



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 137

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

Introduction

**Introduced by
Mr André Boisclair
Minister of Municipal Affairs and Greater Montréal**

**Québec Official Publisher
2002**

EXPLANATORY NOTES

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

The bill amends the Act respecting land use planning and development in particular to reduce certain applicable time limits, to authorize the municipalities to prescribe the maximum number of employees who may work in a residence where permitted by the zoning by-law, and to require regional county municipalities to develop tools to make possible and facilitate the follow-up of development plans. As regards the largest cities, the bill allows the city council to delegate the exercise of certain powers to the executive committee.

In matters of loans and financial management, the bill amends the Cities and Towns Act and the Municipal Code of Québec to exempt local municipalities from the requirement of having a by-law ordering a loan preceded by a notice of motion and to permit municipalities to offer ratepayers the possibility of making an advance payment if the by-law prescribes the payment of a compensation.

In respect of municipalities having a population of 100,000 or more, the bill enables the term of repayment of a loan to be amortized over 40 years in certain cases and permits a municipality's credit to be committed for a period of up to 10 years without the authorization of the Minister where the sums committed do not exceed a determined proportion of the municipality's budget.

The bill amends the Cities and Towns Act to allow cities and towns to maintain lands or passages used as roads by the mere permission of the owner and to provide that the publication of municipal notices concerning matters within the jurisdiction of a borough need only be made in the borough. The bill also amends the Cities and Towns Act and the Municipal Code of Québec to authorize municipalities to sell energy produced in the operation of a residual materials disposal facility and to contribute financially to the costs of placing a telecommunications system underground.

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

The bill adds certain contracts to the list of contracts whose awarding by municipal bodies is not subject to the rules provided for in the legislation governing municipalities.

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

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

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

The bill amends the Charter of Ville de Québec to limit the power of the city's executive committee to award certain contracts and to harmonize certain special provisions of the Charter applicable in matters of land use planning with the provisions of the Act respecting land use planning and development.

The bill amends the charters of the cities of Gatineau, Lévis, Longueuil, Montréal, Québec, Saguenay, Sherbrooke, Trois-Rivières and Laval to provide that a loan by-law for the execution of permanent work on bicycle paths or the development of banks and shores or parks need not be submitted for approval to the qualified voters.

The bill amends the charters of the cities of Gatineau, Lévis, Longueuil, Montréal, Québec, Saguenay, Sherbrooke, Trois-Rivières and Shawinigan to allow the new city to impose a special tax at various rates in the territory of each former municipality to which the city succeeded in 2002, to finance expenditures relating to the debts of the former municipality.

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);
- Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act to amend the charter of the City of Laval (1971, chapter 99);
- Act respecting Ville de Chapais (1999, chapter 98);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);
- Act respecting public transit authorities (2001, chapter 23).

Bill 137

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 first line of the second paragraph.

2. Section 6 of the said Act is amended

(1) by inserting “or any by-law under any of Divisions IV and VII to XI of Chapter IV” 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 “any zoning, subdivision or building by-law or in any by-law under any of Divisions IV and VII to XI of Chapter IV”;

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

“(4) require municipalities whose territory is comprised in that of a regional county municipality to include, in any planning by-law, provisions at least as restrictive as those contained in the complementary document.”

3. Section 8.1 of the said Act, enacted by section 1 of chapter 37 of the statutes of 2002, is repealed.

4. Section 42 of the said Act is amended by striking out “and registered with the Commission” in the second line of the third paragraph.

5. Section 53.11 of the said Act is amended

(1) by replacing “, to every contiguous regional county municipality, and to the Commission for registration” in the seventh and eighth lines of the first paragraph by “and to every contiguous regional county municipality”;

(2) by striking out the second paragraph.

6. Section 56.18 of the said Act is amended by replacing “, to every contiguous regional county municipality and, for registration purposes, to the Commission” in the third and fourth lines of the second paragraph by “and to every contiguous regional county municipality”.

7. Section 57.1 of the said Act, enacted by section 9 of chapter 37 of the statutes of 2002, is repealed.

8. Section 59.7 of the said Act is amended by replacing “45” in the first line of the second paragraph by “30”.

9. The said Act is amended by inserting the following after section 59.9:

“C. — Obligations as regards the follow-up and implementation of the development plan

“59.10. As soon as practicable after the coming into force of the revised plan, the regional county municipality shall develop tools to ensure the follow-up and implementation of the plan and evaluation of the progress made toward attaining its aims and the actions it proposes and shall, not later than two years after the date of coming into force of the plan and every two years thereafter, adopt a report in respect thereof.”

10. Section 66 of the said Act is amended by replacing “, to every regional county municipality whose territory is contiguous and, for registration purposes, to the Commission” in the third and fourth lines of the third paragraph by “and to every contiguous regional county municipality”.

11. Section 78 of the said Act is repealed.

12. Section 99 of the said Act is amended by striking out “, and be registered with the Commission” in the third and fourth lines.

13. Section 109.12 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

14. Section 110.2 of the said Act is amended

(1) by replacing “, to the regional county municipality and, for registration purposes, to the Commission” in the fourth and fifth lines of the first paragraph by “and to the regional county municipality”;

(2) by striking out “or to the Commission” in the second and third lines of the second paragraph.

15. Section 110.7 of the said Act is amended by replacing “45” in the first line of the second paragraph by “30”.

16. Section 112.3 of the said Act is amended by replacing “, to every municipality whose territory is contiguous and, for registration, to the Commission” in the fourth and fifth lines by “and to every contiguous municipality”.

17. Section 113 of the said Act, amended by section 18 of chapter 40 of the statutes of 1999, by section 82 of chapter 6 of the statutes of 2002 and by section 21 of chapter 37 of the statutes of 2002, is again amended by inserting the following subparagraph after subparagraph 3.1 of the second paragraph :

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

18. Section 137.8 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

19. Section 137.11 of the said Act is amended by replacing “45” in the first line of the second paragraph by “30”.

20. Section 137.17 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth line of the first paragraph.

21. Section 145.6 of the said Act is amended by replacing “fifteen” in the second line of the first paragraph by “seven”.

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

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

23. Section 151 of the said Act, amended by section 59 of chapter 22 of the statutes of 2000, is again amended

(1) by striking out the second paragraph ;

(2) by replacing “third” in the fourth paragraph by “second”.

24. Section 152 of the said Act is amended by striking out the second sentence of the second paragraph.

25. Section 153 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the seventh line of the third paragraph.

26. Section 161 of the said Act is amended by replacing “, served on the council of the regional county municipality, on the councils of the municipalities concerned and registered with the Commission” in the second, third and fourth lines by “and served on each regional county municipality or municipality concerned”.

27. Section 164 of the said Act is amended by replacing “on each of the councils of the regional county municipalities and of the municipalities concerned and registered with the Commission” in the first, second and third lines of the second paragraph by “on each regional county municipality or municipality concerned”.

28. Section 165.2 of the said Act is amended by striking out “to the Commission” in the first line of the third paragraph.

29. Section 165.4 of the said Act is amended by striking out “, to the Commission” in the second line of the fourth paragraph.

30. Section 221 of the said Act, amended by section 29 of chapter 37 of the statutes of 2002, is repealed.

31. Section 223 of the said Act is repealed.

32. Section 225 of the said Act is amended by striking out “and must be registered” in the second line.

33. Section 226 of the said Act is repealed.

34. The said Act is amended by inserting the following after section 226 :

“TITLE II.1

“GOVERNMENT REGULATIONS

“226.1. The Government may, by regulation,

(1) prescribe rules concerning the form in which the content of a development plan or an interim control by-law must be presented ;

(2) prescribe rules complementary to those provided for in the provisions of Divisions VI and VI.1 of Chapter I of Title I, concerning the amendment of a development plan or the preparation of a revised development plan.”

35. Section 237.2 of the said Act is amended by striking out “and, for registration purposes, to the Commission” in the fourth line of the third paragraph.

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

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

(1) the granting of minor exemptions in accordance with section 145.4;

(2) the approval of comprehensive development programs in accordance with sections 145.12 and 145.13;

(3) the exercise of the powers provided for in sections 145.18 to 145.20 relating to site planning and architectural integration programs;

(4) the making of the municipal works agreements provided for in section 145.21;

(5) the authorization of conditional uses in accordance with section 145.34;

(6) the authorization of specific proposals for the construction, alteration or occupancy of an immovable in accordance with section 145.38.”

37. Section 238 of the said Act is amended by striking out “and be registered with the Commission” in the third and fourth lines of the third paragraph.

38. Section 239 of the said Act is amended by striking out “, and the decision shall be registered with the Commission” in the third and fourth lines of the third paragraph.

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

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

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

CHARTER OF VILLE DE GATINEAU

41. The Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended by inserting the following section after section 8.6 enacted by section 409 of chapter 25 of the statutes of 2001 and amended by section 5 of Order in Council 1312-2001 dated 1 November 2001 :

“8.7. Where under any of sections 8 to 8.6, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality mentioned in section 5, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 8.”

42. Section 74 of the said Charter is amended

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “drinking water supply systems” in the second line ;

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

43. Section 19 of Schedule B to the said Charter, enacted by section 15 of Order in Council 1312-2001 dated 1 November 2001, is repealed.

CHARTER OF VILLE DE LÉVIS

44. The Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by inserting the following section after section 8.6 enacted by section 441 of chapter 25 of the statutes of 2001 and amended by section 3 of Order in Council 1311-2001 dated 1 November 2001 :

“8.7. Where under any of sections 8 to 8.6, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality mentioned in section 5, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 8.”

45. Section 85 of the said Charter, amended by section 457 of chapter 25 of the statutes of 2001, by section 5 of Order in Council 1311-2001 dated 1 November 2001, by section 190 of chapter 76 of the statutes of 2001 and by

section 33 of chapter 37 of the statutes of 2002, is again amended by replacing “five” in the seventh line of the third paragraph by “25”.

46. Section 86 of the said Charter is amended by inserting “or by another member of the borough council designated by the chair” after “council” in the second line of paragraph 3.

47. Section 99 of the said Charter is amended

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “drinking water supply systems” in the second line;

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

CHARTER OF VILLE DE LONGUEUIL

48. The Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by inserting the following section after section 8.6 enacted by section 362 of chapter 25 of the statutes of 2001 and amended by section 3 of Order in Council 1310-2001 dated 1 November 2001 :

“8.7. Where under any of sections 8 to 8.6, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality mentioned in section 5, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 8.”

49. Section 71 of the said Charter, amended by section 380 of chapter 25 of the statutes of 2001, by section 9 of Order in Council 1310-2001 dated 1 November 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 37 of chapter 37 of the statutes of 2002, is again amended by replacing “five” in the seventh line of the third paragraph by “25”.

50. Section 85 of the said Charter is amended

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “drinking water supply systems” in the second line;

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

51. Section 14 of Schedule C to the said Charter, enacted by section 24 of Order in Council 1310-2001 dated 1 November 2001, is amended by striking out “permanent”.

CHARTER OF VILLE DE MONTRÉAL

52. Section 8 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 238 of chapter 25 of the statutes of 2001, by section 1 of Order in Council 1308-2001 dated 1 November 2001 and by section 116 of chapter 68 of the statutes of 2001, is again amended by adding the following sentences at the end of the eighth paragraph: “The expenditures necessary to make up the deficit at 31 December 2001 of an enterprise mentioned in this paragraph are deemed to be expenditures relating to a debt of a municipality mentioned in section 5 and financed by revenues derived from the whole territory of the municipality. The deficit is the negative balance of the assets of the enterprise as it is established on that date. The enterprises concerned are Société d’habitation et de développement de Montréal, Société de développement de Montréal, Société du Parc des Îles and Société Anjou 80; the municipalities mentioned in section 5 that are concerned are, in the case of the first three enterprises, Ville de Montréal and, in the case of the fourth enterprise, Ville d’Anjou.”

53. The said Charter is amended by inserting the following section after section 8.6 enacted by section 239 of chapter 25 of the statutes of 2001 and amended by section 3 of Order in Council 1308-2001 dated 1 November 2001:

“8.7. Where under any of sections 8 to 8.6, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality mentioned in section 5, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 8.”

54. Section 10 of the said Charter is amended by replacing “shall” in the second paragraph by “may”.

55. Section 34.1 of the said Charter, enacted by section 5 of Order in Council 1308-2001 dated 1 November 2001 and amended by section 43 of chapter 37 of the statutes of 2002, is again amended by striking out “, except a contract for which only one conforming tender was received” in the third and fourth lines of paragraph 1.

56. Section 130 of the said Charter, amended by section 274 of chapter 25 of the statutes of 2001, by section 190 of chapter 76 of the statutes of 2001, by section 14 of Order in Council 1308-2001 dated 1 November 2001 and by section 44 of chapter 37 of the statutes of 2002, is again amended by replacing “five” in the seventh line of the third paragraph by “25”.

57. The said Charter is amended by inserting the following section after section 130:

“130.1. The borough council may, by by-law, provide for the delegation of any power within its competence to any officer or employee assigned by the city to the borough and fix the conditions and procedures for the exercise of the delegated power.”

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

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “drinking water supply systems” in the second line of subparagraph 2 of the first paragraph ;

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

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

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

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

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

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

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

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

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

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

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

- (1) the value of the unit ;
- (2) whether or not the unit belongs to the category provided for in section 244.36 of the Act respecting municipal taxation ;
- (3) the vacancy, as defined by the rules, of the unit or of certain of its parts ;
- (4) the transfer of the tax burden, as defined by the rules, measured in respect of the unit.

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

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

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

For the purposes of the first eight paragraphs, a reference to any tax or surtax is also a reference to the amount standing in lieu thereof that must be

paid by the Government pursuant to the second paragraph of section 210 of the Act respecting municipal taxation, by the Government pursuant to section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries.

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

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

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

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

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

The fiscal year of reference is the last fiscal year for which the city imposes the business tax in respect of the sector concerned, either separately or within the whole territory of the city.

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

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

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

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

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

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

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

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

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

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

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

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

“However, the functions assigned by the Cities and Towns Act to the committee established under section 412.23 of that Act shall be exercised by the advisory planning committee established under section 132 of this Charter. The committee shall hold public sittings for such purpose.”

63. Section 198 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is repealed.

64. Section 217 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001 and amended by section 59 of chapter 37 of the statutes of 2002, is again amended by striking out “198,” in the first line of the second paragraph.

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

CHARTER OF VILLE DE QUÉBEC

66. The Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by inserting the following section after section 8.6 enacted by section 311 of chapter 25 of the statutes of 2001 and amended by section 3 of Order in Council 1309-2001 dated 1 November 2001 :

8.7. Where under any of sections 8 to 8.6, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality mentioned in section 5, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 8.”

67. Section 36.1 of the said Charter, enacted by section 11 of Order in Council 1309-2001 dated 1 November 2001, is replaced by the following section :

“**36.1.** The city council must consult with the ward council on matters listed in the by-law respecting the public consultation policy adopted under section 36.

Any ward council may also, on its own initiative, give its advice to the city council, the executive committee or the borough council on any other matter concerning the ward.”

68. The said Charter is amended by inserting the following sections after section 74 :

“**74.1.** Every draft amendment to a by-law in respect of which sections 124 to 127 of the Act respecting land use planning and development (chapter A-19.1) apply must, upon the adoption by the executive committee of a resolution approving it, be transmitted to the borough council concerned.

The borough council shall hold a public consultation meeting on the draft amendment in accordance with sections 124 to 127 of the Act respecting land use planning and development, having regard to the modifications provided for in the first paragraph of section 115.

Where the draft amendment concerns a ward in which a ward council is established, the borough council shall also consult the ward council. In that case, the borough council may also request the ward council to hold the public

consultation meeting referred to in the second paragraph. The borough council may determine the cases in which the public consultation meeting is automatically held by a ward council.

The city council may, by a by-law adopted by a two-thirds majority of the votes of its members, authorize the executive committee to exempt certain draft amendments from the requirement to consult the ward council. The by-law must specify the matters able to be thus exempted and the criteria to be taken into consideration by the executive committee. The criteria may in particular provide that the executive committee may only exempt a draft amendment from the requirement to consult the ward council if, in the opinion of the executive committee, the draft amendment has no impact or a negligible impact on the authorized uses or the land use standards applicable in the zones affected by the draft amendment.

“74.2. Where the city council adopts a draft by-law following the approval of a draft amendment by the executive committee and the holding of a public consultation meeting on the draft amendment in accordance with section 74.1, that public consultation shall stand in lieu of the consultation required under sections 123 to 127 of the Act respecting land use planning and development on the draft by-law. Where the draft by-law contains a provision specific to a by-law subject to approval by way of referendum, it is deemed to be the second draft by-law referred to in section 128 of that Act.”

69. Section 114 of the said Charter, amended by section 330 of chapter 25 of the statutes of 2001, by section 14 of Order in Council 1309-2001 dated 1 November 2001, by section 190 of chapter 76 of the statutes of 2001 and by section 62 of chapter 37 of the statutes of 2002, is again amended by replacing “five” in the seventh line of the third paragraph by “25”.

70. Section 115 of the said Charter is amended

(1) by inserting “or by another member of the borough council designated by the chair” after “council” in the second line of subparagraph 3 of the first paragraph ;

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

“For the purposes of subparagraphs 1 to 4 of the first paragraph, where the draft by-law concerns a ward in which a ward council is established, the borough council shall consult the ward council. In that case, the borough council may also request the ward council to hold the public consultation meeting. The borough council may determine the cases in which the public consultation meeting is automatically held by a ward council.”

71. Section 128 of the said Charter, amended by section 336 of chapter 25 of the statutes of 2001, is again amended

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “drinking water supply systems” in the second line of subparagraph 2 of the first paragraph;

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

72. Section 19 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001 and replaced by section 64 of chapter 37 of the statutes of 2002, is amended by replacing “except a contract for which only one conforming tender was received” in the fourth line by “except a contract that involves an expenditure of more than \$100,000 which would entail commitment of the city’s appropriations, provided for in the budget, for a period extending beyond the fiscal year following the fiscal year in which it is awarded”.

73. Section 85 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001 and amended by section 67 of chapter 37 of the statutes of 2002, is again amended by replacing the second paragraph by the following paragraph:

“The first paragraph ceases to have effect on the day after the first regular meeting of the city council following the adoption of the resolution if the council did not ratify it at that meeting. In the opposite case, the first paragraph ceases to have effect

(1) in the case of a draft amendment to a zoning or subdivision by-law,

(a) on the one hundred and sixtieth day following the adoption of the resolution of the executive committee if no notice of motion has been given to the city council to amend the provisions concerned by the draft amendment; or

(b) on the day provided for in section 114 or 117 of the Act respecting land use planning and development (chapter A-19.1) for cessation of the effect of the notice of motion if the notice was given within the time determined in subparagraph *a*; and

(2) in the case of a draft amendment to a building by-law,

(a) on the one hundred and sixtieth day following the adoption of the resolution of the executive committee if a by-law amending the provisions concerned by the draft amendment has not been adopted by the council on that date; or

(b) in the opposite case, on the date of coming into force of the amendment adopted by the council or on the ninetieth day following the adoption of the by-law amending the provisions concerned by the draft by-law, whichever is earlier.”

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

75. Section 110 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by striking out the second sentence of the second paragraph.

76. Section 111 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by striking out the second sentence of the second paragraph.

77. Section 112 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by striking out the second sentence of the last paragraph.

78. Section 124 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by adding the following sentence at the end of the second paragraph: “Notwithstanding section 117, in a historic district within the meaning of the Cultural Property Act (chapter B-4), the Commission shall act alone to approve the plans as required under section 145.19 of the Act respecting land use planning and development.”

CITIES AND TOWNS ACT

79. Section 29.3 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following paragraph after the first paragraph:

“However, in the case of a municipality having a population of 100,000 or more, the first paragraph applies only to an agreement that entails commitment of the municipality’s credit

(1) for a period extending beyond five years where the average of the annual expenditures that it involves for the fiscal years subsequent to the fiscal year in which the resolution authorizing its entering into is passed, exceeds 0.5% of the total of the appropriations provided for in the budget of the municipality for the municipality’s operating expenses for that fiscal year;

(2) for a period extending beyond 10 years where the condition provided for in paragraph 1 is not met.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81. Section 56 of the said Act is amended by replacing the first paragraph by the following paragraph :

“56. The council shall appoint a councillor as acting mayor for the period it determines.”

82. Section 108 of the said Act, amended by section 17 of chapter 25 of the statutes of 2001, is again amended by replacing the first and second paragraphs by the following paragraph :

“108. The council shall appoint an external auditor for not more than three fiscal years, except in the case of a municipality having a population of 100,000 or more where the external auditor must be appointed for three fiscal years. At the end of his or her term, the external auditor shall remain in office until replaced or reappointed.”

83. Section 108.1 of the said Act, amended by section 18 of chapter 25 of the statutes of 2001, is again amended by replacing “at the next sitting” by “as soon as possible”.

84. Section 345 of the said Act is amended by adding the following paragraph at the end :

“In the case of a public notice that must be given in relation to a matter under the jurisdiction of a borough council of a municipality whose entire territory is divided into boroughs, the public notice may be posted only in the borough office and be inserted in a newspaper circulating only in the territory of the borough.”

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

“360.1. The by-laws adopted under any of subdivisions 5, 9, 10, 15, 19 and 19.1 may be different in respect of the parts of the territory of the municipality the council determines.

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

86. Section 413 of the said Act, amended by section 145 of chapter 60 of the statutes of 2001, is again amended by inserting the following subparagraph after subparagraph *b.2* of subparagraph 10 of the first paragraph :

“(b.3) To sell the energy, such as biogas, resulting from the operation of a residual materials disposal facility; to entrust another person with that function;”.

87. The said Act is amended by inserting the following section after section 413 :

“**413.0.1.** The council may, however, exercise by resolution the powers mentioned in subparagraphs *b.1* and *b.3* of subparagraph 10 of the first paragraph of section 413.”

88. Section 415 of the said Act is amended

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

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

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

(3) by adding the following paragraph at the end of paragraph 21 :

“For the purposes of the first paragraph, a land or passage used as a road by the mere permission of the owner which satisfies the conditions mentioned in the first paragraph of article 736 of the Municipal Code of Québec (chapter C-27.1) is a street or public place;”.

89. Section 474 of the said Act, amended by section 118 of chapter 56 of the statutes of 2000, is again amended by replacing “30” in the second line of the first paragraph of subsection 3 by “60”.

90. The said Act is amended by inserting the following section after section 474.3 :

“**474.3.1.** The executive committee of every municipality having a population of 100,000 or more may amend the budget of the municipality to take into account sums from a government subsidy or a subsidy from a minister or government body that has already been paid or the payment of which is guaranteed.

The amended budget must be transmitted to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the executive committee. The second and third paragraphs of subsection 3 of section 474 apply in respect of the transmission of the amended budget.”

91. Section 477.2 of the said Act, amended by section 80 of chapter 37 of the statutes of 2002, is again amended

(1) by replacing “a five-day period” in the third line of the fifth paragraph by “25 days”;

(2) by replacing “five” in the second line of subparagraph 3 of the sixth paragraph by “25”.

92. Section 503 of the said Act is amended by striking out “and transmitted to the Minister of Municipal Affairs and Greater Montréal” in the second and third lines of the first paragraph.

93. The said Act is amended by inserting the following section after section 543:

“543.1. Notwithstanding section 356, a by-law ordering a loan need not be preceded by a notice of motion. The reading of such a by-law is not necessary if a copy of the draft by-law is given to the members of the council at least two juridical days before the sitting at which it must be adopted and if, during that sitting, all the members of the council present declare that they have read it and waive its reading. In that case, however, the clerk or the person presiding the sitting must mention the object of the by-law, give a summary description of the expenditure provided for and mention the amount and term of the loan.

The third and fourth paragraphs of section 356 apply in respect of such a by-law.”

94. Section 544.1 of the said Act is amended

(1) by replacing “passage” in the fourth line of the first paragraph by “coming into force”;

(2) by striking out the second paragraph.

95. The said Act is amended by inserting the following section after section 544.1:

“544.2. Every municipality having a population of 100,000 or more may, in relation to any by-law ordering a loan that is not submitted for approval to the qualified voters, reserve part of the loan, not exceeding 10% of the amount of the expenditure authorized by the loan by-law in force, for the repayment to the general fund of the municipality of all or part of the sums

expended, before the coming into force of the loan by-law, in connection with the object of the by-law.”

96. Section 547.1 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: “Likewise, if the by-law prescribes the payment of a compensation referred to in section 244.2 of the Act respecting municipal taxation (chapter F-2.1) for the establishment of a sinking fund, it may provide that the owner or occupant from whom the compensation is required may be exempted from the compensation in the same manner, with the necessary modifications.”;

(2) by inserting “, in the case of a property tax,” after “calculated” in the first line of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “In the case of a compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.”

97. Section 547.3 of the said Act is amended by inserting “or, as the case may be, the owner or occupant from the compensation” after “tax” in the second line.

98. Section 573.3 of the said Act, amended by section 36 of chapter 25 of the statutes of 2001, by section 24 of chapter 68 of the statutes of 2001 and by section 88 of chapter 37 of the statutes of 2002, is again amended by adding the following subparagraphs after subparagraph 6 of the first paragraph:

“(7) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and which is entered into with the owner of the mains or installations, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

“(8) whose object is the providing of services by a supplier that, in the field of communications, electricity or gas, is in a monopoly position, or by a supplier that is the only supplier in a position to provide the service after thorough and documented verification to ensure that the supplier is the only supplier available in all the provinces and territories of Canada;

“(9) whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or representative of the manufacturer;

“(10) whose object is the supply of electricity, steam or cold water where the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

MUNICIPAL CODE OF QUÉBEC

99. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following articles after article 14.16:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102. The said Code is amended by inserting the following article after article 548.2:

“548.3. Every local municipality may sell energy, such as biogas, resulting from the operation of a residual materials disposal facility. It may also entrust that function to any person.”

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

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

104. Article 938 of the said Code, amended by section 56 of chapter 25 of the statutes of 2001, by section 39 of chapter 68 of the statutes of 2001 and by section 110 of chapter 37 of the statutes of 2002, is again amended by adding the following subparagraphs after subparagraph 6 of the first paragraph:

“(7) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and which is entered into with the owner of the mains or installations, with a municipal body within the meaning of the Act respecting Access to documents held by public bodies and the

Protection of personal information (chapter A-2.1) or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work ;

“(8) whose object is the providing of services by a supplier that, in the field of communications, electricity or gas, is in a monopoly position, or by a supplier that is the only supplier in a position to provide the service after thorough and documented verification to ensure that the supplier is the only supplier available in all the provinces and territories of Canada ;

“(9) whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or representative of the manufacturer ;

“(10) whose object is the supply of electricity, steam or cold water where the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

105. Article 954 of the said Code is amended by replacing “30” in the second line of the first paragraph of subarticle 3 by “60”.

106. Article 961.1 of the said Code, amended by section 115 of chapter 37 of the statutes of 2002, is again amended by replacing “a five-day period” in the third line of the fifth paragraph by “25 days”.

107. Article 966 of the said Code, amended by section 61 of chapter 25 of the statutes of 2001, is again amended by replacing the first paragraph by the following paragraph :

“**966.** The council shall appoint an external auditor for not more than three fiscal years. At the end of his or her term, the external auditor shall remain in office until replaced or reappointed.”

108. Article 966.1 of the said Code, amended by section 62 of chapter 25 of the statutes of 2001, is again amended by replacing “at the next sitting” by “as soon as possible”.

109. Article 1007 of the said Code is amended by striking out “and forwarded to the Minister of Municipal Affairs and Greater Montréal” in the second and third lines of the first paragraph.

110. The said Code is amended by inserting the following article after article 1063 :

“**1063.0.1.** Notwithstanding article 445, a by-law ordering a loan need not be preceded by a notice of motion. The reading of such a by-law is not necessary if a copy of the draft by-law is given to the members of the council at least two juridical days before the sitting at which it must be adopted and if, during that sitting, all the members of the council present declare that they have read it and waive its reading. In that case, however, the secretary-

treasurer or the person presiding the sitting must mention the object of the by-law, give a summary description of the expenditure provided for and mention the amount and term of the loan.

The third paragraph of article 445 applies in respect of such a by-law.”

111. Article 1063.1 of the said Code is amended

(1) by replacing “passage” in the fourth line of the first paragraph by “coming into force”;

(2) by striking out the second paragraph.

112. Article 1072.1 of the said Code is amended

(1) by adding the following sentence at the end of the first paragraph: “Likewise, if the by-law prescribes the payment of a compensation referred to in section 244.2 of the Act respecting municipal taxation (chapter F-2.1) for the establishment of a sinking fund, it may provide that the owner or occupant from whom the compensation is required may be exempted from the compensation in the same manner, with the necessary modifications.”;

(2) by inserting “, in the case of a property tax,” after “calculated” in the first line of the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “In the case of a compensation, the share is calculated according to the apportionment provided for in the by-law, as it applies at the time of the payment.”

113. Article 1072.3 of the said Code is amended by inserting “or, as the case may be, the owner or the occupant from the compensation” after “tax” in the second line.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE
MONTREAL

114. Section 17 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), amended by section 97 of chapter 68 of the statutes of 2001, is again amended by adding the following paragraph after the second paragraph:

“Notwithstanding the end of his or her term of office, a member of the council remains in office until the member’s successor takes office. Where applicable, the member of the council also continues to hold office, during that period, as a member of the executive committee or of a committee of the Community, unless the member is replaced in that office before the end of that period.”

115. Section 20 of the said Act is amended by adding the following paragraph after the second paragraph :

“The power provided for in the second paragraph may be exercised by the executive committee.”

116. Section 106 of the said Act, amended by section 204 of chapter 25 of the statutes of 2001, by section 98 of chapter 68 of the statutes of 2001 and by section 120 of chapter 37 of the statutes of 2002, is again amended

(1) by replacing subparagraph 6 of the third paragraph by the following subparagraph :

“(6) whose object is the providing of services by a supplier that, in the field of communications, electricity or gas, is in a monopoly position, or by a supplier that is the only supplier in a position to provide the service after thorough and documented verification to ensure that the supplier is the only supplier available in all the provinces and territories of Canada;” ;

(2) by adding the following subparagraph after subparagraph 11 of the third paragraph :

“(12) whose object is the supply of electricity, steam or cold water where the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

117. Section 147 of the said Act is amended

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

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

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

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

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

Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose

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

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

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

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

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

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

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

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

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

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

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

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

124. Section 8 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 :

“Notwithstanding the end of his or her term of office, a member of the council remains in office until the member’s successor takes office. Where

applicable, the member of the council also continues to hold office, during that period, as a member of the executive committee or of a committee of the Community, unless the member is replaced in that office before the end of that period.”

125. Section 12 of the said Act is amended by adding the following paragraph after the second paragraph :

“The power provided for in the second paragraph may be exercised by the executive committee.”

126. Section 40 of the said Act is amended by adding the following paragraph at the end :

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

127. Section 99 of the said Act, amended by section 485 of chapter 25 of the statutes of 2001, by section 208 of chapter 68 of the statutes of 2001 and by section 134 of chapter 37 of the statutes of 2002, is again amended

(1) by replacing subparagraph 6 of the third paragraph by the following subparagraph :

“(6) whose object is the providing of services by a supplier that, in the field of communications, electricity or gas, is in a monopoly position, or by a supplier that is the only supplier in a position to provide the service after thorough and documented verification to ensure that the supplier is the only supplier available in all the provinces and territories of Canada;” ;

(2) by adding the following subparagraph after subparagraph 11 of the third paragraph :

“(12) whose object is the supply of electricity, steam or cold water where the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

128. Section 139 of the said Act is amended

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

133. Section 1 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is replaced by the following section:

“**1.** The term for repayment of a loan effected by any municipality may not exceed 20 years.

However, in the case of a local municipality having a population of 100,000 or more, the term may extend to 40 years subject to the term not exceeding the useful life of property that the proceeds of the loan enable the municipality to acquire, repair, restore or build.”

134. Section 2 of the said Act is amended by adding the following paragraph after the fifth paragraph:

“The council of a local municipality having a population of 100,000 or more may, by by-law, delegate to the treasurer of the municipality the exercise of the powers under the first, second and fourth paragraphs.”

ACT RESPECTING MUNICIPAL TAXATION

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

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

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

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

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

139. Section 244.36 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Serviced land is land in respect of which the owner or occupant may, under section 244.3, be the debtor of a mode of tariffing related to the benefit derived from the presence of water and sanitary sewer services within the right-of-way of a public street.”

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

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

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

The first three paragraphs apply subject to section 244.45.4.”

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

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

“244.45.4. Where the municipality avails itself of the power under section 253.27 in respect of its property assessment roll, the operations described in the second and third paragraphs are performed to calculate an adjusted coefficient, by which the rate specific to the category of non-residential immovables is multiplied, to establish the maximum rate specific to the category of industrial immovables for either of the first two fiscal years for which the roll applies.

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

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

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

The second operation consists in algebraically adding the coefficient described in subparagraph 2 of the second paragraph and the number that is one-third or two-thirds, according to whether the fiscal year for which the

maximum specific rate is established is the first or the second fiscal year to which the roll referred to in the first paragraph applies, of the difference resulting from the subtraction under the second paragraph.

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

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

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

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

The first three paragraphs apply subject to section 244.48.1.”

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

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

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

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

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

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

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

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

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

146. Section 59 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), replaced by section 3 of chapter 35 of the statutes of 2002, is amended by adding the following sentences at the end of the second paragraph: “Where the application is made by a regional county municipality whose territory is situated entirely or partially within that of a community, the commission may request the community to transmit a recommendation to it within 45 days. The recommendation of the community must give reasons and must take into consideration the criteria set out in section 62.”

147. Section 65 of the said Act is amended by adding the following sentences at the end of the fourth paragraph: “Where the application is made by a local municipality whose territory forms part of that of a regional county municipality that is contiguous to the territory of a community, the commission may request the community to transmit a recommendation to it within 45 days. The recommendation of the community must give reasons and take into consideration the criteria set out in section 62.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

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

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

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

149. Section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 228 of chapter 25 of the statutes of 2001, by section 113 of chapter 68 of the statutes of 2001 and by section 263 of chapter 37 of the statutes of 2002, is again amended by replacing the fifth and sixth paragraphs by the following paragraphs :

“The city must, before 31 December 2004, adopt in accordance with sections 81 to 100 of the Act respecting land use planning and development, with the necessary modifications, a planning program applicable to the whole territory of the city and called the “master land use and development program”.

Sections 110.4 to 110.10 of that Act apply, with the necessary modifications, after the coming into force of the program. However, the time limit of 90 days referred to in section 110.4 of that Act is replaced, for the adoption of a concordance by-law necessary to ensure conformity with the program, by a time limit of 12 months.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

150. Section 93 of the Act respecting public transit authorities (2001, chapter 23), replaced by section 266 of chapter 37 of the statutes of 2002, is amended

(1) by replacing subparagraph 4 of the third paragraph by the following subparagraph :

“(4) whose object is the providing of services by a supplier that, in the field of communications, electricity or gas, is in a monopoly position, or by a supplier that is the only supplier in a position to provide the service after thorough and documented verification to ensure that the supplier is the only supplier available in all the provinces and territories of Canada;”;

(2) by adding the following subparagraph after subparagraph 10 of the third paragraph :

“(11) whose object is the supply of electricity, steam or cold water where the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

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

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “waterworks”;

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

ACT RESPECTING VILLE DE CHAPAIS

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

OTHER AMENDING PROVISIONS

153. Section 5 of Order in Council 841-2001 dated 27 June 2001 respecting Ville de Saguenay is amended by adding the following paragraph at the end:

“The city council may, by by-law, assign a number to each borough.”

154. Section 20.1 of the said Order in Council, made by Order in Council 1474-2001 dated 12 December 2001, is amended by striking out the first paragraph.

155. The said Order in Council is amended by inserting the following division after section 29:

“DIVISION III.1

“PROVISIONS RELATING TO THE SIGNATURE OF CONTRACTS OR OTHER DOCUMENTS

“29.1. Contracts within the jurisdiction of the city council or within the powers of the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may, in writing and generally or specially, authorize another member of the executive committee to sign the contracts in the mayor’s place.

On the proposal of the mayor, the executive committee may, generally or specially, authorize the director general, a department head or another officer it designates to sign contracts or documents of a nature it determines that are within the jurisdiction of the city council or the powers of the executive committee, except by-laws and resolutions, and prescribe, in that case, that certain contracts or documents or certain classes thereof need not be signed by the clerk.

Contracts within the jurisdiction of a borough council shall be signed on behalf of the city by the chair of the borough council and by the clerk or the person he or she designates. The chair of the borough council may, in writing and generally or specially, authorize another member of the borough council to sign the contracts in the chair's place.

On the proposal of the chair of the borough council, the borough council may, generally or specially, authorize the director general, the borough director, a department head or another officer it designates to sign contracts or documents of a nature it determines within the jurisdiction of the borough council, except by-laws and resolutions, and prescribe, in that case, that certain contracts or documents or certain classes thereof need not be signed by the clerk.

For the purposes of section 53 of the Cities and Towns Act, the contracts shall be presented by the clerk to the person authorized to sign them under this section."

156. The said Order in Council is amended by inserting the following division after section 35:

"DIVISION V.1

"CLERK

"35.1. The clerk is *ex officio* the secretary of the city council, of the executive committee and of the borough councils. The clerk may delegate all or part of his or her powers and obligations to the assistant clerk.

"35.2. The clerk is authorized to amend any minutes, by-law, resolution, ordinance or other act of the city council, the executive committee or a borough council in order to correct therein an error that appears on the face of the documents submitted in support of the decision made or the act performed. In such a case, the clerk shall attach to the original of the amended document the minutes of the correction made and submit a copy of the amended document and minutes of the correction at the following sitting of the city council, the executive committee or a borough council, as the case may be."

157. Section 68 of the said Order in Council, amended by section 276 of chapter 37 of the statutes of 2002, is again amended by replacing "five" in the seventh line of the third paragraph by "25".

158. Section 82 of the said Order in Council is amended

(1) by inserting " , park development, the development of banks and shores, bicycle paths" after "drinking water supply systems";

(2) by replacing "land" by "immovables".

159. The said Order in Council is amended by inserting the following section after section 153 :

“153.1. Where under any of sections 146 to 153, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality affected by the amalgamation, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 146.”

160. Section 155 of the said Order in Council, amended by Order in Council 1474-2001 dated 12 December 2001, is again amended by replacing “debts” in the second paragraph by “the debt service”.

161. Section 5 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke is amended by adding the following paragraph at the end :

“The city council may, by by-law, assign a name to each borough.”

162. Section 60.7 of the said Order in Council, made by Order in Council 509-2002 dated 1 May 2002, is repealed.

163. Section 63 of the said Order in Council, amended by section 278 of chapter 37 of the statutes of 2002, is again amended by replacing “five” in the seventh line of the third paragraph by “25”.

164. Section 76 of the said Order in Council is amended

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “drinking water supply systems”;

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

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

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

166. The said Order in Council is amended by inserting the following section after section 146 :

“**146.1.** Where under any of sections 140 to 146, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality affected by the amalgamation, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 140.”

167. Section 147 of the said Order in Council is amended by replacing “value determined under the third paragraph” in the fourth paragraph by “net value”.

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

(1) by inserting “, park development, the development of banks and shores, bicycle paths” after “drinking water supply systems” ;

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

169. The said Order in Council is amended by inserting the following section after section 109 :

“109.1. Where under any of sections 94 to 109, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality affected by the amalgamation, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 94.”

170. Order in Council 1012-2001 dated 5 September 2001 respecting Ville de Shawinigan is amended by inserting the following section after section 91 :

“91.1. Where under any of sections 78 to 91, the city must finance expenditures from revenues derived exclusively from the whole territory of a municipality affected by the amalgamation, designated as a “sector” in this section, the city may in particular obtain those revenues by imposing on all the immovables situated in the sector, annually or for several years at the time of a loan, a special tax based on the taxable value.

Where the city imposes the special tax for the same fiscal year and in the same sector and, under section 244.29 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), fixes rates specific to certain categories of immovables as regards the general property tax, the city may fix rates specific to the same categories as regards the special tax. In that case, the proportions between the various special tax rates must correspond to the proportions between the various general property tax rates applicable in the sector.

If the city avails itself of the power provided for in the second paragraph, the following provisions apply in respect of the special tax, with the necessary modifications :

(1) the provisions of subdivisions 4 and 5 of Division III.4 of Chapter XVIII of the Act respecting municipal taxation ;

(2) the provisions in the regulations made under paragraphs 2 and 7 of section 262 and under paragraphs 2 and 3 of section 263 of the Act respecting municipal taxation that pertain to the general property tax imposed at different rates ;

(3) every other provision of an Act or an instrument thereunder that pertains to the legal effects of the imposition of various rates of the general property

tax, in particular for the purpose of defining the property taxation specific to the non-residential sector.

As of the first fiscal year for which the city imposes the special tax in a sector, the city shall cease to have, in respect of that sector, the power provided for in the second paragraph of section 78.”

TRANSITIONAL AND FINAL PROVISIONS

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

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

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

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

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

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

This section has effect from 1 January 2002.

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

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

This section has effect from 1 January 2002.

175. Sections 95, 105 and 114 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) have effect from 1 January 2002.

176. The abridging by sections 8, 15, 19 and 21 of the time period prescribed by sections 59.7, 110.7, 137.11 and 145.6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), does not apply to a period that begins on (*insert here the date of assent to this Act*).

177. For the purpose of applying section 59.10 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), enacted by section 9, to a regional county municipality in the territory of which a revised plan is in force on (*insert here the date of assent to this Act*), that date shall replace the date of coming into force of the revised plan.

178. Any provision of a by-law of Ville de Québec that was adopted under section 97 of Schedule C to the charter of the city, repealed by section 74, and that prescribes the maximum number of persons not resident in a residence that may work in the residence is deemed to have been adopted under subparagraph 3.2 of the second paragraph of section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), enacted by section 17.

179. Sections 41, 44, 48, 53, 66, 134 to 145, 159, 166, 169 and 170 have effect for the purposes of any fiscal year from the fiscal year 2003.

180. Sections 100 and 101 do not abridge the duration of the functions of the persons who on (*insert here the date that is one day before the date of assent to this Act*) held the positions the holders of which are appointed under the provisions amended by those sections.

181. Section 148 has effect from 1 January 2002.

182. This Act comes into force on (*insert here the date of assent to this Act*).