



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 13

(2011, chapter 11)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 10 May 2011
Passed in principle 17 May 2011
Passed 10 June 2011
Assented to 13 June 2011

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EXPLANATORY NOTES

This Act amends the Cities and Towns Act and the Municipal Code of Québec so that any contract entered into in carrying out an agreement binding a municipality and the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales for the execution of work, the awarding of an insurance contract or the purchase of goods or services is subject only to the contract management policy of the party responsible for carrying out the agreement rather than to all the policies of the parties to the agreement.

The Municipal Powers Act is amended to allow a municipality that desires to municipalize a road that has been open to public traffic for 10 years or more to designate the land concerned by a simple reference to the lot number if the boundaries of the land correspond to those of a separate lot described in the cadastre.

The Act respecting elections and referendums in municipalities is amended to facilitate the division of the territory of a municipality into electoral districts.

The Act respecting municipal taxation is amended to clarify the rules governing the registration on a municipality's property assessment roll of immovables belonging to the patrimony of a group of persons or assets, such as an association or a trust, and to modify the rules applicable to the registration of certain systems intended for mechanical or electrical purposes integrated into industrial or agricultural buildings.

The Act respecting the remuneration of elected municipal officers is amended to increase the maximum amount of the transition allowance that may be paid to a person at the end of the person's term as municipal councillor.

The Charter of Ville de Montréal is amended to enable the city to register a notice in the land register, with respect to an immovable whose state of deterioration endangers the health and safety of its occupants, of the owner's failure to carry out work required by the city, and to provide that a fine for a second conviction related to the deterioration of a building may be imposed regardless of a change in owner. The Charter is also amended to allow the designation of

one or two vice-chairs from among the members of the Montréal women's council.

The Act respecting the exercise of certain municipal powers in certain urban agglomerations is amended to specify that the tax the urban agglomeration council of Montréal may impose with respect to passenger vehicles is a tax on the vehicles' registration, and to make certain rules and procedures concerning registration that are already applied by the Société de l'assurance automobile du Québec applicable to that tax.

Lastly, transitional and technical amendments are included.

LEGISLATION AMENDED BY THIS ACT:

- 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);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

Bill 13

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE MONTRÉAL

1. Section 83.17 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “and a vice-chair” in the first paragraph by “and one or two vice-chairs”.

2. Section 48 of Schedule C to the Charter is amended by adding the following paragraph after the second paragraph:

“The fine prescribed for a subsequent offence relating to the deterioration of a building may be imposed, regardless of a change in owner, if a notice of deterioration was registered in the land register in accordance with section 50.2 before the new owner acquired the building.”

3. The Charter is amended by inserting the following after the heading of Division II of Chapter III of Schedule C:

“§0.1. — *Notice of deterioration*

“**50.1.** If the deterioration of a building endangers the health or safety of the occupants of the building and if the city has a by-law establishing standards or prescribing measures relating to the maintenance of buildings, the executive committee may require that restoration, repair or maintenance work be carried out to bring the building into compliance with the by-law.

In such a case, the executive committee has a written notice sent to the owner stating the work to be carried out and the time limit for doing so. It may grant additional time.

“**50.2.** If the owner fails to comply, the executive committee may require a notice of deterioration containing the following information to be registered in the land register:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;

(3) the title and number of the by-law referred to in the first paragraph of section 50.1; and

(4) a description of the work to be carried out.

“50.3. If the city ascertains that the work prescribed in the notice of deterioration has been carried out, the executive committee shall, within 20 days of ascertaining the fact, require that a notice of regularization be registered in the land register; the notice must contain the following information:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;

(3) the registration number of the notice of deterioration relating to the notice of regularization; and

(4) a statement to the effect that the work described in the notice of deterioration has been carried out.

“50.4. Within 20 days of the registration of any notice of deterioration or notice of regularization, the city shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

“50.5. The city shall post and keep up to date on its website a list of the immovables situated in its territory for which a notice of deterioration has been registered in the land register.

The list must mention, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the city must withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.”

CHARTER OF VILLE DE QUÉBEC

4. Section 187 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “Notwithstanding any provision to the contrary” by “Unless otherwise provided”.

CITIES AND TOWNS ACT

5. Section 29.9.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the second paragraph by the following paragraph:

“Any contract entered into in accordance with an agreement described in the first paragraph is subject to the rules governing the awarding of contracts applicable to a municipality; however, it is only subject to the contract management policy of the party responsible for carrying out the agreement. To be designated responsible for carrying out the agreement, the Union and the Federation must have adopted a contract management policy in accordance with section 573.3.1.2.”

6. Section 464 of the Act is amended by adding the following sentence at the end of the third paragraph of subparagraph 10.1 of the first paragraph: “However, the contract is only subject to the contract management policy described in section 573.3.1.2 that must be adopted by the Union or the Federation for that purpose.”

MUNICIPAL CODE OF QUÉBEC

7. Article 14.7.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the second paragraph by the following paragraph:

“Any contract entered into in accordance with an agreement described in the first paragraph is subject to the rules governing the awarding of contracts applicable to a municipality; however, it is only subject to the contract management policy of the party responsible for carrying out the agreement. To be designated responsible for carrying out the agreement, the Union and the Federation must have adopted a contract management policy in accordance with article 938.1.2.”

8. Article 711.0.1 of the Code is amended by adding the following sentence at the end of the third paragraph: “However, the contract is only subject to the contract management policy described in article 938.1.2 that must be adopted by the Union or the Federation for that purpose.”

MUNICIPAL POWERS ACT

9. Section 72 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) the municipality adopts a resolution identifying the road concerned, either by its cadastral designation if the site of the road corresponds to that of one or more whole lots of the cadastre in force or, otherwise, by a technical description prepared by a land surveyor;

“(2) if applicable, a copy of the technical description, certified by a land surveyor, is filed with the office of the municipality; and”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

10. Section 30 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is replaced by the following section:

“30. Subject to section 34, the by-law dividing the territory of the municipality into electoral districts comes into force on 31 October of the calendar year preceding that in which the general election for which the division is required is to be held.”

11. Section 31 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “However, even after the expiry of that time, the council may pass the by-law as long as the Commission has not carried out the division.”;

(2) by striking out the second and third paragraphs.

12. Section 32 of the Act is amended by replacing “or the by-law of the municipality is put into force” by “or the division provided for in the by-law of the municipality is maintained”.

13. Section 33 of the Act is amended

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

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

“If the Commission divides the territory into electoral districts, the notice must also contain a description of the boundaries of the electoral districts. In addition to or in lieu of the description, the notice may include a map or a sketch of the electoral districts.”

14. Section 34 of the Act is replaced by the following section:

“34. The division of the territory into electoral districts by the Commission comes into force on the day of the publication of the notice. The same applies if the decision of the Commission to maintain the division provided for in the by-law of the municipality is made after the date specified in section 30.”

15. Section 40.2 of the Act is amended by replacing “1 March” in the first paragraph by “15 March”.

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

16. Section 118.82.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by replacing the first two paragraphs by the following paragraphs:

“118.82.2. For the purpose of financing all or part of the expenditures incurred by the central municipality in the exercise of its powers with respect to shared passenger transportation, the urban agglomeration council may, by a by-law subject to the right of objection under section 115, levy a tax on the registration of any passenger vehicle in the name of a person whose address entered in the register held by the Société de l’assurance automobile du Québec under section 10 of the Highway Safety Code (chapter C-24.2) corresponds to a place situated in the urban agglomeration. The by-law must set out the amount of the tax.

A tax under the first paragraph may apply only if an agreement for the collection of the tax has been entered into with the Société de l’assurance automobile du Québec. Under such an agreement, the tax is collected by the Société at the time the sums provided for in section 21 or 31.1 of the Highway Safety Code are paid, and the Société must state the origin of the tax in the notice of payment or the transaction receipt issued to any person described in the first paragraph.

The rules and procedures applicable to those sums in accordance with the Code apply to the tax, with the necessary modifications, and failure to comply with them results in the sanctions prescribed by the Code. However, the tax is not refundable in the case of a change of address.”

ACT RESPECTING MUNICIPAL TAXATION

17. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing “including a partnership” in the definition of “person” by “and any group of persons or assets, such as a partnership, association or trust”.

18. Section 65 of the Act is amended

(1) by replacing “In addition to land and land development works, subparagraph 1 or 1.1 of the first paragraph does” in the second paragraph by “Subparagraphs 1 and 1.1 of the first paragraph do”;

(2) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) to land, land development works or any other immovable mainly used or intended to ensure the usefulness of such land or works.”;

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

“However, a system intended for mechanical or electrical purposes and integrated into a structure referred to in subparagraph 1 of the second paragraph is deemed not to form part of that structure and may be subject to subparagraph 1 or 1.1 of the first paragraph.”;

(4) by inserting the following paragraph after the third paragraph:

“Where only part of such a system falls within the scope of subparagraph 1 or 1.1 of the first paragraph and if the system is mainly intended for lighting, heating, air conditioning, ventilation, drinking water supply or water evacuation for a structure referred to in subparagraph 1 of the second paragraph, the part of the system that falls within the scope of either of those subparagraphs and that exceeds what would normally be necessary to maintain the structure in good condition and make it fit for human habitation is excluded from the roll.”;

(5) by inserting “, other than a system described in the fourth paragraph,” after “Where only part of an immovable” in the fourth paragraph.

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

19. Section 31 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by replacing “bi-monthly” wherever it appears in the third paragraph by “quarterly”.

TRANSITIONAL AND FINAL PROVISIONS

20. Any contract referred to in a provision amended by section 5, 6, 7 or 8, awarded before 13 June 2011, even though all of the contract management policies applicable to it were not complied with, is validated provided at least one of those policies was complied with.

21. Section 18 does not operate to allow the property assessment roll or the roll of rental values to be altered for a municipal fiscal year preceding the fiscal year 2012, or to render mandatory a reimbursement of municipal or school taxes or the payment of a municipal or school tax supplement for a municipal or school fiscal year preceding the fiscal year that begins in 2012.

The first paragraph has no effect on cases pending on 10 May 2011.

22. This Act comes into force on 13 June 2011.