



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 102

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

Introduction

**Introduced by
Mr. Laurent Lessard
Minister of Municipal Affairs, Regions and
Land Occupancy**

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EXPLANATORY NOTES

This bill introduces various legislative amendments concerning municipal affairs.

The Act respecting land use planning and development is amended with respect to Hydro-Québec's obligation to send the regional county municipalities prior notice of certain interventions requiring the authorization of the Régie de l'énergie. The charters of Ville de Lévis, Ville de Longueuil, Ville de Montréal, Ville de Québec, Ville de Saguenay and Ville de Sherbrooke are amended to set out which rules are applicable to public consultations and referendums relating to urban planning.

The Cities and Towns Act is amended in order to broaden the scope of the chief auditor's mandate to include the bodies that are part of the municipality's reporting entity, to clarify how the chief auditor's report is to be sent to the municipal council, and to allow the chief auditor to report to the board of directors of any legal person subject to an audit. The Cities and Towns Act and the Municipal Code of Québec are also amended to enable the Commission municipale du Québec to use its intervention powers in relation to the intermunicipal boards in order to exonerate the municipalities from their responsibility for certain kinds of damage incurred on bikeways or walkways under their management and to provide that a municipal by-law to create a financial reserve to finance election-related expenditures is not subject to the approval of the qualified voters.

Several municipal Acts are amended to change the rules governing the awarding of contracts by municipal bodies to take into account the agreement on public procurement entered into between the Government of Canada and the Government of the United States, which the Gouvernement du Québec accepted as binding under Order in Council 132-2010.

The Municipal Powers Act is amended in order to transfer back to the Commission municipale du Québec jurisdiction over arbitration relating to shared municipal responsibility for the management of municipal roads.

The Residential Swimming Pool Safety Act is amended to grant the municipalities the power to institute penal proceedings for an offence under that Act and to provide that the resulting fines belong to the municipalities.

The Act respecting public transit authorities is amended to change the make-up of the board of directors of the Société de transport de Montréal, and to grant certain cities the power to allow the Société to carry out the work and works necessary to pursue its mission with respect to the subway.

Lastly, adjustments are made to the charters of certain municipalities, and various local, temporary or technical measures are introduced.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- 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);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);

- Residential Swimming Pool Safety Act (R.S.Q., chapter S-3.1.02);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37);
- Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3);
- Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50);
- Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60);
- Act to amend various legislative provisions respecting municipal affairs (2009, chapter 26).

ORDERS IN COUNCIL AMENDED BY THIS BILL:

- Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay;
- Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke;
- Order in Council 1229-2005 dated 8 December 2005, respecting the urban agglomeration of Montréal.

Bill 102

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 149 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended

(1) by striking out “, other than a building which, under the Hydro-Québec Act (chapter H-5), requires prior authorization by the Government or, under the Act respecting the Régie de l’énergie (chapter R-6.01), requires authorization by the Régie de l’énergie” in subparagraph 2 of the second paragraph;

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

“Despite subparagraph 2 of the second paragraph, sections 150 to 157 apply to an intervention by Hydro-Québec referred to in that subparagraph that is a construction requiring prior authorization by the Government under the Hydro-Québec Act (chapter H-5) or by the Régie de l’énergie under the Act respecting the Régie de l’énergie (chapter R-6.01); however, the Government may, by regulation, exempt all or part of such a construction that requires authorization by the Régie de l’énergie from the application of those provisions.”

2. Section 151 of the Act is amended by replacing “building” wherever it appears in the third paragraph by “construction”.

3. Section 197 of the Act is replaced by the following section:

“197. If the vote by the council members results in a tie, a warden elected in accordance with section 210.26 or 210.26.1 of the Act respecting municipal territorial organization (chapter O-9) has a casting vote in addition to any other vote to which the warden is entitled as the representative of a municipality, unless the warden is the mayor of a municipality whose representatives are not qualified to vote on the matter in question.

A warden elected in accordance with section 210.29.2 of that Act may exercise the casting vote on the matter in question if the other council members were not able under section 201 to reach an affirmative or a negative decision on the matter. If the warden does not exercise this right, the council is deemed to have made a negative decision on the matter.”

CHARTER OF VILLE DE LÉVIS

4. Section 88 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by adding the following sentence at the end of the second paragraph: “In particular, if the application for a minor exemption concerns an immovable situated in a zone contiguous to another borough, the notice required under section 145.6 of that Act must be posted in the office of, and published in a newspaper in, that borough.”

CHARTER OF VILLE DE LONGUEUIL

5. Section 72 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by replacing the second paragraph by the following paragraph:

“The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first paragraph:

- (1) section 110.10.1 of that Act does not apply;
- (2) the notice required under section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office;
- (3) the summary provided for in section 129 of that Act may be obtained at the borough office;
- (4) when, under the second paragraph of section 130 of that Act, an application relating to a provision contained in a second draft by-law making it subject to approval by way of referendum may originate from any zone within the territory of the municipality and requires that the draft by-law be submitted for approval to all the qualified voters, the territory is replaced by the territory formed by the borough concerned and any borough contiguous to it, and the qualified voters are the qualified voters of those boroughs;
- (5) for the purposes of the approval of a resolution or a by-law by the qualified voters, a contiguous zone referred to in a provision of that Act may be included in another borough; and
- (6) if a notice provided for in Chapter IV of Title I of the Act respecting land use planning and development that must be published in relation to a matter under the jurisdiction of a borough council concerns a resolution or a by-law that must have effect in a zone contiguous to another borough, the notice must also be posted in the office of, and published in a newspaper in, that borough.”

CHARTER OF VILLE DE MONTRÉAL

6. Section 131 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing the second paragraph by the following paragraph:

“The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first paragraph:

- (1) section 110.10.1 of that Act does not apply;
- (2) the notice required under section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office;
- (3) the summary provided for in section 129 of that Act may be obtained at the borough office;
- (4) when, under the second paragraph of section 130 of that Act, an application relating to a provision contained in a second draft by-law making it subject to approval by way of referendum may originate from any zone within the territory of the municipality and requires that the draft by-law be submitted for approval to all the qualified voters, the territory is replaced by the territory formed by the borough concerned and any borough contiguous to it, and the qualified voters are the qualified voters of those boroughs;
- (5) for the purposes of the approval of a resolution or a by-law by the qualified voters, a contiguous zone referred to in a provision of that Act may be included in another borough;
- (6) if a notice provided for in Chapter IV of Title I of the Act respecting land use planning and development that must be published in relation to a matter under the jurisdiction of a borough council concerns a resolution or a by-law that must have effect in a zone contiguous to another borough, the notice must also be posted in the office of, and published in a newspaper in, that borough.”

7. Schedule C to the Charter is amended by inserting the following section after section 37.1:

“37.2. Despite the requirement set out in a pension plan of the former Ville de Saint-Laurent or the Communauté urbaine de Montréal that a division of the assets and liabilities of the plan or a merger of the assets and liabilities with those of other plans be subject to consent, no such consent is required if

- (1) the division or merger concerns active members who are officers or employees represented by a certified association within the meaning of the Labour Code (chapter C-27) and non-active members who, on the day before the day on which their active membership in the plan ended, were such officers or employees of the city, of the former Ville de Saint-Laurent or of

the Communauté urbaine de Montréal and results from an agreement entered into by the city and one or more of those associations, representing all the active members concerned by the merger, with respect to grouping together those active and non-active members under a single pension plan; or

(2) the division or merger concerns active members who are officers or employees not described in subparagraph 1 and non-active members who, on the day before the day on which their active membership in the plan ended, were such officers or employees of the city, of the former Ville de Saint-Laurent or of the Communauté urbaine de Montréal.

However, a division or merger only concerns an active member described in subparagraph 2 of the first paragraph if an agreement has been entered into for that purpose between the city and the member.

No obligation relating to the unconverted benefits accrued under a defined contribution plan or in a voluntary contribution account may be transferred to another plan by a merger referred to in the first paragraph.”

8. Schedule C to the Charter is amended by inserting the following section after section 197:

“197.1. Subject to the conditions set out in an agreement entered into with the Université de Montréal and for the purpose of establishing and operating sports facilities, the city may award to the university an unassignable and unseizable right of use of lots 1 349 861 and 1 354 951 of the cadastre of Québec.”

CHARTER OF VILLE DE QUÉBEC

9. Section 115 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing the second paragraph by the following paragraph:

“The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first paragraph:

- (1) section 110.10.1 of that Act does not apply;
- (2) the notice required under section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office;
- (3) the summary provided for in section 129 of that Act may be obtained at the borough office;
- (4) when, under the second paragraph of section 130 of that Act, an application relating to a provision contained in a second draft by-law making it subject to approval by way of referendum may originate from any zone within the territory of the municipality and requires that the draft by-law be

submitted for approval to all the qualified voters, the territory is replaced by the territory formed by the borough concerned and any borough contiguous to it, and the qualified voters are the qualified voters of those boroughs;

(5) for the purposes of the approval of a resolution or a by-law by the qualified voters, a contiguous zone referred to in a provision of that Act may be included in another borough; and

(6) if a notice provided for in Chapter IV of Title I of the Act respecting land use planning and development that must be published in relation to a matter under the jurisdiction of a borough council concerns a resolution or a by-law that must have effect in a zone contiguous to another borough, the notice must also be posted in the office of, and published in a newspaper in, that borough.”

10. Section 25.3 of Schedule C to the Charter is replaced by the following section:

“25.3. For the purposes of parades, demonstrations, festivals or special events, the executive committee may prescribe or amend the rules relating to the occupation of the public domain, to traffic and to parking that apply to the streets and roads in the city’s arterial road network and the streets and roads forming the network under the responsibility of the borough councils.”

11. Section 73 of Schedule C to the Charter is amended by striking out the second paragraph.

12. Section 93 of Schedule C to the Charter is amended

(1) by inserting “constructed,” before “renovated or restored” in the first paragraph;

(2) by striking out “constructed before 1967” in the first paragraph;

(3) by replacing “of the officer designated under paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1) and of the head of the fire prevention department” in the first paragraph by “of a committee established by the council and composed of at least five persons including one person from the fire prevention department and one architect”.

13. Section 94 of Schedule C to the Charter is amended

(1) by replacing “of the officer designated under paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1) and of the head of the fire prevention department” in the first paragraph by “of a committee established by the council and composed of at least five persons, including one person from the fire prevention department and one architect”;

(2) by striking out “erected or converted before 25 May 1984 and” in the second paragraph.

14. Section 124 of Schedule C to the Charter is replaced by the following section:

“**124.** In the parts of the territory of the city over which it has jurisdiction, the Commission may control the site and architecture of the constructions, the development of the land, and related work. To that end and despite any by-law, no subdivision, building or demolition permit or certificate of authorization or occupancy may be issued without the authorization of the Commission. The Commission shall state its reasons when refusing its authorization.

The city council may, by by-law, exclude from the Commission’s jurisdiction classes of permits, certificates, lands or work in all or part of the territory of the city over which the Commission has jurisdiction.

The city council shall, by by-law, prescribe the objectives and criteria that the Commission must take into consideration in exercising its jurisdiction. The by-law may prescribe different rules for each part of the territory of the city or each class of permit, certificate, land or work.

In a historic district within the meaning of the Cultural Property Act (chapter B-4), consultation with the planning advisory committee under section 145.19 of the Act respecting land use planning and development (chapter A-19.1) is replaced, as applicable, by consultation with the Commission.”

CITIES AND TOWNS ACT

15. Section 107.7 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing paragraph 2 by the following paragraph:

“(2) of every legal person

(a) that is part of the reporting entity defined in the municipality’s financial statements;

(b) of which the municipality or a mandatary of the municipality appoints more than 50% of the members of the board of directors; or

(c) of which the municipality or a mandatary of the municipality holds more than 50% of the outstanding shares or voting shares.”

16. Section 107.13 of the Act is amended

(1) by replacing “council” in the first paragraph by “mayor, to be filed with the council at the first regular sitting following its receipt,”;

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

“The chief auditor may also, at any time, transmit to the mayor or the chair of the board of directors of a legal person described in paragraph 2 of section 107.7 a report of the findings and recommendations that, in the opinion of the chief auditor, warrant being brought to the attention of the council or the board of directors, as applicable, before the transmission of the chief auditor’s annual report. The mayor or the chair of the board of directors must file the report with the council or board, as applicable, at the first regular sitting or meeting following its receipt.

If the chief auditor transmits a report to the chair of the board of directors of a legal person described in paragraph 2 of section 107.7, the chief auditor must inform the mayor of the municipality.”

17. Section 107.14 of the Act is amended by striking out “not later than 31 March” in the second paragraph.

18. Section 108.3 of the Act is amended by striking out “, not later than 31 March following the expiry of the fiscal year for which the external auditor was appointed,” in the first paragraph.

19. Section 346.1 of the Act is amended

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

“**346.1.** Every notice or document that a municipality is required to publish in a newspaper in its territory may be published in a municipal information bulletin rather than in a newspaper.”;

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

“The first paragraph does not apply to a notice provided for in section 514, an advertisement provided for in subsection 1 of section 573, or a notice provided for in section 72 or 73 of the Municipal Powers Act (chapter C-47.1).”

20. Section 468.51 of the Act is amended by replacing “and 23” in the first paragraph by “, 23, 38 to 47 and 100”.

21. Section 510 of the Act is amended by replacing “\$1,000” by “\$7,000, not including interest”.

22. Section 569.3 of the Act is amended by adding “or to finance election-related expenditures” at the end of the third paragraph.

23. Section 573 of the Act, amended by section 11 of chapter 1 of the statutes of 2010, is again amended

(1) by striking out “province or” in paragraph 1 of subsection 2.1;

(2) by replacing “other province or territory referred to in subparagraph 1” by “territory referred to in paragraph 1” in paragraph 2 of subsection 2.1.

24. Section 573.3 of the Act is amended by replacing “provinces and territories of Canada” in subparagraph 2 of the first paragraph by “territories covered by an intergovernmental agreement on the opening of public procurement applicable to the municipality”.

25. Section 585 of the Act is amended by replacing “or roads” in subsection 7 by “, roads, walkways or bikeways”.

26. Section 604.1 of the Act is amended

(1) by replacing “, whether or not the object comes from a motor vehicle or is projected by a motor vehicle” in the first paragraph by “or on a walkway or bikeway”;

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

“Nor is it liable for damage caused by the state of the roadway or bikeway to the tires or suspension system of a vehicle.”

27. Section 604.2 of the Act is amended by replacing “or of a road” by “, road, walkway or bikeway”.

MUNICIPAL CODE OF QUÉBEC

28. Article 437.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

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

“**437.1.** Every notice or document that a municipality is required to publish in a newspaper in its territory may be published in a municipal information bulletin rather than in a newspaper.”;

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

“The first paragraph does not apply to an advertisement provided for in subarticle 1 of article 935, a document provided for in article 1027, or a notice provided for in section 72 or 73 of the Municipal Powers Act (chapter C-47.1).”

29. Article 620 of the Code is amended by replacing “and 23” in the first paragraph by “, 23, 38 to 47 and 100”.

30. Articles 724 to 725.4 of the Code are repealed.

31. Article 935 of the Code, amended by section 20 of chapter 1 of the statutes of 2010, is again amended

(1) by striking out “province or” in paragraph 1 of subarticle 2.1;

(2) by replacing “other province or territory referred to in subparagraph 1” in paragraph 2 of subarticle 2.1 by “territory referred to in paragraph 1”.

32. Article 938 of the Code is amended by replacing “provinces and territories of Canada” in subparagraph 2 of the first paragraph by “territories covered by an intergovernmental agreement on the opening of public procurement applicable to the municipality”.

33. Article 966.3 of the Code is amended by striking out “not later than 31 March following the expiry of the fiscal year for which he was appointed”.

34. Article 1020 of the Code is amended by replacing “\$1,000” by “\$7,000, not including interest”.

35. Article 1094.3 of the Code is amended by adding “or to finance election-related expenditures” at the end of the third paragraph.

36. The heading of Title XXX of the Code is replaced by the following:

“TITLE XXX

“CIVIL PROCEEDINGS AGAINST A MUNICIPALITY

“CHAPTER I

“NOTICES OF ACTION

“1112.1. No action in damages may be instituted against a municipality unless 15 days’ written notice of such action is given to the secretary-treasurer of the municipality and the action is instituted within six months after the date on which the cause of action arose. Such notice may be given by registered or certified letter; it must give the name and residence of the claimant and the nature of the damage for which damages are claimed, and be given within 60 days of the date on which the cause of action arose.

“CHAPTER II

“EXECUTION OF JUDGMENTS AGAINST A MUNICIPALITY”.

37. The Code is amended by inserting the following after article 1127:

“CHAPTER III

“EXONERATION OF RESPONSIBILITY WITH RESPECT TO ROADS

“1127.1. Despite any general law or special Act, no municipality may be held liable for damage resulting from an accident suffered by a person on a sidewalk, street, road, walkway or bikeway due to snow or ice, unless the claimant establishes that the accident was caused by the negligence or fault of the municipality; the court must take the weather conditions into account.

“1127.2. The municipality is not liable for damage caused by the presence of an object on the roadway, walkway or bikeway.

Nor is it liable for damage caused by the state of the roadway or bikeway to the tires or suspension system of a vehicle.

“1127.3. The municipality is not liable for damage resulting from the absence of a fence between the right of way of a road, front road, walkway or bikeway and contiguous land.

“1127.4. The municipality is not liable for damage caused through the fault of a builder or contractor to whom building, rebuilding or maintenance work has been entrusted, for the entire duration of such work.

“1127.5. Nothing in articles 1127.2 to 1127.4 is intended to reduce the scope of the exoneration provided for in article 1127.1.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

38. Section 108 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), amended by section 29 of chapter 1 of the statutes of 2010, is again amended

(1) by striking out “province or” in subparagraph 1 of the fifth paragraph;

(2) by striking out “other province or” in subparagraph 2 of the fifth paragraph.

39. Section 112.4 of the Act is amended by replacing “provinces and territories of Canada” in subparagraph 2 of the first paragraph by “territories covered by an intergovernmental agreement on the opening of public procurement applicable to the Community”.

40. Section 215 of the Act is amended by striking out “not later than 31 March following the expiry of the fiscal year for which the auditor was appointed”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

41. Section 101 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), amended by section 36 of chapter 1 of the statutes of 2010, is again amended

- (1) by striking out “province or” in subparagraph 1 of the fifth paragraph;
- (2) by striking out “other province or” in subparagraph 2 of the fifth paragraph.

42. Section 105.4 of the Act is amended by replacing “provinces and territories of Canada” in subparagraph 2 of the first paragraph by “territories covered by an intergovernmental agreement on the opening of public procurement applicable to the Community”.

43. Section 202 of the Act is amended by striking out “not later than 31 March following the expiry of the fiscal year for which the auditor was appointed”.

MUNICIPAL POWERS ACT

44. Section 17.2 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by striking out “province or” in the third paragraph.

45. Section 76 of the Act is amended

- (1) by replacing “that the Minister appoint an arbitrator to” in the first paragraph by “that the Commission municipale du Québec”;
- (2) by replacing “The arbitrator appointed under the first paragraph may” at the beginning of the third paragraph by “The Commission may”;
- (3) by replacing “The arbitrator” at the beginning of the second sentence of the third paragraph by “The Commission”;
- (4) by replacing “arbitrator’s” in the fourth paragraph by “Commission’s”;
- (5) by striking out the fifth and sixth paragraphs.

46. Section 111.0.1 of the Act is amended by striking out “province or” in the third paragraph.

ACT RESPECTING MUNICIPAL TAXATION

47. Section 244.74 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing the fourth paragraph by the following paragraphs:

“Not later than 30 April each year, the body must send the Minister its financial statements for the preceding fiscal year, together with a report on its activities setting out, among other things, how the sums were apportioned among the municipalities.

The Minister may require that any other document or information the Minister specifies be sent at the same time.”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

48. Section 214.3 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by adding “or the Municipal Code of Québec (chapter C-27.1)” at the end of the second paragraph.

RESIDENTIAL SWIMMING POOL SAFETY ACT

49. Section 2 of the Residential Swimming Pool Safety Act (R.S.Q., chapter S-3.1.02) is amended

(1) by adding the following sentence: “They may institute penal proceedings for an offence under the regulation committed in their territory.”;

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

“The fine belongs to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted before a municipal court having jurisdiction in the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court belong to the municipality in which the court has jurisdiction, except any part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and any costs remitted to the defendant or imposed on the municipality under article 223 of that Code.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

50. Section 8 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is replaced by the following section:

“8. Despite section 6, the board of directors of the Société de transport de Montréal is composed of seven to ten members designated as follows:

(1) Ville de Montréal, acting through its urban agglomeration council, shall designate a maximum of seven members from among the members of its regular council and the councils of the other municipalities whose territory is included in the urban agglomeration; and

(2) Ville de Montréal, acting through its urban agglomeration council, shall designate three members from among the residents of the urban agglomeration, two of whom are users of the public transportation services and the other, a user of services adapted to the needs of handicapped persons.

The designation of two users of public transportation services provided for in subparagraph 2 of the first paragraph must bring to the board of directors at least one person who is under 35 years of age at the time of appointment.”

51. Section 95 of the Act, amended by section 55 of chapter 1 of the statutes of 2010, is again amended

(1) by striking out “province or” in subparagraph 1 of the fifth paragraph;

(2) by striking out “province or” in subparagraph 2 of the fifth paragraph.

52. Section 101.1 of the Act is amended by replacing “provinces and territories of Canada” in subparagraph 2 of the first paragraph by “territories covered by an intergovernmental agreement on the opening of public procurement applicable to the transit authority”.

53. The Act is amended by inserting the following section after section 158.1:

“158.2. The council of a municipality in whose territory the Société de transport de Montréal intends to carry out work or works necessary for the pursuit of its mission, described in section 151, in relation to the subway network may, by by-law, allow the work and works to be carried out.

The object of the by-law is to enact, for that purpose and despite any provision to the contrary, the planning rules the Société de transport de Montréal must respect when carrying out the work and works concerned.

For the purposes of the first paragraph, in the case of Ville de Montréal and Ville de Longueuil, the territory is considered to be the urban agglomeration and the council having jurisdiction to adopt the by-law is, in accordance with the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the urban agglomeration council.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

54. Section 204 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended

(1) by striking out “province or” in the first paragraph of subsection 2.1;

(2) by striking out “province or” in the second paragraph of subsection 2.1.

55. Section 204.3 of the Act is amended by replacing “provinces and territories of Canada” at the end of paragraph 2 by “territories covered by an intergovernmental agreement on the opening of public procurement applicable to the municipality”.

56. Section 358 of the Act is amended

- (1) by striking out “province or” in the first paragraph of subsection 2.1;
- (2) by striking out “province or” in the second paragraph of subsection 2.1.

57. Section 358.3 of the Act is amended by replacing “provinces and territories of Canada” in paragraph 2 by “territories covered by an intergovernmental agreement on the opening of public procurement applicable to the Regional Government”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

58. Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37), amended by section 237 of chapter 19 of the statutes of 2003, section 93 of chapter 50 of the statutes of 2005 and section 12 of chapter 33 of the statutes of 2007, is again amended by replacing “April 2010” in the tenth paragraph by “July 2012”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

59. The Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3) is amended by inserting the following section after section 13.2, enacted by section 146 of chapter 28 of the statutes of 2005:

“**13.3.** The Government may, by regulation and despite sections 12 and 13.1, prescribe the portion of any actuarial gain determined by a complete actuarial valuation of a pension plan that must be appropriated for the redemption of a bond remitted to the pension fund of the plan under section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20).

The first regulation made under the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1) and may, if it so provides, have retroactive effect from a date that is not prior to 31 December 2008.

Any other regulation made under the first paragraph may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act.”

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

60. Section 133 of the Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50), amended by section 37 of chapter 19 of the statutes of 2008, is again amended by replacing “2009” in the second paragraph by “2011”.

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

61. Section 132 of the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60) is amended by replacing the last sentence of the second paragraph by the following sentences: “The by-law must be adopted not later than 31 December 2011. If, for the purposes of section 110.10.1 of that Act, the council adopts a by-law revising the planning program, a by-law replacing the zoning by-law and a by-law replacing the subdivision by-law on the same day, all three by-laws come into force on the day on which certificates are drawn up in respect of the latter two, under section 555 of the Act respecting elections and referendums in municipalities, establishing that they are deemed to be approved by the qualified voters. However, if either of the latter two by-laws must be the subject of a referendum poll, all three by-laws come into force on the day on which the statement of the final results of the poll establishing a greater number of affirmative votes than negative votes is drawn up in respect of that by-law under section 578 of that Act. If both by-laws must be the subject of a referendum poll, the statement of the final results must be drawn up on the same day in respect of both by-laws.”

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

62. Section 125 of the Act to amend various legislative provisions respecting municipal affairs (2009, chapter 26) is amended by adding the following paragraph at the end:

“Fire safety cover plans that were certified compliant by the Minister before 17 June 2009 but not duly adopted are deemed to be duly adopted and to have come into force on the sixtieth day following the issue of the certificate. However, the regional authority and the municipalities that are part of it must bear the costs of a liability suit to which section 47 of the Fire Safety Act applies and that was instituted before (*insert the date of introduction of this bill*).”

OTHER AMENDING PROVISIONS

63. Section 71 of Order in Council 841-2001 dated 27 June 2001 (2001, G.O. 2, 3660), respecting Ville de Saguenay, amended by section 120 of chapter 18 of the statutes of 2008, is again amended by adding the following

sentence at the end of the second paragraph: “In particular, if the application for a minor exemption concerns an immovable situated in a zone contiguous to another borough, the notice required under section 145.6 of that Act must be posted in the office of, and published in a newspaper in, that borough.”

64. Section 66 of Order in Council 850-2001 dated 4 July 2001 (2001, G.O. 2, 3695), respecting Ville de Sherbrooke, amended by section 121 of chapter 18 of the statutes of 2008, is again amended by adding the following sentence at the end of the second paragraph: “In particular, if the application for a minor exemption concerns an immovable situated in a zone contiguous to another borough, the notice required under section 145.6 of that Act must be posted in the office of, and published in a newspaper in, that borough.”

65. Section 67 of Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A), respecting the urban agglomeration of Montréal, amended by section 130 of chapter 60 of the statutes of 2006 and section 33 of chapter 19 of the statutes of 2008, is again amended by replacing “2009” in the second paragraph by “2011”.

66. Section 68 of the Order in Council, replaced by section 34 of chapter 19 of the statutes of 2008, is amended by replacing “2009” in the fifth paragraph by “2011”.

TRANSITIONAL AND FINAL PROVISIONS

67. A by-law amending the Régime de retraite des employés manuels de la Ville de Montréal, registered under number 27494, following a division or merger under section 37.2 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), enacted by section 7, may order that the rules that are to be applicable to the blue-collar workers of Ville de Montréal under the agreement entered into on 2 October 2009 between Ville de Montréal and the Syndicat des cols bleus regroupés de Montréal relating to the standardization of the pension plans of the blue-collar workers of Ville de Montréal, are applicable to the officers and employees concerned by such a merger from 1 January 2010.

68. Until the coming into force of a by-law adopted under the third paragraph of section 124 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5), replaced by section 14, the objectives and criteria that must be taken into consideration by the Commission d’urbanisme et de conservation de Québec with respect to an area not under its jurisdiction on (*insert the date before the date of assent to this Act*) are those determined in a by-law in force adopted under section 145.15 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

69. Despite any provision to the contrary, Ville de Longueuil may transfer lot 4 514 008 of the cadastre of Québec gratuitously to Ville de Saint-Lambert.

70. Section 58 has effect from 2 April 2010.

71. Sections 60, 65 and 66 have effect from 1 January 2010.

72. A municipality or intermunicipal board may reach an agreement with a supplier to amend the contract it entered into with the supplier for the disposal of residual materials in order to provide that any amount the supplier must pay to fulfill the contract as of the date of coming into force of the amendment, and that results from the coming into force of the first regulation to amend the Regulation respecting the charges payable for the disposal of residual materials, enacted by Order in Council 340-2006 (2006, G.O. 2, 1481) is in addition to the price established in the contract and is to be borne by the municipality or the board.

The power under the first paragraph may be exercised by the municipality or the board only in respect of a contract entered into before the date on which the amending regulation referred to in the first paragraph is published in the *Gazette officielle du Québec* and to the extent that all tenderers are treated equally.

73. This Act comes into force on (*insert the date of assent to this Act*), except section 15, which comes into force on 1 January 2011.

