



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 104

**An Act to amend various provisions
in particular to follow up on certain
requests from the municipal sector**

Introduction

**Introduced by
Madam Andrée Laforest
Minister of Municipal Affairs**

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EXPLANATORY NOTES

This bill amends various provisions concerning municipal affairs.

The bill allows any municipal council composed of at least 12 councillors to establish an executive committee in order to, among other things, delegate certain powers to it. It also provides rules for the composition and operation of such a committee.

The bill requires every municipality, through its council, to appoint at least one municipal officer for buildings, the environment and urban planning. It also requires that any documents useful in making decisions must be made available to the members of the council as soon as the notice convening a special sitting is notified.

The bill provides that a provision intended to increase land occupation density in certain zones located near a point of access for shared transportation that is operated on rails or on another dedicated thoroughfare is not subject to approval by referendum, regardless of the variation in the standard's initial value.

As regards municipal taxation, the bill offers all municipalities the possibility to issue a permit or certificate before payment of a contribution intended to finance the work or the municipal services where the applicant makes a commitment to pay that contribution in accordance with the terms and the financial guarantees that the municipality prescribes by by-law. The bill provides that municipalities that are planning to establish or modify a sector for the purposes of imposing the general property tax must adopt a resolution expressing that intention, and allows them in such cases to request the deposit of a preliminary roll.

The bill gives the municipalities the power to grant assistance for the maintenance of multi-purpose roads. It withdraws the possibility for a person to remit documents intended for a municipality at the domicile of the clerk-treasurer and removes the requirement for a certificate of publication accompanying a municipal public notice to mention the residence of the person who gave the notice.

The bill clarifies that the consultation mandate entrusted to the Table Québec-municipalités concerns in particular the reduction of the administrative burden of municipalities, and puts an end to the obligation for the Commission municipale du Québec to have a secretary.

The bill modifies the composition of the council and of the executive committee of the Communauté métropolitaine de Montréal by reducing the number of representatives from the municipalities of the urban agglomeration of Montréal.

Lastly, the bill allows the council of Ville de Québec to delegate to the Commission d'urbanisme et de conservation de Québec certain powers relating to heritage immovables and sites.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (chapter A-19.1);
- Charter of Ville de Gatineau (chapter C-11.1);
- Charter of Ville de Lévis (chapter C-11.2);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Commission municipale (chapter C-35);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Municipal Powers Act (chapter C-47.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);

- Cultural Heritage Act (chapter P-9.002);
- Act to amend various legislative provisions in municipal affairs (2007, chapter 10).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting Ville de Blainville (2024, chapter 47).

ORDERS IN COUNCIL AMENDED BY THIS BILL:

- Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu;
- Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne;
- 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 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières;
- Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan;
- Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme;
- Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny;
- Order in Council 371-2003 dated 12 March 2003, respecting Ville de La Tuque;
- Order in Council 1211-2005 dated 7 December 2005, respecting the urban agglomeration of Québec.

Bill 104

AN ACT TO AMEND VARIOUS PROVISIONS IN PARTICULAR TO FOLLOW UP ON CERTAIN REQUESTS FROM THE MUNICIPAL SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 123.1 of the Act respecting land use planning and development (chapter A-19.1) is amended

(1) in subparagraph 2 of the second paragraph,

(a) by striking out “the variation does not exceed half of the standard’s initial value, where” in the introductory clause of subparagraph *b*;

(b) by replacing “a condition set out in subparagraph *a* or *b*” in subparagraph *c* by “the condition set out in subparagraph *a*”;

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

“Subparagraphs *a* and *c* of subparagraph 2 of the second paragraph do not apply to a provision amending a standard that was amended under either of those subparagraphs in the preceding four years.”

2. Section 145.22 of the Act is amended by inserting the following paragraph after the third paragraph:

“The by-law may provide that the obligation to pay the contribution referred to in subparagraph 2 or 3 of the first paragraph of section 145.21 may be fulfilled by a commitment made by the applicant to pay the contribution. In such a case, the by-law must also prescribe, in respect of that commitment, the terms and conditions of payment of the contribution by the holder of the permit or certificate. It may also prescribe the financial guarantees required of the permit or certificate holder, the interest payable on any unpaid amount and the penalty recoverable in a case of failure to pay such an amount.”

CHARTER OF VILLE DE GATINEAU

3. Chapter II of the Charter of Ville de Gatineau (chapter C-11.1), comprising sections 11 to 25, is repealed.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

4. Section 31 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by replacing “responsibilities as provided in section 70.8” in the first paragraph by “functions set out in the first paragraph of section 70.3”.

5. Section 145 of Schedule C to the Charter is amended by striking out “the secretary of” in the sixth paragraph.

CITIES AND TOWNS ACT

6. Sections 70.1 to 70.10 of the Cities and Towns Act (chapter C-19) are replaced by the following sections:

“70.1. A council composed of 12 councillors or more may, by a by-law adopted by a two-thirds majority of the votes, establish an executive committee.

“70.2. The committee is composed of the mayor and of three to five councillors designated by the mayor.

The mayor is the chair of the committee. The mayor appoints, from among the committee members, a vice-chair who replaces the mayor if the latter is unable to act or if the office of chair is vacant.

“70.3. The committee’s functions are to prepare and submit to the council

- (1) draft by-laws;
- (2) the annual budget;
- (3) any opinion concerning the municipality’s financial administration;
- (4) any report concerning the management of the municipality’s property;
- (5) any plan for the classification of positions and the related salaries; and
- (6) any report on any other matter submitted by the council.

In addition, the committee exercises any power the council delegates to it, by a by-law adopted by a two-thirds majority of the votes. However, the following powers may not be delegated:

- (1) the power to adopt a budget or a three-year program of capital expenditures;

(2) the power to adopt a document provided for in the Act respecting land use planning and development (chapter A-19.1), the Act respecting municipal courts (chapter C-72.01), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting municipal territorial organization (chapter O-9);

(3) the power to adopt a heritage identification or recognition by-law referred to in Chapter IV of the Cultural Heritage Act (chapter P-9.002);

(4) the power to designate a person to a position that may only be held by a council member;

(5) the power to appoint, dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71; and

(6) the power to organize the municipality's administrative services.

The committee gives, on its own initiative or at the council's request, its advice to the council on any matter within the latter's jurisdiction.

“70.4. The committee may award any contract not involving an expenditure equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1).

“70.5. The committee's regular sittings are held at the place, on the days and at the time fixed by the committee.

The committee's special sittings are held at the place, on the days and at the time fixed by the chair of the committee.

“70.6. A member of the committee who so wishes may participate remotely in a sitting by a means allowing all persons who participate in or attend the sitting to see and hear each other in real time.

“70.7. The sittings of the committee are closed to the public, unless it decides otherwise and except in the cases provided for in a by-law of the council.

“70.8. A majority of members constitutes a quorum at sittings of the committee.

Each member present at a sitting has one vote and decisions are made by a simple majority vote.

“70.9. The committee may adopt any by-law for its internal management.

Through such a by-law and to the extent allowed by the council's by-laws, the committee may, in particular, delegate its powers to any officer or employee of the municipality.

“70.10. The council may establish, by by-law, the terms according to which one of its members may request the executive committee to report to the council on its activities.

“70.11. This subdivision does not apply to a municipality whose charter provides for the establishment of an executive committee.”

7. The Act is amended by inserting the following subdivision after section 109:

“VI.—*Municipal officer for buildings, the environment and urban planning*

“110. The council shall appoint at least one municipal officer for buildings, the environment and urban planning. Such an officer is vested with the responsibilities entrusted by the council in respect of those matters, which may include, in particular, responsibility for issuing any authorization required under any regulation or by-law whose application is under the responsibility of the municipality.

Any assistant officer appointed by the council has the same powers and duties as the officer. If the office of officer is vacant, the assistant designated by the council replaces the officer *ex officio*.

The office of municipal officer for buildings, the environment and urban planning may be held simultaneously with the office of director general, clerk or treasurer. Likewise, the office of assistant officer may be held simultaneously with the office of assistant director general, assistant clerk or assistant treasurer.”

8. Section 323 of the Act is amended by adding the following sentence at the end of the first paragraph: “Any documents useful in making decisions must be available to the council members at the time the notice is notified.”

MUNICIPAL CODE OF QUÉBEC

9. Article 93 of the Municipal Code of Québec (chapter C-27.1) is repealed.

10. Article 152 of the Code is amended by adding the following sentence at the end of the first paragraph: “Any documents useful in making decisions must be available to the council members at the time the notice is given.”

11. The Code is amended by inserting the following chapter after article 215:

“CHAPTER II.1

**“MUNICIPAL OFFICERS FOR BUILDINGS, THE ENVIRONMENT
AND URBAN PLANNING**

“216. The council shall appoint at least one municipal officer for buildings, the environment and urban planning. Such an officer is vested with the responsibilities entrusted by the council in respect of those matters, which may include, in particular, responsibility for issuing any authorization required under any regulation or by-law whose application is under the responsibility of the municipality.

Any assistant officer appointed by the council has the same powers and duties as the officer. If the office of officer is vacant, the assistant designated by the council replaces the officer *ex officio*.

The office of municipal officer for buildings, the environment and urban planning may be held simultaneously with any other officer office provided for in this Title. Likewise, the office of assistant officer may be held simultaneously with that of any other assistant officer referred to in this Title.”

12. Article 420 of the Code is amended by replacing “the name, residence” in subparagraph 1 of the first paragraph by “the name”.

ACT RESPECTING THE COMMISSION MUNICIPALE

13. Section 10 of the Act respecting the Commission municipale (chapter C-35) is amended by replacing “Neither the members nor the secretary of the Commission shall” by “The members of the Commission shall not”.

14. Sections 15 and 16 of the Act are repealed.

15. Section 16.1 of the Act is amended by replacing “, rule or other document contemplated in subsection 3 of section 16” by “or rule of the Commission”.

16. Section 17 of the Act is amended by striking out “nor the secretary of the Commission,”.

17. Section 20 of the Act is amended

(1) by striking out “secretary,” in the first paragraph;

(2) by striking out “or by its secretary” in the third paragraph.

18. Section 86.9 of the Act is amended by striking out “secretary and” in the first paragraph.

19. Section 88 of the Act is amended by striking out “or by the secretary”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

20. Section 4 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by replacing “28” in the introductory clause by “26”;

(2) by replacing “13” in paragraph 1 by “11”.

21. Section 29 of the Act is amended by inserting “, including members referred to in at least three of paragraphs 1 to 6 of section 4,” after “members”.

22. Section 34 of the Act is amended

(1) by replacing “eight” in the first paragraph by “seven”;

(2) by replacing “three” in subparagraph 3 of the second paragraph by “two”.

MUNICIPAL POWERS ACT

23. Section 91 of the Municipal Powers Act (chapter C-47.1) is amended by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) the maintenance of a multi-purpose road within the meaning of the Sustainable Forest Development Act (chapter A-18.1).”

ACT RESPECTING MUNICIPAL TAXATION

24. Section 57.2 of the Act respecting municipal taxation (chapter F-2.1) is amended, in the second paragraph,

(1) by inserting “referred to in the first paragraph of section 244.64.10.1” after “resolution”;

(2) by striking out “or, if a preliminary roll has been provided for in accordance with the first paragraph of section 244.64.1.1 or 244.64.8.2, unless it received such a copy not later than the following 15 September”.

25. Section 71.1 of the Act is amended by replacing “or 244.64.8.2” in the introductory clause of the first paragraph by “, 244.64.8.2 or 244.64.11”.

26. Section 81 of the Act is amended by inserting “, dues” after “other municipal taxes” in the second paragraph.

27. The Act is amended by inserting the following section after section 244.64.10:

“244.64.10.1. Before the roll is deposited in accordance with section 70 and not later than 15 September preceding the first fiscal year for which the roll is drawn up, the municipality shall adopt a resolution expressing its intention to establish or modify a sector. The resolution may also provide for the deposit of a preliminary roll referred to in section 71.1.

A resolution adopted after the roll is deposited in accordance with section 70 or 71, as the case may be, is null.”

28. Section 244.64.11 of the Act is amended

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

“The resolution establishing a sector or amending its boundaries must be adopted before the roll to which it applies is deposited and may not be amended or repealed after the roll is deposited. The resolution has effect for the purposes of the fiscal years for which the roll is drawn up and retains its effects in respect of subsequent rolls until it is amended or repealed.”;

(2) by replacing “or 71” in the second paragraph by “, 71 or 71.1”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

29. Section 21.1 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by inserting “, in particular with regard to reduction of the administrative burden of the municipalities” at the end of the second paragraph.

CULTURAL HERITAGE ACT

30. Section 164 of the Cultural Heritage Act (chapter P-9.002) is amended by adding the following sentences at the end of the first paragraph: “The city council may delegate to the Commission d'urbanisme et de conservation de Québec the exercise of all or part of the powers provided for in sections 137 to 142. If powers are delegated to the Commission, the third paragraph of section 139 and the third paragraph of section 141 do not apply.”

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

31. Section 63 of the Act to amended various legislative provisions in municipal affairs (2007, chapter 10) is repealed.

ACT RESPECTING VILLE DE BLAINVILLE

32. The Act respecting Ville de Blainville (2024, chapter 47) is repealed.

OTHER LEGISLATIVE PROVISIONS

33. Sections 4.1 to 4.16 of Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu, enacted by section 1 of chapter 62 of the statutes of 2006, are repealed.

34. Sections 28 to 40 of Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne, are repealed.

35. Division III of Chapter II of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, comprising sections 18 to 33, is repealed.

36. Division I of Chapter II of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, comprising sections 5 to 20, is repealed.

37. Division I of Chapter II of Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme, comprising sections 6 to 11, is repealed.

38. Sections 5 to 21 of Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny, are repealed.

39. Section 34 of Order in Council 1211-2005 dated 7 December 2005, respecting the urban agglomeration of Québec, amended by section 33 of chapter 10 of the statutes of 2007, is again amended by replacing “dated 9 May 2005 appended to Schedule 3 to the report of the transition committee of the urban agglomeration of Québec dated 29 September 2005, except those situated in an industrial park,” by “tabled in the National Assembly on (*insert the date on which the documents were tabled*) as documents (*insert the number of the first document*) and (*insert the number of the second document*)”.

40. The expression “responsibilities as provided in section 70.8” is replaced by “functions set out in the first paragraph of section 70.3” in the following provisions:

(1) the first paragraph of section 31 of the Charter of Ville de Lévis (chapter C-11.2);

(2) the first paragraph of section 33 of the Charter of Ville de Longueuil (chapter C-11.3);

(3) the first paragraph of section 26 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay;

(4) the first paragraph of section 17 of Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan; and

(5) the first paragraph of section 22 of Order in Council 371-2003 dated 12 March 2003, respecting Ville de La Tuque.

TRANSITIONAL AND FINAL PROVISIONS

41. Until the date of coming into force of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), section 70.4 of the Cities and Towns Act (chapter C-19), enacted by section 6 of this Act, must be read as if “threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)” were replaced by “expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573 of the Cities and Towns Act (chapter C-19)”.

42. The executive committees of Ville de Blainville, Ville de Gatineau, Ville de Repentigny, Ville de Saint-Jean-sur-Richelieu, Ville de Saint-Jérôme, Ville de Sherbrooke, Ville de Terrebonne and Ville de Trois-Rivières continue to exist as if they had been established under section 70.1 of the Cities and Towns Act (chapter C-19), enacted by section 6 of this Act, and the members of those committees remain in office until they are either replaced or designated again in accordance with section 70.2 of that Act, enacted by section 6 of this Act.

43. The provisions of this Act come into force on *(insert the date of assent to this Act)*, except those of

(1) sections 5 and 13 to 19, which come into force on *(insert the date that is three months after the date of assent to this Act)*;

(2) sections 20 to 22, which come into force on 2 November 2025;

(3) section 31, which come into force on 31 December 2025;

(4) sections 24, 25, 27, 28 and 39, which come into force on 1 January 2026; and

(5) sections 7 and 11, which come into force on *(insert the date that is one year after the date of assent to this Act)*.

