscal years 2001 and 2002.

For that purpose and pursuant to the Act respecting municipal taxation (chapter F-2.1), the city may have a roll of rental values drawn up for a sector rather than for the whole of its territory."

84. Section 131.6 of the said Charter is amended

(1) by striking out the fifth paragraph;

(2) by replacing "five" in the first line of the sixth paragraph by "four";

(3) by striking out "or surtax" in the first and second lines of the sixth paragraph.

85. Section 131.7 of the said Charter is repealed.

86. Section 176 of the said Charter, amended by section 155 of chapter 14 of the statutes of 2003, is again amended by replacing "131.7" by "131.6".

87. Section 8 of Schedule C to the said Charter is amended by replacing "the office of opposition leader is a special position" in the second line of the first paragraph by "the offices of vice-chair of the council and opposition leader are special positions".

88. Section 88 of Schedule C to the said Charter, amended by section 85 of chapter 19 of the statutes of 2003, is again amended

(1) by replacing "du conseil d'arrondissement peut" in the French text by "le conseil d'arrondissement peut";

(2) by replacing "du conseil d'arrondissement ou" in the French text by "le conseil d'arrondissement ou".

89. Section 93 of Schedule C to the said Charter is amended

(1) by replacing "a dwelling unit or room that does not comply with" in the second and third lines by "premises that do not comply with";

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

"A by-law referred to in the first paragraph may only apply to an immovable exempted from the application of Chapter I of the Construction Code, enacted by Order in Council 953-2000 (2000, G.O. 2, 4203)."

90. Section 94 of Schedule C to the said Charter is amended

(1) by replacing "a dwelling unit or room that does not comply with" in the third line of the first paragraph by "premises that do not comply with";

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

"The first paragraph may only apply to an immovable erected or converted before 25 May 1984 and exempted from the application of Chapter I of the Construction Code, enacted by Order in Council 953-2000 (2000, G.O. 2, 4203)."

91. Section 105 of Schedule C to the said Charter is repealed.

92. Section 124 of Schedule C to the said Charter, amended by section 103 of chapter 19 of the statutes of 2003, is again amended by replacing "145.18" in the second paragraph by "145.19".

93. Section 150 of Schedule C to the said Charter is repealed.

CITIES AND TOWNS ACT

94. Section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by inserting "chargé de la délivrance d'une autorisation prévue à l'article 3 du Règlement sur le captage des eaux souterraines, édicté par le décret numéro 692-2002 (2002, G.O. 2, 3539), soit" after "soit" in the fourth line of the third paragraph of the French text;

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

"The second paragraph also applies to any officer or employee who is not an employee represented by a certified association within the meaning of the Labour Code, who is designated under paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1), responsible for the issuance of the authorization required under section 3 of the Groundwater Catchment Regulation, enacted by Order in Council 692-2002 (2002, G.O. 2, 2657), or responsible for the issuance of a permit required under section 4 of

the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, chapter Q-2, r.8), and who, for at least six months, has held that position or a position, within the municipality, referred to in the second paragraph."

95. The said Act is amended by inserting the following section after section 352:

"**352.1.** The council of a municipality with 100,000 inhabitants or more may, by by-law, provide that, on any document that is produced repeatedly or of which a significant number of copies are made, the handwritten signature of one of its members or of an officer or employee of the municipality may be replaced by a facsimile or other equivalent engraved, lithographed, printed or affixed using an automatic device or an electronic process.

The facsimile or other equivalent, used in accordance with the by-law in force, has the same force as the handwritten signature. The facsimile or other equivalent may, however, in no case replace the handwritten signature on the original of a resolution or of a document that is the subject of a resolution, nor may it serve to authenticate a copy of or an excerpt from such an original or a copy replacing such an original."

96. The said Act is amended by inserting the following section after section 463:

"**463.0.1.** All the expenses incurred by the municipality to remove nuisances or have them removed, or to enforce a measure intended to eliminate or prevent nuisances, constitute a charge equivalent to the property tax against the immovable where the nuisances were located, and they may be recovered in the same manner."

97. Section 463.2 of the said Act is amended

(1) by replacing "eight" in the second line of the first paragraph by "12";

(2) by replacing "two" in the fourth line of the first paragraph by "three";

(3) by replacing "five" in the second line of the third paragraph by "three";

(4) by adding the following paragraphs after the third paragraph:

"The by-law may provide maximum numbers of days greater than those set out in the first paragraph if an agreement to that effect has been entered into between the municipality and the regional federation that is affiliated with the association certified in accordance with section 8 of the Farm Producers Act (chapter P-28) and whose territory includes the greatest part of the territory of the municipality.

If a majority of the farm producers in the territory of the municipality are members of a syndicate, as defined in subparagraph *e* of the first paragraph of section 1 of that Act, affiliated with the regional federation referred to in the fourth paragraph, the agreement may be entered into with that syndicate."

98. Section 466.1 of the said Act, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by striking out "and accredited by the Minister of Municipal Affairs, Sports and Recreation" in the second paragraph.

99. Section 486 of the said Act is repealed.

100. Section 547 of the said Act is amended by striking out "or the surtax or tax on non-residential immovables" in the fourth and fifth lines of the fourth paragraph.

101. Section 567 of the said Act, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by adding the following paragraph at the end of subsection 3:

"For the purposes of the first paragraph, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued."

102. Section 569 of the said Act is amended by inserting the following subsection after subsection 2:

"2.1. The council may, by resolution, borrow from the fund the moneys it may need to pay all or part of the expenses resulting from the application of a departure incentive program for the officers and employees of the municipality. The resolution authorizing the loan shall indicate the term of repayment, which must not exceed five years. The council shall provide, every year, out of its general fund, a sum sufficient to repay the loan into the working-fund."

MUNICIPAL CODE OF QUÉBEC

103. The heading of Chapter II of Title V of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding "AND DIRECTORS GENERAL" at the end.

104. Article 210 of the said Code is replaced by the following:

"**SECTION III.1**

"DIRECTORS GENERAL

"**210.** Every municipality must have a director general, who is the chief officer of the municipality.

Subject to article 212.2, the secretary-treasurer is the director general by virtue of office."

105. Article 211 of the said Code is amended by replacing "secretary-treasurer" in the second line by "director general".

106. Article 212 of the said Code is amended by replacing "secretary-treasurer" in the first line by "director general".

107. Article 212.1 of the said Code is amended

(1) by replacing "secretary-treasurer" in the second line of the first paragraph by "director general";

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

"The by-law may provide that, if the council adds those powers and obligations, it must appoint a person other than the director general to the office of secretary-treasurer."

108. The said Code is amended by inserting the following articles after article 212.1:

"**212.2.** If the by-law in force so provides, the council shall appoint a person other than the director general to the office of secretary-treasurer.

"**212.3.** The deputy secretary-treasurer, where applicable, is the deputy director general by virtue of office, except if article 212.2 applies.

If that article applies, the council may appoint a deputy director general.

Article 184 applies, with the necessary modifications, to the deputy director general."

109. Article 267.0.1 of the said Code is amended

(1) by inserting "chargé de la délivrance d'une autorisation prévue à l'article 3 du Règlement sur le captage des eaux souterraines, édicté par le décret numéro 692-2002 (2002, G.O. 2, 3539), soit" after "soit" in the fourth line of the third paragraph of the French text;

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

"The first and second paragraphs also apply to any officer or employee who is not an employee represented by a certified association within the meaning of the Labour Code, who is designated under paragraph 7 of section 119 of the Act respecting land use planning and development, responsible for the issuance of the authorization required under section 3 of the Groundwater Catchment Regulation, enacted by Order in Council 692-2002 (2002, G.O. 2, 2657), or

responsible for the issuance of a permit required under section 4 of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, chapter Q-2, r.8), and who, for at least six months, has held that position or a position, within the municipality, referred to in the first paragraph."

110. The said Code is amended by inserting the following article after article 546:

"**546.1.** All the expenses incurred by the local municipality to remove nuisances or have them removed, or to enforce a measure intended to eliminate or prevent nuisances, constitute a charge equivalent to the property tax against the immovable where the nuisances were located, and they may be recovered in the same manner."

111. Article 550.2 of the said Code is amended

(1) by replacing "eight" in the second line of the first paragraph by "12";

(2) by replacing "two" in the fourth line of the first paragraph by "three";

(3) by replacing "five" in the second line of the third paragraph by "three";

(4) by adding the following paragraphs after the third paragraph:

"The by-law may provide maximum numbers of days greater than those set out in the first paragraph if an agreement to that effect has been entered into between the municipality and the regional federation that is affiliated with the association certified in accordance with section 8 of the Farm Producers Act (chapter P-28) and whose territory includes the greatest part of the territory of the municipality.

If a majority of the farm producers in the territory of the municipality are members of a syndicate, as defined in subparagraph *e* of the first paragraph of section 1 of that Act, affiliated with the regional federation referred to in the fourth paragraph, the agreement may be entered into with that syndicate."

112. Article 627.1 of the said Code is amended by striking out "and accredited by the Minister of Municipal Affairs, Sports and Recreation" in the second and third lines of the second paragraph.

113. Article 681.2 of the said Code is replaced by the following article:

"**681.2.** Subject to the fourth paragraph, a regional county municipality may, by by-law, provide that it will finance the sums the local municipalities whose territories are situated in its territory must pay to their municipal housing bureaus under the Act respecting the Société d'habitation du Québec (chapter S-8) for the low-rental housing dwellings referred to in article 1984 of the Civil Code and administered by those bureaus.

As soon as practicable after the coming into force of the by-law, the secretary-treasurer shall send an authenticated copy of the by-law to the Société d'habitation du Québec and to every municipal housing bureau constituted at the request of such a local municipality.

A local municipality may not, with respect to a function provided for in the first paragraph, exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1).

A regional county municipality whose territory is situated entirely in that of the Communauté métropolitaine de Montréal may not exercise the power provided for in the first paragraph. A regional county municipality whose territory is situated only in part in that of the metropolitan community may exercise the power provided for in the first paragraph only to finance the sums that must be paid by the local municipalities whose territories are not situated in that of the metropolitan community. Only the representatives of those municipalities may participate in the deliberations and vote held by the council of the regional county municipality on the exercise of that power and only those municipalities shall contribute to the payment of the expenses resulting from the exercise of that power."

114. Article 688.5 of the said Code, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by striking out "and accredited by the Minister of Municipal Affairs, Sports and Recreation" in the fifth and sixth lines of the first paragraph.

115. Article 990 of the said Code is repealed.

116. Article 1072 of the said Code is amended by striking out "or the surtax or tax on non-residential immovables" in the fourth and fifth lines of the fourth paragraph.

117. Article 1093.1 of the said Code, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by adding the following paragraph at the end:

"For the purposes of the first paragraph, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued."

118. Article 1094 of the said Code is amended by inserting the following subsection after subsection 2:

"2.1. The municipality may, by resolution, borrow from the fund the moneys it may need to pay all or part of the expenses resulting from the application of a departure incentive program for the officers and employees of the municipality.

The resolution authorizing the loan shall indicate the term of repayment, which must not exceed five years. The municipality shall provide, every year, out of its general funds, a sum sufficient to repay the loan into the working-fund."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

119. Section 129 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended

(1) by replacing "and" in the fourth line of the second paragraph by ", to";

(2) by replacing ", to the Minister and to the Commission municipale du Québec for registration" in the fifth and sixth lines of the second paragraph by "and to the Minister".

120. Section 144 of the said Act is amended by striking out "and, for registration purposes, to the Commission municipale du Québec" in the sixth and seventh lines of the second paragraph.

121. Section 148 of the said Act, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by striking out "and be registered within that time with the Commission municipale du Québec" in the third and fourth lines of the third paragraph.

122. Section 149 of the said Act is amended

(1) by inserting "du Québec" after "Commission municipale" in the second line of the first paragraph in the French text;

(2) by striking out "and be registered with the Commission municipale du Québec" in the third and fourth lines of the third paragraph.

123. Section 149.0.1 of the said Act is replaced by the following section:

"**149.0.1.** The Government may, by regulation, prescribe rules of form for the preparation of a document that may or must, under this division, be sent to or served on the Minister."

124. Section 264 of the said Act, amended by section 250 of chapter 19 of the statutes of 2003, is again amended

(1) by striking out ", and a period of 105 days applies to the Minister rather than the 60-day period provided for in those sections" in the third, fourth and fifth lines of the second paragraph;

(2) by striking out ", and a period of 180 days applies rather than the 120-day period provided for in those sections" in the seventh and eighth lines of the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

125. Section 21 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, on any question on jurisdiction over the planning of residual materials management, the quorum is a majority of members other than the representatives of Ville de Lévis."

126. Section 34 of the said Act is amended by adding the following paragraph at the end:

"However, on any question on jurisdiction over the planning of residual materials management, the quorum is a majority of members other than the representatives of Ville de Lévis."

127. Section 121 of the said Act is amended by replacing ", to the Minister and to the Commission municipale du Québec for registration" in the fourth and fifth lines of the second paragraph by "and to the Minister".

128. Section 136 of the said Act is amended by striking out "and, for registration purposes, to the Commission" in the sixth line of the second paragraph.

129. Section 140 of the said Act, amended by section 250 of chapter 19 of the statutes of 2003, is again amended by striking out "and be registered within that time with the Commission municipale du Québec" in the third and fourth lines of the third paragraph.

130. Section 141 of the said Act is amended by striking out "and be registered with the Commission municipale du Québec" in the third and fourth lines of the third paragraph.

131. Section 141.1 of the said Act is replaced by the following section:

"**141.1.** The Government may, by regulation, prescribe rules of form for the preparation of a document that may or must, under this division, be sent to or served on the Minister."

132. Section 227 of the said Act, amended by section 250 of chapter 19 of the statutes of 2003, is again amended

(1) by striking out ", and a period of 105 days applies to the Minister rather than the 60-day period provided for in those sections" in the third, fourth and fifth lines of the second paragraph;

(2) by striking out ", and a period of 180 days applies rather than the 120-day period provided for in those sections" in the seventh and eighth lines of the second paragraph.

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

133. The James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8.2) is amended by inserting the following sections after section 40:

"**40.1.** The municipality may carry on any agricultural activity mentioned in section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in any part of its territory that it determines.

"**40.2.** The municipality may establish with a cooperative governed by the Cooperatives Act (chapter C-67.2) a mixed enterprise company whose jurisdiction is that determined under section 40.1.

The Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) applies to the mixed enterprise company established under the first paragraph, except the second paragraph of section 14, section 15 and the second paragraph of section 22."

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

134. Section 20.1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by adding the following paragraph after the second paragraph:

"In addition, the municipality may provide that special duties need not be paid where the exemption is provided for in subparagraph *d* of the first paragraph of section 20 and the transfer results from the death of the transferor."

ACT RESPECTING MUNICIPAL TAXATION

135. Section 18.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing "18.5" in subparagraph 3 of the first paragraph by "18.6".

136. The said Act is amended by inserting the following section after section 18.5:

"**18.6.** For the purposes of sections 18.1 to 18.5, the owner is the person in whose name the unit of assessment concerned is entered on the roll under Division I of Chapter V.

If the Government must pay a sum for the unit of assessment under section 210, 254 or 257, the Minister has, concurrently with the person referred to in the first paragraph, the owner's rights and obligations under sections 18.1 to 18.5. For the purposes of subparagraph 2 of the second paragraph of section 18.4, the Minister is not bound by the information communicated to the assessor by the owner nor is the owner bound by that communicated by the Minister."

137. Section 35 of the said Act is amended by replacing the second paragraph by the following paragraph:

"If the unit of assessment includes a parcel of land whose owner is a public body and a building whose owner is not the owner of the parcel of land, the unit of assessment is entered on the roll in the name of the owner of the building subject to section 41.1.1. For the purposes of this paragraph, no account shall be taken of the fact that a building belongs to a different owner if that owner and the public body are undivided co-owners of the parcel of land."

138. The said Act is amended by inserting the following section after the heading of subdivision 7 of Division I of Chapter V:

"**41.1.1.** A unit of assessment constituted in accordance with section 34 that includes a parcel of land whose owner is a public body and a building whose owner is not the owner of the parcel of land is divided in the manner set out in this section if the site of the building corresponds to only part of the parcel of land.

The building and its site form a separate unit of assessment entered in the name of the owner of the building.

If the unit of assessment referred to in the first paragraph includes several buildings belonging to a same owner other than the owner of the parcel of land and if the sites of those buildings correspond to only part of the parcel of land, the buildings and their sites, even if not contiguous, form a separate unit of assessment entered on the roll in the name of the owner of the buildings.

The remainder of the unit of assessment referred to in the first paragraph then forms another unit of assessment.

For the purposes of the first four paragraphs, no account shall be taken of the fact that a building belongs to a different owner if that owner and the public body are undivided co-owners of the parcel of land.

If the public body is one of the undivided co-owners of the building and the parts of the building reserved for use by the public body and the other co-owner can be identified, only that part ascribed to the other co-owner is deemed to be the building included in the separate unit of assessment under the second or the third paragraph. That rule does not apply when the part reserved for use by the other co-owner is situated above or below another part of the building."

139. Section 44 of the said Act is amended by replacing "its owner would be justified in paying and demanding if he" in the third line by "the person in whose name the unit of assessment is entered on the roll would be justified in paying and demanding if that person".

140. Sections 57 and 57.1 of the said Act are repealed.

141. Section 61 of the said Act is amended

(1) by striking out the second paragraph;

(2) by replacing "In" in the first line of the third paragraph by "However, in".

142. Division V of Chapter V of the said Act is repealed.

143. Section 70 of the said Act is amended by striking out the second sentence of the first paragraph.

144. Section 77 of the said Act is amended by striking out "in addition to the case provided for in section 174.1," in the second line of the second paragraph.

145. The said Act is amended by inserting the following section after section 82:

"**82.1.** Despite sections 81 and 82, on a decision of the municipal body responsible for assessment, the assessor who is an officer of the municipal body and responsible for the roll shall mail the assessment notices, rather than the clerk who would otherwise have done so under one of those sections.

In such a case, the assessor shall also mail any tax account referred to in section 81 that is contained in the same document as the assessment."

146. Section 124 of the said Act is amended by striking out the fourth paragraph.

147. Section 134 of the said Act is amended by replacing "the clerk sends the notice of assessment" in the first line by "the notice of assessment is sent".

148. The said Act is amended by inserting the following section after section 138.2:

"**138.2.1.** Despite sections 137, 138.1 and 138.2, on a decision of the municipal body responsible for assessment, the assessor who is an officer of the municipal body shall exercise the functions assigned to the clerk of that body by this section."

149. Section 138.5.1 of the said Act is amended

(1) by replacing "The owner of an immovable to which a regulation under paragraph 10 of section 262 applies" in the first and second lines of the first paragraph by "The person in whose name a unit of assessment that constitutes an immovable to which a regulation under paragraph 10 of section 262 applies is entered on the roll";

(2) by replacing "immovable" in the fourth line of the first paragraph by "unit";

(3) by adding the following sentence at the end of the first paragraph: "The Minister has the same right in the case referred to in the second paragraph of section 18.6.";

(4) by replacing "owner" in the fourth line of the second paragraph by "applicant".

150. Section 151 of the said Act, amended by section 189 of chapter 19 of the statutes of 2003, is again amended by striking out the second paragraph.

151. Section 172.1 of the said Act is repealed.

152. Section 174 of the said Act is amended

(1) by striking out paragraphs 13 and 13.1;

(2) by striking out paragraph 13.2.

153. Section 174.1 of the said Act is repealed.

154. Section 176 of the said Act is amended by striking out ", 174.1" in the first and second lines of the first paragraph.

155. Section 180 of the said Act, amended by section 250 of chapter 19 of the statutes of 2003, is again amended

(1) by striking out "or assessor" in the fifth line of the fifth paragraph;

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

"Despite the preceding paragraphs, on a decision of the municipal body responsible for assessment, the assessor who is an officer of the municipal

body and responsible for the roll shall mail the notices of alteration and shall send out the copies of such notices, rather than the clerk who would otherwise have done so under one of those paragraphs."

156. Section 181 of the said Act is amended by striking out the second sentence of the second paragraph.

157. Section 204 of the said Act is amended

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

"(1) an immovable included in a unit of assessment entered on the roll in the name of the State or of the Société immobilière du Québec;";

(2) by replacing "belonging to the Crown in right of Canada or to" in the first line of paragraph 1.1 by "included in a unit of assessment entered on the roll in the name of the Crown in right of Canada or";

(3) by replacing "belonging to" in paragraph 1.2 by "included in a unit of assessment entered on the roll in the name of";

(4) by replacing "belonging to" in paragraph 2 by "included in a unit of assessment entered on the roll in the name of";

(5) by replacing "belonging to the Société de la Place des Arts de Montréal or" in the first and second lines of paragraph 2.1 by "included in a unit of assessment entered on the roll in the name of the Société de la Place des Arts de Montréal or";

(6) by replacing "belonging to" in paragraph 2.2 by "included in a unit of assessment entered on the roll in the name of";

(7) by replacing "belonging to a local municipality and situated in its territory, that is not subject to that tax" in the first and second lines of paragraph 3 by "that is included in a unit of assessment entered on the roll in the name of a local municipality, that is situated in the municipality's territory and that is not subject to such taxes";

(8) by replacing "belonging to a local municipality and situated in its" in the first line of paragraph 4 by "that is included in a unit of assessment entered on the roll in the name of a local municipality and that is situated in the municipality's";

(9) by replacing "belonging to a community, to a regional county municipality or to a mandatary of a community, regional county municipality or local municipality that is not subject to such tax" in the first, second and third lines of paragraph 5 by "included in a unit of assessment entered on the roll in the name of a community, a regional county municipality or a mandatary

of a community, regional county municipality or local municipality that is not subject to such taxes" and by replacing "belonging to" in the fourth line of that paragraph by "included in a unit of assessment entered on the roll in the name of";

(10) by replacing "belonging to" in the first line of paragraph 6 by "included in a unit of assessment entered on the roll in the name of";

(11) by replacing "belonging to" in the first line of paragraph 7 by "that is included in a unit of assessment entered on the roll in the name of" and by replacing "which" in the second line of that paragraph by "that";

(12) by replacing "belonging to" in the first line of paragraph 8 by "included in a unit of assessment entered on the roll in the name of";

(13) by replacing "owned by" in the first line of paragraph 11 by "included in a unit of assessment entered on the roll in the name of";

(14) by replacing "belonging to" in the first line of paragraph 12 by "included in a unit of assessment entered on the roll in the name of";

(15) by replacing "belonging to" in the first line of paragraph 13 by "included in a unit of assessment entered on the roll in the name of";

(16) by replacing "belonging to" in the first line of subparagraph *a* of paragraph 14 by "included in a unit of assessment entered on the roll in the name of" and by striking out "to" in the third and fourth lines;

(17) by replacing "which belongs to" in the first line of subparagraph *b* of paragraph 14 by "that is included in a unit of assessment entered on the roll in the name of";

(18) by replacing "belonging to" in the first line of subparagraph *c* of paragraph 14 by "that is included in a unit of assessment entered on the roll in the name of" and by replacing ", which" in the fourth line by "and that";

(19) by replacing "belonging to" in the first line of paragraph 15 by "that is included in a unit of assessment entered on the roll in the name of" and by replacing "which" in the third line by "that";

(20) by replacing "belonging to" in the first and third lines of paragraph 16 by "that is included in a unit of assessment entered on the roll in the name of" and by replacing "which" in the second line of that paragraph by "that";

(21) by replacing "belonging to a religious institution," in the first line of paragraph 17 by "that is included in a unit of assessment entered on the roll in the name of a religious institution and that is".

158. Section 204.0.1 of the said Act is amended by inserting ", to the person in whose name the unit of assessment that includes the immovable is entered on the roll," after "immovable" in the first line of the third paragraph.

159. Section 204.1 of the said Act is amended

(1) by replacing "belonging to a person referred to in any paragraph of section 204" in the first and second lines of the first paragraph by "that is included in a unit of assessment entered on the roll in the name of a person referred to in any paragraph of section 204 and";

(2) by replacing "belonging to" in the first line of the second paragraph by "included in a unit of assessment entered on the roll in the name of".

160. Section 205 of the said Act is amended by adding the following paragraph after the fifth paragraph:

"For the purposes of the first four paragraphs, the owner of an immovable is the person in whose name the unit of assessment that includes the immovable is entered on the roll."

161. Section 205.1 of the said Act is amended by striking out "or the surtax or tax on non-residential immovables imposed under section 244.11 or 244.23" in the fifth and sixth lines of subparagraph 2 of the third paragraph.

162. Section 206 of the said Act is amended by adding the following paragraph at the end:

"For the purposes of the first paragraph, the owner of an immovable is the person in whose name the unit of assessment that includes the immovable is entered on the roll. This paragraph does not apply when the unit is entered on the roll in the name of that person under the third paragraph of section 208."

163. Section 208 of the said Act is amended by replacing "belongs to" in the fourth line of the first paragraph by "is included in the unit of assessment entered on the roll in the name of".

164. Section 212 of the said Act is amended by adding the following paragraph at the end:

"For the purposes of the first paragraph, in addition to the meaning assigned by section 1, "owner" means the person in whose name the unit of assessment that includes the parcel of land is entered on the roll."

165. Section 231.1 of the said Act is amended by replacing "where it is not owned by that Church" in the second line of the first paragraph by "if it is not included in the unit of assessment entered on the roll in the name of that Church".

166. Section 231.2 of the said Act is amended by replacing "owned by" in the first line by "included in a unit of assessment entered on the roll in the name of".

167. Sections 233 and 233.1 of the said Act are repealed.

168. Section 234 of the said Act is amended by striking out the second paragraph.

169. Section 235 of the said Act is amended by striking out the eighth and ninth paragraphs.

170. Section 235.1 of the said Act is repealed.

171. Section 243.3 of the said Act is amended by replacing "the owner of the immovable concerned" in the second line of the first paragraph by "the person in whose name the unit of assessment that includes the immovable concerned is entered on the roll before the application of the third paragraph of section 208, if applicable".

172. Section 244.3 of the said Act is amended by adding the following sentence at the end of the third paragraph: "The activity of a municipality that consists in examining an application and responding to it is deemed to benefit the applicant, regardless of the response given, including cases where the subject of the application is a regulatory act or the response consists in such an act."

173. Section 244.7 of the said Act is amended

(1) by inserting "the unit of assessment that includes" after "on" in the third line;

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

"That presumption, however, does not apply if the owner of the immovable is not the person in whose name the unit of assessment that includes the immovable is entered on the roll."

174. Divisions III.2 and III.3 of Chapter XVIII of the said Act are repealed.

175. Section 244.29 of the said Act is amended by striking out the second paragraph.

176. Section 244.34 of the said Act is amended by adding the following paragraph after the fourth paragraph:

"For the purposes of this section, in addition to the meaning assigned by section 1, "owner" means the person in whose name the unit of assessment is entered on the roll."

177. Section 244.52 of the said Act is amended by replacing "third" in the second line of the second paragraph by "second".

178. The said Act is amended by inserting the following after section 244.64:

"**DIVISION III.5**

"TAX ON UNSERVICED VACANT LAND

"**244.65.** A municipality that, under section 244.29, imposes the general property tax for a fiscal year with a rate specific to the category of serviced vacant land may, for that year, impose a tax on units of assessment that meet the conditions set out in the second paragraph.

To be subject to the tax, a unit of assessment must be situated within an urbanization perimeter that is delimited in the land use planning and development plan applicable to the territory of the municipality and that is included in that territory. The unit of assessment must also be excluded from the category of serviced vacant land

(1) solely because the land is unserviced land according to the third paragraph of section 244.36; or

(2) solely for the reason set out in subparagraph 1 combined with the prohibition from building on the land, where the prohibition is due solely to the fact that the conditions prescribed by a regulation provided for in section 116 of the Act respecting land use planning and development (chapter A-19.1) or by any other regulation or resolution having contents analogous to those permitted under section 116 are not met.

"**244.66.** Subject to Division IV.3, the tax on unserviced vacant land is based on the taxable value of the unit of assessment.

"**244.67.** No municipality may fix in respect of the tax, for a fiscal year, a rate exceeding the difference for the year between the basic general property tax rate and the general property tax rate specific to the category of serviced vacant land.

Where the municipality, in the circumstances set out in section 244.49.1, has fixed general property tax rates referred to in the first paragraph that vary with the different parts of its territory, the municipality may fix various rates in respect of those parts for the tax on unserviced vacant land where necessary to respect the maximum set out in that paragraph."

179. Section 245 of the said Act is amended by striking out "of sections 244.15 to 244.18," in the fifth line of the second paragraph.

180. Section 252 of the said Act is amended

(1) by replacing "the amount fixed by the regulation made under paragraph 4 of section 263" in the third line of the first paragraph by "a given amount";

(2) by replacing "The council of the local municipality or municipal body responsible for assessment by which the taxes are collected" in the fifth and sixth lines of the first paragraph by "The given amount is that fixed by regulation under paragraph 4 of section 263 or the lower amount fixed by by-law of the council of the local municipality or municipal body responsible for assessment by which the taxes are collected. The council";

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

"The council may also, by by-law, provide for a time limit later than that generally applicable pursuant to the second paragraph, in respect of any payment of the municipal property taxes imposed on a unit of assessment including an agricultural operation that is 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 (chapter M-14) and, where applicable, of any payment of the other taxes or compensations referred to in the fourth paragraph that are payable by the debtor of the property taxes imposed on that unit."

181. Section 253.37 of the said Act is amended by striking out subparagraph 3 of the second paragraph.

182. Section 253.38 of the said Act is amended by striking out the fifth paragraph.

183. Section 253.52 of the said Act is amended by striking out subparagraph 3 of the second paragraph.

184. Section 253.54 of the said Act is amended by striking out subparagraph 3 of the second paragraph.

185. Section 253.61 of the said Act is amended by striking out "or, where applicable, by the part of the rate provided for in the second paragraph of section 244.13, the second paragraph of section 244.25 or the first paragraph of section 244.27" in the fourth, fifth and sixth lines of the second paragraph.

186. Section 254 of the said Act is amended by inserting ", subject to sections 255.1 and 255.2" after "section" in the fourth line of the first paragraph.

187. Section 255 of the said Act is replaced by the following sections:

"**255.** The amount payable under the first paragraph of section 254 for an immovable whose owner is a person mentioned in paragraph 1 or 2.1 of section 204 is equal to the amount of the municipal property taxes that would be exigible for that immovable if it were taxable. The amount payable under the second paragraph of section 254 for a business establishment whose

occupant is such a person is equal to the business tax that would be exigible for that business establishment if it were taxable.

The amount payable under the first paragraph of section 254 for each of the following immovables is equal to the product obtained by multiplying the non-taxable value of the immovable by 80% of the aggregate taxation rate of the local municipality:

(1) an immovable whose owner is the person mentioned in paragraph 1.2 of section 204;

(2) an immovable whose owner is a person mentioned in subparagraph *a* of paragraph 14 of section 204;

(3) an immovable whose owner is a person mentioned in subparagraph *b* or *c* of paragraph 14 of section 204 and that is used for the purposes mentioned in the subparagraph;

(4) an immovable whose owner is a non-profit legal person holding a permit to operate a private educational institution issued under the Act respecting private education (chapter E-9.1) and that is at the disposal of that institution, subject to the fourth paragraph.

The amount payable under the first paragraph of section 254 for each of the following immovables is equal to the product obtained by multiplying the non-taxable value of the immovable by 80% of the aggregate taxation rate of the local municipality:

(1) an immovable whose owner is a university institution within the meaning of the University Investments Act (chapter I-17), a college-level institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college or a private educational institution accredited for purposes of subsidies under the Act respecting private education with respect to college-level general and vocational instructional services;

(2) an immovable whose owner is a religious institution and that is used by an institution or college referred to in paragraph 1 for its normal activities.

The amount payable under the first paragraph of section 254 for each of the following immovables is equal to the product obtained by multiplying the non-taxable value of the immovable by 25% of the aggregate taxation rate of the local municipality:

(1) an immovable whose owner is a school board;

(2) an immovable whose owner is a non-profit legal person holding a permit to operate a private educational institution issued under the Act respecting

private education and that is at the disposal of that institution, when the owner is competent in matters of preschool, elementary or secondary education;

(3) an immovable whose owner is a private educational institution accredited for purposes of subsidies under the Act respecting private education and that is at the disposal of that institution, when the owner is competent in matters of preschool, elementary or secondary education;

(4) an immovable whose owner is an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales, when the owner is competent in matters of preschool, elementary or secondary education;

(5) an immovable whose owner is a religious institution and that is used by a school board, a legal person referred to in paragraph 2 or an institution referred to in paragraph 3 or 4, for the purposes of preschool, elementary or secondary education.

"**255.1.** When a unit of assessment that includes an immovable referred to in section 255 is taxable and is entered on the roll in the name of a person other than the owner of the immovable, the amount payable under the first paragraph of section 254 for that immovable is not paid.

When the unit of assessment is non-taxable and entered on the roll in the name of a person other than the owner of the immovable, the amount for that immovable is paid. The roll must then, in accordance with section 61, indicate the information required to calculate the amount, based on the part of the non-taxable value of the unit that corresponds to that of the immovable.

The same applies to a non-taxable unit of assessment that is entered on the roll in the name of the owner of the immovable and that does not consist solely of the immovable.

"**255.2.** When an immovable referred to in a provision under section 255 is included in a non-taxable unit of assessment and belongs to several owners, not all of whom are persons referred to in that provision, the second or third paragraph of section 255.1, as the case may be, applies as if the immovable consisted only of that part attributable to the owner or owners referred to in that provision.

The provisions of section 255 under which the amount provided for in the first paragraph of section 254 is computed in the same way make up a group. The first paragraph does not apply if all the owners of the immovable are referred to in provisions that are part of a same group. If several of the owners but not all of them are referred to in provisions that are part of a same group, the parts of the immovable attributable to them are grouped together and constitute the part referred to in the first paragraph."

188. Section 257 of the said Act is amended by adding the following sentence at the end of the second paragraph: "For the purposes of this paragraph, in addition to the meaning assigned by section 1, "owner" means the person in whose name the unit of assessment that includes the immovable is entered on the roll."

189. Section 263 of the said Act is amended by striking out paragraph 10.

FOREST ACT

190. The Forest Act (R.S.Q., chapter F-4.1) is amended by inserting the following section after section 32:

"**32.1.** A municipality may see to the maintenance and repair of all or part of a forest road in its territory, in accordance with an authorization obtained from the Minister.

The authorization must identify the road or part of a road concerned and may set out conditions, in particular as regards the work permitted or the manner of carrying out the work or of providing for its financing. It may be revoked at any time, after a notice given to the municipality at least 30 days before the revocation takes effect.

The authorization and any revocation must be published in the *Gazette officielle du Québec*. They take effect on the day they are published.

A non-revoked authorization ceases to have effect on the day that is five years after its effective date.

For the purposes of exercising its power under the first paragraph, the municipality may enter into an agreement with any person on sharing the cost of the work or sharing the work itself."

ACT RESPECTING ADMINISTRATIVE JUSTICE

191. Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by striking out paragraph 2 of section 4.

MINING ACT

192. The Mining Act (R.S.Q., chapter M-13.1) is amended by inserting the following section after section 247:

"**247.1.** A municipality may see to the maintenance and repair of all or part of a mining road in its territory, in accordance with an authorization obtained from the Minister of Transport.

The authorization must identify the road or part of a road concerned and may set out conditions, in particular as regards the work permitted or the

manner of carrying out the work or of providing for its financing. It may be revoked at any time, after a notice given to the municipality at least 30 days before the revocation takes effect.

The authorization and any revocation must be published in the *Gazette officielle du Québec*. They take effect on the day they are published.

A non-revoked authorization ceases to have effect on the day that is five years after its effective date.

For the purposes of exercising its power under the first paragraph, the municipality may enter into an agreement with any person on sharing the cost of the work or sharing the work itself."

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

193. Section 36 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), amended by section 211 of chapter 19 of the statutes of 2003, is again amended by adding the following paragraph at the end:

"A person referred to in the second paragraph of section 27 may apply to have his pension paid to him from any date he determines that is subsequent to the application date and prior to his sixtieth birthday. As long as the pension is not being paid, the person may request that the date chosen be replaced by any date subsequent to the new application date and prior to his sixtieth birthday."

194. The heading of Chapter X of the said Act is amended by replacing "PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC" by "ARBITRATION".

195. The said Act is amended by inserting the following heading after the heading of Chapter X:

"**DIVISION I**

"REVIEW".

196. Section 74 of the said Act is replaced by the following:

"**74.** If the opinions of the members of the review committee were equally divided, the application for review is referred to an arbitrator for a decision. The review committee shall notify the parties without delay.

The provisions applicable to an application for arbitration, as set out in Division II, apply with the necessary modifications.

The review committee shall send the application for review to the arbitrator within 90 days after the date of the notification provided for in section 73.

"**DIVISION II**

"ARBITRATION

"**74.1.** A person who applied for review may apply for arbitration within 90 days after the date of notification of the review committee's decision.

"**74.2.** Following such an application, the pension committee may approve any person appointed as arbitrator or substitute under the first or second paragraph of section 183 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) to act as an arbitrator.

If the pension committee does not approve at least two persons from among those referred to in the first paragraph, the Government, after consulting the pension committee, may appoint any arbitrators or substitutes it considers necessary who are qualified for approval, for any period it determines.

"**74.3.** Sections 184 to 186 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) apply to arbitration carried out following an application under section 74.1.

The costs and fees referred to in section 185 of that Act that are charged to the Commission are deemed to be expenses referred to in section 81."

SUPPLEMENTAL PENSION PLANS ACT

197. The Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by inserting the following section after section 306.1:

"**306.1.1.** In the case of a division or merger concerning all or part of the assets and liabilities of the Régime de retraite de la Ville de Québec, the amortization amounts to be paid for the portion of the initial unfunded actuarial liability referred to in section 306.1 that continues to affect the pension plan after the effective date of the division or merger must correspond to the amounts determined in relation to the unfunded liability in the report on the last complete actuarial valuation of the pension plan the date of which is not subsequent to that of the division or merger, reduced in the same proportion as the unfunded liability was reduced by the effect of the division or merger.

Also, the amortization amounts to be paid for the portion of the unfunded liability referred to that is allocated to a pension plan by the effect of the division or merger must correspond to the amounts determined in the report referred to in the first paragraph, adjusted in proportion to the unfunded liability allocated to the pension plan as a share of the balance of the unfunded liability as at the date of the division or merger.

The portion of the unfunded liability referred to that is allocated to the pension plan by the effect of the division or merger constitutes an initial unfunded actuarial liability separate from any other unfunded liability affecting the pension plan. Despite section 134, the reduction in the amortization amounts remaining to be paid for the unfunded liability shall be effected last, the other reductions under that section being mandatory.

The second, third and fourth paragraphs of section 306.1 apply, with the necessary modifications, in respect of a pension plan to which a portion of the unfunded liability referred to in this section has been allocated by the effect of the division or merger."

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

198. The Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by inserting the following section after section 58:

"**58.1.** A municipality may see to the maintenance and repair in its territory of all or part of a road, other than a forest road or a mining road, constructed in the domain of the State, in accordance with an authorization obtained from the Minister.

The authorization must identify the road or part of a road concerned and may set out conditions, in particular as regards the work permitted or the manner of carrying out the work or of providing for its financing. It may be revoked at any time, after a notice given to the municipality at least 30 days before the revocation takes effect.

The authorization and any revocation must be published in the *Gazette officielle du Québec*. They take effect on the day they are published.

A non-revoked authorization ceases to have effect on the day that is five years after its effective date.

For the purposes of exercising its power under the first paragraph, the municipality may enter into an agreement with any person on sharing the cost of the work or sharing the work itself."

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

199. Section 12 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is replaced by the following section:

"**12.** The minimum annual remuneration a mayor is entitled to receive is based on the number of inhabitants of the territory of the municipality included in the following population brackets:

(1) 1 to 5,000 inhabitants;

(2) 5,001 to 15,000 inhabitants;

(3) 15,001 to 50,000 inhabitants;

(4) 50,001 to 100,000 inhabitants;

(5) 100,001 to 300,000 inhabitants; and

(6) 300,001 inhabitants or more.

An amount is attributed in respect of every inhabitant included in a population bracket. The amount applicable for each bracket is fixed by the government regulation provided for in section 31.6."

200. Section 13 of the said Act is amended by replacing "$1,890" in the third line of the third paragraph by "the amount fixed by the government regulation provided for in section 31.6".

201. Section 16 of the said Act is amended

(1) by replacing "$2,470 and $823, respectively" in the second and third lines of the first paragraph by "the amount fixed in respect of each of them by the government regulation provided for in section 31.6";

(2) by replacing "$30,000" in the third line of the second paragraph by "the amount fixed by the government regulation provided for in section 31.6".

202. Section 22 of the said Act is amended by replacing "$12,868" in the second line of the first paragraph by "the amount fixed by the government regulation provided for in section 32.1".

203. Section 30.1 of the said Act is amended by replacing the sixth paragraph by the following paragraph:

"For the purposes of this section, remuneration includes remuneration paid to a person by a mandatary body of the municipality or by a supramunicipal body

(1) for a function exercised by virtue of office;

(2) for a function for which the municipality has adopted a by-law to that effect."

204. The heading of Chapter V of the said Act is amended by replacing "REGULATION" by "REGULATIONS".

205. The said Act is amended by inserting the following section after the heading of Chapter V:

"**31.6.** The Government may, by regulation, fix

(1) the amount per inhabitant, applicable for each population bracket provided for in section 12, used to establish the minimum annual remuneration of a mayor in relation to the population figure of the municipality;

(2) the maximum amount by which the minimum annual remuneration of a mayor, based on the population figure of the municipality increased in accordance with section 13, may exceed the remuneration that would be established if based on the unincreased population figure;

(3) the minimum amount that applies under section 16 to the annual remuneration of a mayor and a councillor respectively, regardless of the population figure of the municipality; and

(4) the minimum amount that applies under section 16 to the annual remuneration of a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9)."

206. Section 32 of the said Act is amended by striking out the third paragraph.

207. The said Act is amended by inserting the following sections after section 32:

"**32.1.** The Government may, by regulation, fix the maximum annual expense allowance a member of the council of a municipality is entitled to receive for all the duties the member performs within the municipality, a mandatary body of the municipality or a supramunicipal body.

"**32.2.** A regulation provided for in this chapter may have retroactive effect from 1 January of the year in which it comes into force."

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

208. Section 259 the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is repealed.

209. Sections 261 and 261.1 of the said Act are repealed.

210. Section 281 of the said Act is amended by replacing "remuneration and pension fixed by the Minister and paid" in the second and third lines of the first paragraph by "pension fixed by the Minister and paid".

211. The said Act is amended by inserting the following after section 296:

"**CHAPTER II.1**

"REMUNERATION AND INDEMNITY OF MEMBERS OF THE COUNCIL

"**296.1.** A member of the council receives a basic remuneration from the Regional Government.

A member of the council also receives additional remuneration from the Regional Government for functions exercised as

(1) speaker of the council;

(2) deputy-speaker of the council;

(3) chairman of the executive committee;

(4) vice-chairman of the executive committee; or

(5) member of the executive committee other than the chairman or vice-chairman.

The Minister shall fix the basic annual remuneration and each additional remuneration.

"**296.2.** Except in the case of a council member already receiving the maximum amount prescribed under section 22 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) from a municipality for a fiscal year, every member of the council receives from the Regional Government, for that fiscal year, an indemnity to defray the part of the expenses incident to the member's duties that are not reimbursed pursuant to subsection 1 of section 260 or the third paragraph of section 281.

A member's indemnity for a fiscal year is the lesser of

(1) the quotient obtained by dividing the total remuneration the member receives for that fiscal year under section 296.1 by 2; and

(2) the difference obtained by subtracting the indemnity the member receives from a municipality for that fiscal year from the maximum amount prescribed under section 22 of the Act respecting the remuneration of elected municipal officers.

In the case of a chairman of the executive committee who, after availing himself of the power provided for in section 280.1, was not a member of the council of a municipality for any part of the fiscal year, the amount of his indemnity for that fiscal year is equal to the maximum amount prescribed under section 22 of the Act respecting the remuneration of elected municipal officers.

When the result of the operation under subparagraph 1 or 2 of the second paragraph is a mixed number, only the integer is used and it is rounded up if the first decimal is greater than 4.

"**296.3.** The Regional Government shall determine the conditions of payment of the remuneration and of any indemnity."

212. Section 410 of the said Act is amended

(1) by striking out "section 259, section 261," in the fifth line of the second paragraph;

(2) by inserting "the third paragraph of section 296.1," after "281," in the fifth line of the second paragraph;

(3) by replacing "section 259, 261 or 281" in the first line of the third paragraph by "the third paragraph of section 296.1".

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

213. 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, section 104 of chapter 54 of the statutes of 2000, section 93 of chapter 77 of the statutes of 2002 and section 234 of chapter 19 of the statutes of 2003, is again amended by replacing "2004" in the first paragraph by "2006".

ACT TO AMEND THE CITIES AND TOWNS ACT, THE MUNICIPAL CODE OF QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

214. Section 87 of the Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions (1996, chapter 77) is amended by striking out the fourth and fifth paragraphs.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

215. Section 12 of the Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3) is replaced by the following section:

"**12.** Despite any provision of the pension plan or of any document ancillary to the plan, the surplus assets of a pension plan to which a municipality or a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is a party may, on a resolution of the municipality or the body and according to the terms and

conditions stated in sections 146.1 to 146.3 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), be appropriated for the payment of contributions payable by the municipality or the body.

However, if a bond was remitted to the pension fund of a pension plan for the purposes of section 212.2 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20), any actuarial gain determined by an actuarial valuation of the whole plan must be appropriated for the redemption of that bond. The appropriation of the gain may nevertheless not cause an amount payable to be determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or to be higher than it would have been without the appropriation.

Surplus assets or an actuarial gain can be appropriated under the first or second paragraph only up to the value of the amounts that the municipality or body has paid in respect of a technical actuarial deficiency or an amount established under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act determined by an actuarial valuation of the whole plan dated not earlier than 31 December 2001 or later than 1 January 2003.

For the purposes of this section, the value of the amounts paid by the municipality or the body, that of the contributions paid by the appropriation of surplus assets and that of redemptions realized by appropriation of actuarial gain are calculated using the rate set by the bond remitted to the pension fund or the market rate for financing the amount paid into the fund or, in the absence of such a rate, the rate that the federal government bond market would require, at the time of payment of the amount into the fund, for a bond with a ten-year term.

The actuarial gain referred to in this section is the positive difference between the value of the assets of the plan, increased by the value of the amortization amounts remaining to be paid for one or more unfunded actuarial liabilities, and the value of the obligations arising out of the pension plan, given the service credited to the members. The gain is measured using the funding method provided for in Chapter X of the Supplemental Pension Plans Act. If the municipality or the body pays a contribution exceeding that required under that Act, the excess is not taken into account in determining the actuarial gain referred to in this section."

216. Section 13 of the said Act, amended by section 242 of chapter 19 of the statutes of 2003, is again amended by adding the following paragraph at the end:

"However, if a bond was remitted to the pension fund of the pension plan for the purposes of section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20), any actuarial gain determined by an actuarial valuation of the whole plan must be appropriated

for the redemption of the bond in accordance with section 12, except to the extent that it corresponds to surplus assets for which the municipality or the body may not determine the appropriation."

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET DE LA RECHERCHE

217. Section 99 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29) is amended by adding the following sentence at the end of the fourth paragraph: "A specific agreement entered into with a municipality or a mandatary of a municipality may depart from the Municipal Aid Prohibition Act (R.S.Q., chapter I-15)."

218. The said Act is amended by inserting the following section after section 101:

"**101.1.** When an executive committee is established, its members must be chosen by and from among the members of the board of directors of a regional conference of elected officers and the members appointed under section 101 may not represent more than one third of the committee."

OTHER AMENDING PROVISIONS

219. Section 7 of Order in Council 170-2000 dated 1 March 2000 respecting Ville de Cap-Chat is amended by replacing the second paragraph by the following paragraph:

"For the first two general elections, the council of the new town is composed of eight members comprising a mayor and seven councillors. The councillor positions are numbered 1 through 7."

220. Section 60.5 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke, enacted by Order in Council 509-2002 dated 1 May 2002, is repealed.

221. Section 34.4 of Order in Council 851-2001 dated 4 July 2001 respecting Ville de Trois-Rivières, enacted by section 248 of chapter 19 of the statutes of 2003, is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

222. For the purposes of any general election as of that of 2005, a local municipality mentioned in Schedule I is deemed to be subject, from 31 December 2003, to the requirement to divide its territory into electoral districts in accordance with section 5 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

223. For the purposes of any general election as of that of 2005, from 1 January 2004, a local municipality mentioned in Schedule II is required to

divide its territory into electoral districts, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), subject to the provisions relating to such a division provided for in its constituting act.

224. For the purposes of the 2005 general election, from 1 January 2004, a local municipality mentioned in Schedule III is required to divide its territory into electoral districts in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

225. No by-law that, for the purposes of a general election preceding that of 2005, divides the territory of a local municipality mentioned in Schedule IV into electoral districts may be invalidated on the ground that the municipality was not subject to the requirement to divide its territory or that the division does not meet the criteria provided for in sections 11 and 12 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

226. The division of the territory into electoral districts that was applicable for the purposes of the last general election held in Ville de Beauharnois, Ville de La Malbaie and Ville de Matane applies for the purposes of the general election of 2005 and any by-election that must be held in those municipalities before the general election of 2009.

227. Section 10 of Order in Council 1253-99 dated 17 November 1999, respecting Ville de La Malbaie, is amended by striking out the second sentence.

228. Section 9 of Order in Council 1550-97 dated 3 December 1997, respecting Municipalité de Roxton Pond, is amended by striking out the last sentence.

229. Ville de Gatineau, Ville de Rouyn-Noranda, Ville de Saguenay and Ville de Saint-Jean-sur-Richelieu are dispensed from the obligation to divide their territories into electoral districts for the purposes of the general election of 2005.

The division of their territories, for the purposes of that election and any by-election before the general election of 2009, is that which was applicable for the purposes of their last general election.

230. Despite section 7 of Order in Council 705-2001 dated 13 June 2001 respecting Ville de Chandler, no general election will be held in that municipality in 2004.

231. Despite the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), a vacancy in the office of mayor of Ville de Murdochville need not be filled by means of a by-election.

Not later than 1 December 2004, the town councillors must elect one of their number to the office of mayor. The second, third, fourth and fifth paragraphs of section 336 of this Act apply to that election.

232. The council of Ville de Montréal may adopt a loan by-law for the purpose of repaying into the general fund of the city sums paid out to reimburse excess taxes pursuant to a judgment on a contestation of the property assessment, filed before 1 January 2002, for an assessment unit situated in the territory of the former Ville de Montréal-Est.

Such a by-law requires only the authorization of the Minister of Municipal Affairs, Sports and Recreation.

233. The property assessment roll of Municipalité de Pierreville, in force at the beginning of the 2004 fiscal year, remains in force until the end of that fiscal year, which is considered as the third year of application of that roll.

For the purpose of determining the fiscal years for which rolls subsequent to that referred to in the first paragraph must be drawn up in accordance with section 14 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), that roll is deemed to have been drawn up for the fiscal years 2002, 2003 and 2004.

The drawing up and filing of the roll for the fiscal years 2005, 2006 and 2007 may not be invalidated on the grounds that they were carried out before the effective date of the first two paragraphs.

234. The by-laws of Ville d'Asbestos on the imposition of general property taxes for the fiscal years 2000 to 2003 may not be invalidated on the grounds that they provide for different general property taxes depending on whether the immovables are situated in the territory of the former Municipalité de Trois-Lacs or the territory of the former Ville d'Asbestos.

For the fiscal years 2004 and 2005, Ville d'Asbestos may grant the owner of an immovable situated in the territory of the former Municipalité de Trois-Lacs a tax credit the amount of which, per $100 of assessed value, is established in keeping with resolution No. 2004-35 adopted by the council of Ville d'Asbestos on 16 February 2004.

The budget adopted by the council of Ville d'Asbestos for the 2004 fiscal year may not be invalidated on the grounds that it provides for such a tax credit.

The second paragraph applies despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

235. Despite section 176 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14), the Government may, until 31 December 2004, amend Order in Council 371-2003 dated 12 March 2003 respecting Ville de La Tuque.

236. Sections 5, 14, 124 and 132 do not apply to a time limit that began to run on 1 November 2004.

237. A local municipality may not, with respect to hog farms, take advantage of subparagraph 4.1 of the second paragraph of section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 7, until an amendment to the land use planning and development plan, a revised plan or an interim control by-law in conformity with aims complementary to this Act and related to the objectives referred to in subparagraph 2.1 of the first paragraph of section 5 of that Act comes into force in its territory.

238. A by-law in force on 31 October 2004 and adopted under the provisions repealed by section 83 remains in force until replaced or repealed under the provisions enacted by section 9.

239. For the purposes of subparagraph 2 of the second paragraph of section 165.4.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), enacted by section 10, only additions or extensions built in accordance with a permit issued after that section takes effect may be included in the calculation.

240. Sections 10 and 12 take effect on the date that is 90 days after the day on which the Government adopts aims complementary to this Act and related to the objectives referred to in subparagraph 2.1 of the first paragraph of section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1). As soon as practicable after that adoption, the Minister of Municipal Affairs, Sports and Recreation must publish in the *Gazette officielle du Québec* a notice mentioning the adoption and the effective date of sections 10 and 12.

No permit or certificate referred to in section 165.4.1 of that Act, enacted by section 10, may be issued by a municipality before that section takes effect.

No permit or certificate referred to in section 165.4.1 and issued by a municipality after 30 April 2002 and before 1 November 2004, or application for such a permit or certificate made before section 10 takes effect, is valid, unless the work authorized by a permit already issued has been carried out by 1 November 2004.

The second and third paragraphs do not apply to a permit applied for or issued for work required for an increase of up to 250 hogs referred to in subparagraph *b* of subparagraph 3 of the first paragraph of section 46 of the Agricultural Operations Regulation, enacted by Order in Council 695-2002 (2002, G.O. 2, 2643), for which the Minister of the Environment issued an authorization certificate before 15 June 2004.

From the effective date of section 10, an application for a building permit to replace a building that exists on the effective date of that section and that, after

that date, is totally or partially destroyed by a disaster, is subject to the application of the provisions enacted by that section, if the annual production of phosphoric anhydride attributable to the project for which the application is made is more than 3,200 kg greater than the annual production at the site before it was totally or partially destroyed.

241. Sections 15 and 16, paragraph 1 of section 19, paragraph 1 of section 20, sections 21, 24, 27 and 28, paragraph 1 of section 31, paragraph 1 of section 32, sections 33, 36, 39, 40 and 43, paragraph 1 of section 44, paragraph 1 of section 45, sections 46 and 49, paragraph 1 of section 53, paragraphs 2 and 5 of section 54, section 55, paragraph 1 of section 58, paragraph 1 of section 59, sections 60, 64, 65 and 73 to 76, paragraph 1 of section 79, paragraph 1 of section 80 and sections 81, 84, 93, 99, 100, 115, 116, 135 to 144, 146, 149 to 154, 156 to 171, 173 to 179 and 181 to 189 have effect for the purposes of every fiscal year as of the fiscal year 2005.

However, with respect to Ville de Longueuil, sections 39, 40 and 43, paragraph 1 of section 44, paragraph 1 of section 45 and sections 46, 49, 99, 100, 140 to 144, 146, 150 to 154, 156, 161, 167 to 170, 174, 175, 177, 179, 181 to 185 and 189 have effect for the purposes of every fiscal year as of the fiscal year 2006.

242. Any act performed for the 2003 or the 2004 fiscal year under a provision referred to in section 151.5.1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), repealed by section 63, is valid despite the fact that the provision was applicable only for the 2002 fiscal year.

243. Until the coming into force of the first amendment made after 31 October 2004 to the regulation made under paragraph 2 of section 263 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a reference in the regulation to a case where the clerk makes use of the power provided for in the third paragraph of section 81 of that Act is deemed a reference to a case where the assessor makes use of that power, as a result of the application of section 82.1 of that Act, enacted by section 145.

244. Section 172 has effect from 24 August 1989.

245. A by-law adopted in 2004 under the fifth paragraph of section 252 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by paragraph 3 of section 180, may be retroactive to the date specified in the by-law.

246. Until the coming into force of the first regulation made under paragraph 1 of section 31.6 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 205, the amounts per inhabitant applicable to each population bracket established in section 12 of that Act, enacted by section 199, are the following:

(1) 1 to 5,000 inhabitants: $1.013;

(2) 5,001 to 15,000 inhabitants: $0.909;

(3) 15,001 to 50,000 inhabitants: $0.562;

(4) 50,001 to 100,000 inhabitants: $0.243;

(5) 100,001 to 300,000 inhabitants: $0.097;

(6) 300,001 inhabitants or more: $0.005.

247. Until the coming into force of the first regulation made under paragraph 2 of section 31.6 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 205, the maximum amount of the surplus referred to in the third paragraph of section 13 of that Act, amended by section 200, is $2,173.

248. Until the coming into force of the first regulation made under paragraph 3 of section 31.6 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 205, the minimum annual remuneration referred to in the first paragraph of section 16 of that Act, amended by paragraph 1 of section 201, is $2,840 for a mayor and $946 for a councillor.

249. Until the coming into force of the first regulation made under paragraph 4 of section 31.6 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 205, the minimum annual remuneration of a warden, referred to in the second paragraph of section 16 of that Act, amended by paragraph 2 of section 201, is $31,320.

250. Until the coming into force of the first regulation made under section 32.1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 207, the maximum expense allowance for a member of the council of a municipality referred to in the first paragraph of section 22 of that Act, amended by section 202, is $13,434.

251. The amounts of remuneration set out in the order in council made by the Minister of Municipal Affairs, Sports and Recreation on 20 August 2003 and published in the *Gazette officielle du Québec* on 3 September 2003, under sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), continue to apply despite the repeal or amendment of those provisions by sections 208 to 210, as if the order in council had been made under section 296.1 of that Act, enacted by section 211.

252. The amounts set out in the order in council referred to in section 251 are deemed to have applied on a fiscal year basis as of 1 April 2002.

253. The remunerations and indemnities paid to the members of the council of the Kativik Regional Government during the period in which section 87 of chapter 77 of the statutes of 1996 and the order in council of the Minister of Municipal Affairs, made on 2 July 1997 and published in the *Gazette officielle du Québec* on 16 July 1997, applied successively are valid even if they were not consistent with the provisions then applicable.

254. Sections 215 and 216 have effect from 16 July 2003.

255. A municipality or a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) may elect to pay all or part of the contributions payable for a technical actuarial deficiency or for a sum established under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) determined by an actuarial valuation referred to in section 12 of the Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3), enacted by section 215, or an actuarial valuation of the whole plan dated not earlier than 2 January 2003 nor later than 1 January 2005, by remitting to the pension fund of the plan concerned a bond it issues for that purpose.

However, that election may only be exercised if the limit set in the first paragraph of section 172 of the Supplemental Pension Plans Act is respected. For that purpose, a percentage of 17.5% is deemed to replace that of 10% provided for in that paragraph, until the expiry of the time determined to send the Régie des rentes du Québec the report on a complete actuarial valuation of the plan showing for the first time that the bond was wholly redeemed.

The bond must be non-negotiable, have a maximum term of ten years and carry interest at a rate approved by the pension committee. Failing approval, the bond must carry interest at rates the federal government bond market would require, at the time of payment into the pension fund, for a bond with a ten-year term.

As soon as possible, the municipality or the body must send the pension committee concerned a copy of any resolution by which the election provided for in this section is exercised.

256. Section 217 has effect from 3 March 2004.

A specific agreement entered into with a municipality or a mandatary of a municipality under section 20 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001), as it read before it was replaced by section 168 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, chapter 29), may not be invalidated on the grounds that it departs from the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

257. Section 219 has effect from 1 March 2000.

258. Section 230 has effect from 24 September 2004.

259. Section 231 has effect from 27 August 2004.

260. This Act comes into force on 1 November 2004 except sections 199 to 202, 204 to 207 and 246 to 250, which come into force on 1 January 2005.

SCHEDULE I
(*section 222*)

Municipalité de Compton
Municipalité d'East Broughton
Ville de Farnham
Municipalité des Coteaux
Ville de Richelieu
Municipalité de Rougemont
Municipalité de Roxton Pond
Ville de Saint-Césaire
Municipalité de Saint-Charles-de-Bellechasse
Municipalité de Saint-Chrysostome
Municipalité de Saint-Faustin—Lac-Carré

SCHEDULE II
(*section 223*)

Municipalité de Lac-au-Saumon
Municipalité des Cèdres
Municipalité de Notre-Dame-de-l'Île-Perrot
Municipalité de Sainte-Sophie
Municipalité de Saint-Flavien

SCHEDULE III
(*section 224*)

Ville d'Acton Vale
Ville de Baie-Saint-Paul
Municipalité de Chertsey
Ville de Métabetchouan—Lac-à-la-Croix
Municipalité de Port-Daniel—Gascons
Ville de Portneuf
Ville de Rivière-du-Loup
Municipalité de Saint-André-d'Argenteuil
Ville de Sainte-Anne-des-Monts
Municipalité de Saint-Ferdinand
Ville de Saint-Lin—Laurentides

SCHEDULE IV
(*section 225*)

Ville de Baie-Saint-Paul
Municipalité de Chertsey
Municipalité d'East Broughton
Municipalité des Cèdres
Municipalité des Coteaux
Ville de Métabetchouan—Lac-à-la-Croix
Municipalité de Notre-Dame-de-l'Île-Perrot
Ville de Rivière-du-Loup
Municipalité de Saint-André-d'Argenteuil
Municipalité de Saint-Charles-de-Bellechasse
Municipalité de Sainte-Sophie
Municipalité de Saint-Faustin—Lac-Carré
Municipalité de Saint-Ferdinand
Municipalité de Saint-Flavien