



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 6

An Act to amend various legislative provisions respecting municipal affairs

Introduction

**Introduced by
Madam Nathalie Normandeau
Minister of Municipal Affairs and Regions**

**Québec Official Publisher
2007**

EXPLANATORY NOTES

This bill introduces changes in the urban agglomeration powers exercised by Ville de Longueuil. Under the bill, jurisdiction over industrial parks, thoroughfares making up the arterial road system of the urban agglomeration, and water supply and water purification, except for certain elements such as reservoirs or filtration or water treatment plants is to be exercised by the related municipalities. The bill also provides that, from the fiscal year 2008, urban agglomeration expenditures are to be financed by the aliquot shares paid by the related municipalities in the proportions determined by the urban agglomeration council.

The bill increases the number of members of the board of directors of the Société de transport de Longueuil to 12, comprising six representatives from the regular council of Ville de Longueuil, one from the council of each of the reconstituted municipalities of the urban agglomeration and two from among users of public transit services.

The bill authorizes a municipality to pass a resolution ordering construction or improvement work when the cost of the work is financed by sums appropriated from its working fund or obtained by means of a loan ordered by a by-law that sets out the purpose of the loan in general terms. The bill also grants local municipalities the power to maintain a private waste water treatment system at the owner's expense.

The bill amends the Act respecting municipal taxation to provide that a body may no longer apply to the Commission municipale du Québec for recognition giving rise to a business tax exemption if, at the time of the application, there is no business tax imposed by the municipality having jurisdiction. Provision is also made for the lapsing by operation of law of recognition previously granted by the Commission municipale du Québec if the municipality ceases to impose the business tax. In the case of Ville de Montréal, however, persons who have been granted recognition continue to be entitled to a water and services tax exemption.

Lastly, the bill contains other miscellaneous provisions relating to certain particular situations.

LEGISLATION AMENDED BY THIS BILL:

- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Civil Protection Act (R.S.Q., chapter S-2.3);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Municipal Works Act (R.S.Q., chapter T-14).

Bill 6

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE MONTRÉAL

1. Section 101 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by adding the following sentence at the end of the third paragraph: “A person who, on or before (*insert the date of the day before the date of assent to this Act*), was granted recognition giving rise to a tax exemption in accordance with Division III.0.1 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) is deemed to be exempt from the water-rate and service tax.”

CHARTER OF VILLE DE QUÉBEC

2. Section 73 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “this paragraph” in the eighth line of the first paragraph by “this section”.

MUNICIPAL POWERS ACT

3. The Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following section after section 25:

“**25.1.** A local municipality may maintain a private waste water treatment system at the expense of the owner of the immovable.”

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

4. Section 25 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by replacing “, the urban agglomeration of Québec and the urban agglomeration of Longueuil” in the first and second lines of the first paragraph by “and the urban agglomeration of Québec”.

5. Section 28 of the Act is amended by replacing “those referred to in section 25” in the first and second lines of the first paragraph by “the urban agglomeration of Montréal, the urban agglomeration of Québec and the urban agglomeration of Longueuil”.

- 6.** Section 104 of the Act is repealed.
- 7.** Section 112 of the Act, amended by section 69 of chapter 60 of the statutes of 2006, is again amended by striking out the third paragraph.
- 8.** Section 115 of the Act, amended by section 68 of chapter 31 of the statutes of 2006 and section 71 of chapter 60 of the statutes of 2006, is again amended by replacing “, 99.1 or 112” in the first paragraph by “or 99.1”.
- 9.** Section 115.1 of the Act, enacted by section 69 of chapter 31 of the statutes of 2006 and amended by section 72 of chapter 60 of the statutes of 2006, is again amended by striking out “or 112” in paragraph 2 of the first paragraph.
- 10.** The Act is amended by inserting the following after section 118.1, enacted by section 71 of chapter 31 of the statutes of 2006:

“TITLE IV.1

**“SPECIAL PROVISIONS APPLICABLE TO THE URBAN
AGGLOMERATION OF LONGUEUIL**

“CHAPTER I

“ALIQUOT SHARES

“118.2. An expenditure incurred by Ville de Longueuil in the exercise of an urban agglomeration power is financed by the aliquot shares paid by the related municipalities of the urban agglomeration.

The first paragraph does not prevent the city from financing such an expenditure by any other revenue from a source other than a tax or a compensation. The only mode of tariffing that may be provided for by the city for that purpose is a fixed amount referred to in subparagraph 3 of the second paragraph of section 244.2 of the Act respecting municipal taxation (chapter F-2.1) or an amount exigible in the same manner as a subscription.

“118.3. Urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective fiscal potentials within the meaning of section 261.5 of the Act respecting municipal taxation (chapter F-2.1), which applies after replacing “0.48” in subparagraph 2 of the first paragraph by “1.65”.

However, the urban agglomeration council may provide, by a by-law adopted by a two-thirds majority vote and subject to the right of objection under section 115,

(1) that all or part of the urban agglomeration expenditures are apportioned according to another criterion; or

(2) that a related municipality not contribute to the payment of part of those expenditures.

“118.4. The urban agglomeration council may, by a by-law subject to the right of objection under section 115, prescribe the manner in which the aliquot shares and their payment by the municipalities are determined.

The by-law may, in particular, prescribe, for every possible situation with respect to the coming into force of the part of the budget of the city related to the exercise of its urban agglomeration powers,

(1) the date on which the data used to establish provisionally or finally the basis of apportionment of the urban agglomeration expenditures are to be considered;

(2) the time limit for determining each aliquot share and for informing each related municipality of it;

(3) the obligation of each related municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid;

(5) the rate of interest payable on an outstanding instalment; and

(6) the adjustments that may result from the deferred coming into force of a part of the budget of the city related to the exercise of its urban agglomeration powers or from the successive use of provisional and final data in determining the basis of apportionment of the urban agglomeration expenses.

“118.5. For the purpose of financing the urban agglomeration expenditure that is the contribution of the city to the financing of the expenditures of the Société de transport de Longueuil, section 488 of the Cities and Towns Act (chapter C-19) applies to each related municipality as if the aliquot share was an amount payable directly to the transit authority.

“CHAPTER II

“MODIFICATIONS

“118.6. This chapter applies for the purpose of modifying or rendering inapplicable certain provisions of this Act with regard to the urban agglomeration of Longueuil.

“118.7. Section 19 is modified

(1) by striking out paragraph 3;

(2) by replacing paragraph 5 by the following paragraph:

“(5) reservoirs and filtration or water treatment plants;”;

(3) by striking out “industrial parks and” in subparagraph *e* of paragraph 11.

“**118.8.** Division III of Chapter II of Title III, comprising sections 22 to 24.1, does not apply.

“**118.9.** Sections 25 to 28 are replaced by the following section:

“**25.** The exclusive jurisdiction of Ville de Longueuil over reservoirs or filtration or water treatment plants, to the extent that it concerns water purification, does not apply in the territory of Ville de Saint-Bruno-de-Montarville.”

“**118.10.** Division VIII of Chapter II of Title III, comprising sections 32 to 36, does not apply.

“**118.11.** Section 37 is replaced by the following section:

“**37.** The exclusive jurisdiction of Ville de Longueuil over assistance intended specifically for business consists, as regards tax credits, in prescribing, by a by-law subject to the right of objection under section 115, the rules that a related municipality, including the city, must comply with when establishing a program for granting such a credit.”

“**118.12.** Section 46 is modified by striking out “or levy taxes” in the second line of the second paragraph.

“**118.13.** Section 70 is modified by replacing “tout” in the first line in the French text by “le”.

“**118.14.** Section 76 is modified

(1) by replacing “any tax or other method of financing imposed” in the first and second lines of the first paragraph by “any method of financing ordered”;

(2) by striking out the second paragraph.

“**118.15.** Sections 78 to 89, 91 to 99 and 100 to 108 do not apply.

“**118.16.** Section 110 is modified by replacing “taxes and other methods of financing imposed” in the seventh line of the first paragraph by “methods of financing ordered”.

“**118.17.** Section 114 does not apply.

“**118.18.** Section 115 is modified by replacing “22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1” in the first paragraph by “30, 37, 38, 39, 41, 47, 55, 56, 69, 99.1, 118.3 or 118.4”.

“118.19. Section 115.1 is modified

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

“(1) is provided for under section 118.3 or 118.4; or”;

(2) by striking out the third paragraph.

“118.20. Section 116 is modified by striking out the first paragraph.”

ACT RESPECTING MUNICIPAL TAXATION

11. Section 243.4 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out the third paragraph.

12. Section 243.15 of the Act is amended by adding the following paragraph at the end:

“Recognition giving rise to a business tax exemption also lapses by operation of law if the municipality having jurisdiction ceases to impose the tax.”

13. Section 243.16 of the Act is amended

(1) by replacing “of recognition by operation of law” in the first line of the first paragraph by “provided for in the first paragraph of section 243.15”;

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

“The lapsing provided for in the second paragraph of section 243.15 takes effect on 1 January of the fiscal year for which the business tax ceases to be imposed.”

CIVIL PROTECTION ACT

14. Section 43 of the Civil Protection Act (R.S.Q., chapter S-2.3) is amended by adding the following at the end of the second paragraph: “The council of a municipality with a population of 100,000 or more may designate the chair of the executive committee of the municipality to act as acting mayor if the mayor is absent or unable to act. If the council of Ville de Montréal avails itself of this power, it may also designate the chair of the Commission de la sécurité publique of the urban agglomeration of Montréal to replace the mayor if the chair of the executive committee is absent or unable to act.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

15. Section 11 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is replaced by the following section:

“11. Despite section 6, the board of directors of the Société de transport de Longueuil is composed of 12 members designated as follows:

(1) Ville de Longueuil, acting through its regular council, designates six members from that council;

(2) Ville de Longueuil, acting through its urban agglomeration council, designates two members from among the residents of the urban agglomeration, one of whom is a user of the public transit system and one of whom is a user of services adapted to the needs of handicapped persons;

(3) each of the other municipalities whose territory is included in the urban agglomeration designates one member from among its council members.

For the purposes of subparagraph 2 of the first paragraph, one of the users must be a resident of the central municipality and the other a resident of another municipality whose territory is included in the urban agglomeration.”

MUNICIPAL WORKS ACT

16. Section 2 of the Municipal Works Act (R.S.Q., chapter T-14) is amended

(1) by inserting the following paragraphs after paragraph 2:

“(2.1) a part of its working fund not otherwise appropriated;

“(2.2) a part of the sums obtained by means of a loan ordered by a by-law referred to in the second paragraph of section 544 of the Cities and Towns Act (chapter C-19) or article 1063 of the Municipal Code of Québec (chapter C-27.1) not otherwise appropriated;”;

(2) by replacing “two or three” in the first line of paragraph 4 by “two or more”.

OTHER AMENDING PROVISIONS

17. Sections 34 to 36 of Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil, are repealed.

18. Section 57 of the Order in Council, amended by section 72 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the fourth paragraph by “revenues deriving from the general aliquot shares paid by the related municipalities”.

19. Sections 61 and 62 of the Order in Council are repealed.

20. Section 68 of the Order in Council is amended by striking out subparagraph 1 of the seventh paragraph.

21. Section 70 of the Order in Council, amended by section 2 of Order in Council 10-2006 dated 17 January 2006 and section 3 of Order in Council 299-2006 dated 5 April 2006, is repealed.

22. Section 70.2 of the Order in Council, enacted by section 18 of Order in Council 549-2006 dated 14 June 2006 and amended by section 73 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

23. Section 70.4 of the Order in Council, enacted by section 18 of Order in Council 549-2006 dated 14 June 2006 and amended by section 74 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

24. A reconstituted municipality, within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), whose property assessment roll came into force on 1 January 2007 and has an extended application period ordered under the second paragraph of section 140 of the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60), that did not apply, in 2007, the modifications concerning the averaging of the variation in the taxable values resulting from the coming into force of the property assessment roll provided for in the schedule to the latter Act, despite section 144 of that Act, may continue to not apply them if it adopts a resolution to that effect before its budget or any part of its budget for the fiscal year 2008 is adopted.

Acts performed before (*insert the date of assent to this Act*) by a municipality referred to in the first paragraph in relation to an averaging measure may not be invalidated on the ground that the municipality did not apply the modifications relating to that measure provided for in the schedule mentioned in the first paragraph.

25. For the purposes of sections 138 to 144 and the schedule to the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60), the urban agglomeration council of Ville de Longueuil may adopt the resolution referred to in the first paragraph of section 141 of that Act before 1 October 2007. The following modifications apply for that urban agglomeration:

(1) the second and third paragraphs of section 143 of the Act are replaced by the following paragraph:

“In the case referred to in the second paragraph of section 140, a municipality that has begun to apply the averaging measure for its property assessment roll whose application period has been extended may decide to apply it with the modifications set out in the schedule, according to the rules applicable for the third and fourth fiscal years for which the property assessment roll applies. The resolution by which the municipality makes the decision must be adopted before its budget or any part of its budget for the fiscal year 2008 is adopted.”;

(2) the second paragraph of section 144 of the Act is modified by replacing “2007” by “2008”;

(3) paragraph 2 of sections 3 to 6 and 13 of the schedule to the Act are modified by replacing “three quarters” by “five sixths”.

26. Recognition giving rise to a business tax exemption and granted by the Commission municipale du Québec under Division III.0.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) ceases to be in force on (*insert the date of assent to this Act*) if, on that date, the business tax is not imposed in the territory of the local municipality in which the immovable concerned is situated.

27. A decision made by a local municipality between 13 June 2002 and (*insert the date of assent to this Act*) to order construction or improvement work, the cost of which is financed by sums obtained by means of a loan ordered by a by-law referred to in the second paragraph of section 544 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 1063 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), may not be declared invalid solely because it was made by resolution.

28. Sections 2 to 9.1 of Order in Council 1210-2005 dated 7 December 2005, concerning various taxation measures related to the reorganization, do not apply to the urban agglomeration of Longueuil.

The same is true for section 149 of chapter 60 of the statutes of 2006.

29. The urban agglomeration council of Ville de Longueuil may, by a by-law adopted by a two-thirds majority vote and subject to the right of objection under section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), determine the change in tax burden for the related municipalities and their ratepayers arising from sections 4 to 10, 17 to 23 and 28 and provide for averaging the change in tax burden over a maximum period of 10 years.

A related municipality may borrow to reduce the fiscal impact of any change in tax burden arising from sections 4 to 10, 17 to 23 and 28. The maximum term of the loan is 10 years and the loan may not be renewed. The loan by-law requires only the approval of the Minister of Municipal Affairs and Regions.

30. From (*insert the date of assent to this Act*), the urban agglomeration council of Ville de Longueuil may, for the purpose of preparing its budget and the budget of the other related municipalities for the fiscal year 2008, adopt a by-law under sections 118.3 and 118.4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 10. It may also, from that date, make any administrative decision to implement the changes arising from sections 4 to 10, 17 to 23 and 28.

From (*insert the date of assent to this Act*), the regular council of Ville de Longueuil and the council of the other related municipalities may, for the purpose of preparing their budget for the fiscal year 2008, make any administrative decision to implement the changes provided for in sections 4 to 10, 17 to 23 and 28. They may also adopt a by-law providing for taxes and other financing methods for the collection of the revenues to finance the new expenditures arising from those changes.

31. A by-law of a reconstituted municipality made for the purpose of a loan under any of the provisions mentioned in section 28 to reduce the amount of taxes imposed for a fiscal year before the fiscal year 2008 continues to have effect.

32. Section 3 has effect from 1 January 2006.

33. This Act comes into force on (*insert the date of assent to this Act*), except sections 4 to 10, 17 to 23 and 28, which come into force on 1 January 2008.

