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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 55

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

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**Introduction**

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

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## **EXPLANATORY NOTES**

*This bill makes various amendments to Acts and orders in council that concern municipal affairs.*

*It allows a municipality to cause rights in immovables that are transferred to it in accordance with the law or regulations to be registered in the land register without it being required to register a deed of transfer. The bill also allows a municipality to determine categories of immovables for the purpose of a by-law under which an authorization must be obtained to demolish immovables in those categories. In addition, it empowers local municipalities to lay conduits for the burial of an electric power distribution or telecommunications system and to contribute financially to the costs of installing equipment for the distribution of the electric power.*

*Under the bill, all local municipalities, and no longer Ville de Montréal alone, may impose a tax on certain advertising structures in their territories. Moreover, an obligation is introduced for municipalities governed by the Cities and Towns Act to appoint a director general, while the obligation for a borough council to obtain the authorization of the council to which the borough belongs before giving a grant to a non-profit organization that is suing the city is abolished.*

*The bill also empowers all local municipalities to appoint a person to act as Municipal Ombudsman or to create a body to act in that capacity and appoint the members of the body. Each local municipality is given the power to determine the functions that are to be exercised by this person or body. Provisions are introduced affording the Municipal Ombudsman protection against certain proceedings, granting the Municipal Ombudsman the right to obtain any information considered necessary, and ensuring the confidentiality of the information entrusted to the Municipal Ombudsman.*

*The bill proposes various amendments concerning initiatives and development associations. It grants the right to vote on financial matters to the two members of an association's board of directors designated by the elected members of the board. New rules are introduced for determining the number of signatures required for applying to the municipal council for the establishment or dissolution*

*of an association or for a change to the limits of the commercial district. The bill gives the board of directors the power to decide whether the association's budget is to be adopted at the annual general meeting or at a special meeting. Lastly, it increases to 24 months the period during which no new application may be filed with the municipal council if the ratepayers have voted against an application in a referendum poll.*

*The bill allows the council of a regional county municipality to delegate the awarding of a contract of less than \$25,000 to the regional county municipality's executive committee.*

*It allows the Communauté métropolitaine de Montréal to charge fees for control and monitoring measures it enforces in matters of air and water purification, and provides that the costs of proceedings instituted to enforce a regulation on those matters include the cost of any sampling, analysis, inspection or investigation.*

*The bill grants the Commission municipale du Québec the power to deal with any objection expressed by a related municipality regarding certain by-laws adopted by an urban agglomeration council. It allows a loan by-law adopted by an urban agglomeration council for the purpose of making capital expenditures to come into force before the expiry of the period for objecting or, if an objection has been expressed, before the by-law is approved by the Commission. Lastly, it provides that, if the Commission refuses to approve the loan by-law after it comes into force, it may provide for the management of the resolatory effects of the refusal.*

*The bill makes various amendments to the Act respecting municipal taxation to take into account the application, as of 2007, of a new credit plan under which the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation pays a part of the property taxes and compensations for municipal services applicable to an immovable forming part of an agricultural operation registered with the department.*

*Lastly, the bill contains various provisions relating to particular situations concerning municipal affairs.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- 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);
- Municipal Aid Prohibition Act (R.S.Q., chapter I-15);
- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

– Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).



## Bill 55

### AN ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**1.** The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following section after section 115:

**“115.1.** The sites that an owner undertakes to convey under a provision made under subparagraph 7 of the second paragraph of section 115 become public, without indemnity, and form part of the public domain of the municipality by sole reason of the municipality’s approval of the plan relating to the cadastral operation.

A transfer of ownership under the first paragraph takes effect upon the filing of the plan at the registry office.

The clerk or the secretary-treasurer must cause to be entered in the land register a notice of transfer of ownership signed by the clerk or the secretary-treasurer stating that the transfer was made under the first two paragraphs.”

**2.** The Act is amended by inserting the following section after section 117.14:

**“117.14.1.** The parcel of land that an owner undertakes to transfer under a provision made under the first paragraph of section 117.1 and that forms part of the site becomes public, without indemnity, and forms part of the public domain of the municipality by sole reason of the municipality’s approval of the plan relating to the cadastral operation.

A transfer of ownership under the first paragraph takes effect upon the filing of the plan at the registry office.

The clerk or the secretary-treasurer must cause to be entered in the land register a notice of transfer of ownership signed by the clerk or the secretary-treasurer stating that the transfer was made under the first two paragraphs.”

**3.** Section 148.0.2 of the Act is amended

(1) by striking out “or an immovable that includes one or more dwellings” in the first and second lines of paragraph 1;

(2) by striking out “, for certain categories of immovables that it shall specify,” in the first line of paragraph 3;

(3) by adding the following subparagraph and paragraph after paragraph 3:

“(4) if conditions are imposed under section 148.0.12, require that the owner provide the municipality with a monetary guarantee prior to the issuance of an authorization certificate, to ensure that those conditions are complied with.

For the purposes of subparagraphs 1 and 3 of the first paragraph, the by-law may establish categories of immovables.”

**4.** Section 148.0.4 of the Act is amended by striking out “in an amount not exceeding the value on the assessment roll of the immovable to be demolished” in the seventh and eighth lines of the first paragraph.

#### CHARTER OF VILLE DE LÉVIS

**5.** Section 69.2 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by striking out the first paragraph.

#### CHARTER OF VILLE DE LONGUEUIL

**6.** Section 56.2 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended by striking out the first paragraph.

**7.** Section 27 of Schedule C to the Charter is amended by striking out the second paragraph.

#### CHARTER OF VILLE DE MONTRÉAL

**8.** Section 11 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “Pierrefonds-Roxborough Borough” in the first line of the first paragraph by “borough of Pierrefonds-Roxboro”.

**9.** Section 85.2 of the Charter is amended by striking out the first paragraph.

**10.** The Charter is amended by inserting the following section after section 133:

“**133.1.** The borough council exercises the jurisdiction of the city described in section 134 of the Educational Childcare Act (chapter S-4.1.1).”



**11.** Schedule B to the Charter is amended by replacing the names of the boroughs in Part I by the following names:

- (1) “**Borough of Anjou**”;
- (2) “**Borough of Montréal-Nord**”;
- (3) “**Borough of Outremont**”;
- (4) “**Borough of Saint-Laurent**”;
- (5) “**Borough of Saint-Léonard**”;
- (6) “**Borough of Verdun**”;
- (7) “**Borough of LaSalle**”;
- (8) “**Borough of Lachine**”;
- (9) “**Borough of Ahuntsic-Cartierville**”;
- (10) “**Borough of Mercier–Hochelaga-Maisonneuve**”;
- (11) “**Borough of Plateau-Mont-Royal**”;
- (12) “**Borough of Rosemont–La Petite-Patrie**”;
- (13) “**Borough of Sud-Ouest**”;
- (14) “**Borough of Ville-Marie**”;
- (15) “**Borough of Villeray–Saint-Michel–Parc-Extension**”;
- (16) “**Borough of Côte-des-Neiges–Notre-Dame-de-Grâce**”;
- (17) “**Borough of L’Île-Bizard–Sainte-Geneviève**”;
- (18) “**Borough of Pierrefonds-Roxboro**”;
- (19) “**Borough of Rivière-des-Prairies–Pointe-aux-Trembles**”.

**12.** Section 102.2 of Schedule C to the Charter is repealed.

**13.** Section 199 of Schedule C to the Charter is amended by replacing “and 573.1” in the first line of the first paragraph by “, 573.1 and 573.3.0.2”.

**14.** Section 201 of Schedule C to the Charter is amended by replacing the fourth paragraph by the following paragraphs:

“Subject to the fifth paragraph, the rules governing the awarding of contracts by the city apply to any contract awarded following a joint call for public tenders under the first paragraph. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to the city are observed, the Minister of Municipal Affairs and Regions may exercise the power conferred by section 573.3.1 of the Cities and Towns Act (chapter C-19) in relation to a contract referred to in the fourth paragraph.”

#### CHARTER OF VILLE DE QUÉBEC

**15.** Section 70.2 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by striking out the first paragraph.

**16.** Section 6 of Schedule C to the Charter is amended by adding the following paragraph at the end:

“The first paragraph does not apply in the case of a body created under the first paragraph of section 573.15 of the Cities and Towns Act (chapter C-19).”

**17.** Section 38 of Schedule C to the Charter is amended by replacing “paragraph 2.1 of subsection 1” in the second line of the first paragraph by “subsection 1.0.1”.

**18.** Section 41 of Schedule C to the Charter is amended by replacing the fourth paragraph by the following paragraphs:

“Subject to the fifth paragraph, the rules governing the awarding of contracts by the city apply to every contract awarded following an agreement under the first paragraph.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to the city are observed, the Minister of Municipal Affairs and Regions may exercise the power conferred by section 573.3.1 of the Cities and Towns Act (chapter C-19) in relation to a contract referred to in the fourth paragraph.”

**19.** Section 43 of Schedule C to the Charter, amended by section 52 of chapter 29 of the statutes of 2006, is again amended by replacing “43” in the first line of the second paragraph by “41”.

**20.** Section 44.1 of Schedule C to the Charter is repealed.

## CITIES AND TOWNS ACT

**21.** Section 112 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing “may, by the vote of the absolute majority of its members,” in the first line of the first paragraph by “must”;

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

“A person may hold the office of director general and a position as officer or employee of the municipality simultaneously.”

**22.** Section 345 of the Act is amended by adding the following paragraph at the end:

“When notice must be given regarding a matter within the authority of a borough council, the public notice may be published only at the borough office and inserted only in a newspaper circulating in the borough.”

**23.** Section 458.3 of the Act is amended by replacing the first paragraph by the following paragraphs:

**“458.3.** Ratepayers having a place of business in the district may apply to the council of the municipality to form an association.

The application must be signed by a minimum number of such ratepayers. There must be

(1) 10 signatures, if there are fewer than 100 such ratepayers;

(2) 20 signatures, if there are 100 or more but fewer than 250 such ratepayers;

(3) 30 signatures, if there are 250 or more but fewer than 500 such ratepayers; and

(4) 40 signatures, if there are 500 or more such ratepayers.”

**24.** Section 458.13 of the Act, amended by section 20 of chapter 31 of the statutes of 2006, is again amended by replacing “12” in the fourth line by “24”.

**25.** Section 458.24 of the Act is amended by striking out the last sentence.

**26.** Section 458.25 of the Act is amended by inserting “or at the annual general meeting, as the board of directors decides” after “purpose” in the first line.

**27.** The Act is amended by inserting the following section after section 489:

**“489.1.** Any municipality may adopt a by-law imposing an annual tax on an advertising structure in its territory, such as a sign or a billboard, situated elsewhere than at the place where the object of the advertisement is located.

The debtor of the tax is the person responsible for the presence of the structure.

The amount of the tax is based on the number of sign faces on the structure. A surface through which different advertisements rotate in a loop by mechanical or electronic means is considered to be a single sign face.

The by-law must define the structures to which it applies and specify those for which the tax is not applicable.”

**28.** Section 573.1.0.1.1 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“The council may adopt a by-law delegating the power to establish a selection committee to an officer or employee of the municipality and setting the conditions and procedures for the exercise of the delegated power.”;

(2) by replacing “and fourth” in the fourth line of the fifth paragraph by “, fourth and fifth”.

**29.** Section 573.2 of the Act is amended by replacing “In” in the first line by “Despite sections 573, 573.1 and 573.3.0.2, in”.

**30.** Section 573.3 of the Act is amended

(1) by replacing “and 573.1” in the first line of the first paragraph by “, 573.1 and 573.3.0.2”;

(2) by inserting “, or, if the object of the contract is the providing of professional services covered by the regulation in force made under section 573.3.0.1, the only one within Québec that is in a position to provide the services” after “services” in the seventh line of subparagraph 2 of the first paragraph.

**31.** Section 573.3.2 of the Act, amended by section 52 of chapter 29 of the statutes of 2006, is again amended by replacing “and 573.1” in the second and third lines of the second paragraph by “, 573.1 and 573.3.0.2”.

**32.** The Act is amended by inserting the following division before the heading of Division XII:

## “DIVISION XI.1

### “MUNICIPAL OMBUDSMAN

“**573.14.** For the purposes of this division, “Municipal Ombudsman” means the person appointed or body created under the first paragraph of section 573.15.

“**573.15.** The council may, by a resolution adopted by a two-thirds majority vote of its members, appoint a person to act as Municipal Ombudsman or create a body to act in that capacity and appoint its members.

In addition to what is provided in this division, the resolution must determine the rights, powers and obligations of the person or of the body and its members.

A two-thirds majority vote of the council members is required for the council to dismiss the person, abolish the body or dismiss a member of the body.

“**573.16.** In no case may the following persons act as Municipal Ombudsman or be a member of a body created to act in that capacity:

- (1) a member of the council or of a borough council of the municipality;
- (2) an associate of a member mentioned in subparagraph 1; or
- (3) a person who, personally or through an associate, has a direct or indirect interest in a contract with the municipality.

Any report produced by the Municipal Ombudsman must disclose any situation that could cause a conflict between the responsibilities inherent in the office of Municipal Ombudsman and the Municipal Ombudsman’s personal interest or, in the case of a body, the personal interest of any of its members.

“**573.17.** In the exercise of the functions of office, the Municipal Ombudsman is entitled to obtain from any person any information the Municipal Ombudsman considers necessary.

“**573.18.** Each year, the Municipal Ombudsman must transmit a report on the exercise of the functions of Municipal Ombudsman to the council.

No civil action may be instituted by reason of the report.

“**573.19.** Despite any general law or special Act, neither the Municipal Ombudsman, its members in the case of a body, the members of the personnel, or any professionals under contract may be compelled to give testimony relating to information obtained in the performance of their duties or to produce a document containing such information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to such a document.

**“573.20.** Neither the Municipal Ombudsman, its members in the case of a body, or the members of the personnel may be prosecuted by reason of an act they have done or failed to do in good faith in the performance of their duties.

Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor an injunction granted against the Municipal Ombudsman, its members in the case of a body, the members of the personnel or any professionals under contract, if acting in their official capacity.

A judge of the Court of Appeal, on a motion, may summarily annul any proceeding instituted or decision rendered contrary to the first or second paragraph.”

#### MUNICIPAL CODE OF QUÉBEC

**33.** Article 124 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “\$10 000” in the fifth line of the second paragraph by “\$25,000”.

**34.** Article 636 of the Code is amended by replacing the first paragraph by the following paragraphs:

**“636.** Ratepayers having a place of business in the district may apply to the council of the municipality to form an association.

The application must be signed by a minimum number of such ratepayers. There must be

- (1) 10 signatures, if there are fewer than 100 such ratepayers;
  - (2) 20 signatures, if there are 100 or more but fewer than 250 such ratepayers;
  - (3) 30 signatures, if there are 250 or more but fewer than 500 such ratepayers;
- and
- (4) 40 signatures, if there are 500 or more such ratepayers.”

**35.** Article 646 of the Code, amended by section 36 of chapter 31 of the statutes of 2006, is again amended by replacing “12” in the fourth line by “24”.

**36.** Article 657 of the Code is amended by striking out the last sentence.

**37.** Article 658 of the Code is amended by inserting “or at the annual general meeting, as the board of directors decides” after “purpose” in the first line.

**38.** Article 937 of the Code is amended by replacing “In” in the first line by “Despite articles 935, 936 and 938.0.2, in”.

**39.** Article 938 of the Code is amended

(1) by replacing “and 936” in the first line of the first paragraph by “, 936 and 938.0.2”;

(2) by inserting “, or, if the object of the contract is the providing of professional services covered by the regulation in force made under article 938.0.1, the only one within Québec that is in a position to provide the services” after “services” in the seventh line of subparagraph 2 of the first paragraph.

**40.** Article 938.2 of the Code, amended by section 52 of chapter 29 of the statutes of 2006, is again amended by replacing “and 936” in the second line of the second paragraph by “, 936 and 938.0.2”.

**41.** Article 949 of the Code is amended by replacing “and 936” in the fourth line of the first paragraph by “, 936 and 938.0.2”.

**42.** The Code is amended by inserting the following article after article 993:

**“993.1.** A local municipality may adopt a by-law imposing an annual tax on an advertising structure in its territory, such as a sign or a billboard, situated elsewhere than at the place where the object of the advertisement is located.

The debtor of the tax is the person responsible for the presence of the structure.

The amount of the tax is based on the number of sign faces on the structure. A surface through which different advertisements rotate in a loop by mechanical or electronic means is considered to be a single sign face.

The by-law must define the structures to which it applies and specify those for which the tax is not applicable.”

**43.** The Code is amended by inserting the following Title after article 1104.1:

**“TITLE XXVIII.1**

**“MUNICIPAL OMBUDSMAN**

**“1104.2.** For the purposes of this Title, “Municipal Ombudsman” means the person appointed or body created under the first paragraph of article 1104.3.

**“1104.3.** The council of a local municipality may, by a resolution adopted by a two-thirds majority vote of its members, appoint a person to act as Municipal Ombudsman or create a body to act in that capacity and appoint its members.

In addition to what is provided in this Title, the resolution must determine the rights, powers and obligations of the person or of the body and its members.

A two-thirds majority vote of the council members is required for the council to dismiss the person, abolish the body or dismiss a member of the body.

**“1104.4.** In no case may the following persons act as Municipal Ombudsman or be a member of a body created to act in that capacity:

- (1) a member of the council of the municipality;
- (2) an associate of a member mentioned in subparagraph 1; or
- (3) a person who, personally or through an associate, has a direct or indirect interest in a contract with the municipality.

Any report produced by the Municipal Ombudsman must disclose any situation that could cause a conflict between the responsibilities inherent in the office of Municipal Ombudsman and the Municipal Ombudsman’s personal interest or, in the case of a body, the personal interest of any of its members.

**“1104.5.** In the exercise of the functions of office, the Municipal Ombudsman is entitled to obtain from any person any information the Municipal Ombudsman considers necessary.

**“1104.6.** Each year, the Municipal Ombudsman must transmit a report on the exercise of the functions of Municipal Ombudsman to the council.

No civil action may be instituted by reason of the report.

**“1104.7.** Despite any general law or special Act, neither the Municipal Ombudsman, its members in the case of a body, the members of the personnel, or the professionals under contract may be compelled to give testimony relating to information obtained in the performance of their duties or to produce a document containing such information.



Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to such a document.

**“1104.3.** Neither the Municipal Ombudsman, its members in the case of a body, or the members of the personnel may be prosecuted by reason of an act they have done or failed to do in good faith in the performance of their duties.

Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor an injunction granted against the Municipal Ombudsman, its members in the case of a body, the members of the personnel or any professionals under contract, if acting in their official capacity.

A judge of the Court of Appeal, on a motion, may summarily annul any proceeding instituted or decision rendered contrary to the first or second paragraph.”

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**44.** Section 106 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by striking out the third and fourth paragraphs.

**45.** Section 109.1 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“The Community may adopt a by-law delegating the power to establish a selection committee to an employee and setting the conditions and procedures for the exercise of the delegated power.”;

(2) by replacing “and fourth” in the fourth line of the fifth paragraph by “, fourth and fifth”.

**46.** Section 112.2 of the Act is amended by striking out the second paragraph.

**47.** The Act is amended by inserting the following section after section 112.3:

**“112.4.** Sections 106 and 112.2 do not apply to a contract

(1) whose object is the supply of equipment, materials or services for which a tariff is fixed or approved by the Government of Canada or of Québec or by a minister or body thereof;

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a non-profit organization, a public 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 a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services, or, if the object of the contract is the providing of professional services covered by the regulation in force made under section 112.1, the only one within Québec that is in a position to provide the services;

(3) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or another fluid and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

(4) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas;

(5) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative;

(6) whose object is the supply of bulk trucking services and that is entered into through the holder of a brokerage permit issued under the Transport Act (chapter T-12);

(7) whose object is the supply of movable property or services related to cultural or artistic fields or the supply of subscriptions or computer software for educational purposes;

(8) whose object is the supply of media space for the purposes of a publicity or promotional campaign; or

(9) whose object, stemming from the use of a software package or software product, is to

(a) ensure compatibility with existing systems, software packages or software products;

(b) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(c) carry out research and development; or

(d) produce a prototype or original concept.

The second paragraph of section 106 and section 112.2 do not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work if the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.

The second paragraph of section 106 does not apply to a contract covered by the regulation in force made under section 112.1.”

**48.** Section 114 of the Act, amended by section 52 of chapter 29 of the statutes of 2006, is again amended by replacing “section 106 does not apply” in the second and third lines of the second paragraph by “sections 106 and 112.2 do not apply”.

**49.** Section 115 of the Act is amended by replacing “section 106” in the first line of the first paragraph by “sections 106 and 112.2”.

**50.** Section 118 of the Act is amended by inserting the following paragraphs after the third paragraph:

“Subject to the fifth paragraph, the rules governing the awarding of contracts by the Community apply to any contract that must be awarded following a joint call for public tenders under the first paragraph. The total amount of the expenditures incurrent by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to the Community are observed, the Minister of Municipal Affairs and Regions may exercise the power conferred by section 113 in relation to a contract referred to in the fourth paragraph.”

**51.** The Act is amended by inserting the following section after section 184:

“**184.1.** Without restricting the generality of section 184, the Community may, within the framework of its jurisdiction over the matters set out in Divisions VIII and IX of Chapter III, exercise the powers provided for in subparagraph *t* of the first paragraph of section 31 and section 115.0.1 of the Environment Quality Act (chapter Q-2), with the necessary modifications.

Section 159.8 of this Act and the fourth paragraph of section 31 of the Environment Quality Act apply, with the necessary modifications, in respect of a regulation made under subparagraph *t* mentioned in the first paragraph.

The Community may, in accordance with section 159.18, delegate the powers mentioned in the first paragraph.”

**52.** The Act is amended by inserting the following section after section 224:

**“224.1.** In proceedings instituted under a regulation made under Division VIII or Division IX of Chapter III, the cost of any sampling, analysis, inspection or investigation is included in the costs of the proceedings at the rate established by a by-law adopted by the Community and that requires the approval of the Minister of Sustainable Development, Environment and Parks.

The Community may, by a by-law approved by that Minister, delegate its jurisdiction with respect to the by-law adopted under the first paragraph.”

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**53.** Section 99 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by striking out the third and fourth paragraphs.

**54.** Section 102.1 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“The Community may adopt a by-law delegating the power to establish a selection committee to an employee and setting the conditions and procedures for the exercise of the delegated power.”;

(2) by replacing “and fourth” in the fourth line of the fifth paragraph by “, fourth and fifth”.

**55.** Section 105.2 of the Act is amended by striking out the second paragraph.

**56.** The Act is amended by inserting the following section after section 105.3:

**“105.4.** Sections 99 and 105.2 do not apply to a contract

(1) whose object is the supply of equipment, materials or services for which a tariff is fixed or approved by the Government of Canada or of Québec or by a minister or body thereof;

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a non-profit organization, a public 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 a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services, or, if the object of the contract is the providing of professional services covered by the regulation in force made under section 105.1, the only one within Québec that is in a position to provide the services;

(3) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or another fluid and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

(4) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas;

(5) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative;

(6) whose object is the supply of bulk trucking services and that is entered into through the holder of a brokerage permit issued under the Transport Act (chapter T-12);

(7) whose object is the supply of movable property or services related to cultural or artistic fields or the supply of subscriptions or computer software for educational purposes;

(8) whose object is the supply of media space for the purposes of a publicity or promotional campaign; or

(9) whose object, stemming from the use of a software package or software product, is to

(a) ensure compatibility with existing systems, software packages or software products;

(b) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(c) carry out research and development; or

(d) produce a prototype or original concept.

The second paragraph of section 99 and section 105.2 do not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work if the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.

The second paragraph of section 99 does not apply to a contract covered by the regulation in force made under section 105.1.”

**57.** Section 107 of the Act, amended by section 52 of chapter 29 of the statutes of 2006, is again amended by replacing “section 99 does not apply” in the third line of the second paragraph by “sections 99 and 105.2 do not apply”.

**58.** Section 108 of the Act is amended by replacing “section 99” in the first line of the first paragraph by “sections 99 and 105.2”.

**59.** Section 111 of the Act is amended by replacing the fourth paragraph by the following paragraphs:

“Subject to the fifth paragraph, the rules governing the awarding of contracts by the Community apply to any contract awarded following a joint call for public tenders under the first paragraph. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to the Community are observed, the Minister of Municipal Affairs and Regions may exercise the power conferred by section 106 in relation to a contract referred to in the fourth paragraph.”

#### MUNICIPAL POWERS ACT

**60.** The Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following section after section 16:

“**16.1.** A local municipality may lay conduits for the burial of an electric power distribution or telecommunications system.”

**61.** Section 72 of the Act is amended

- (1) by striking out “private” in the first line of the first paragraph;
- (2) by replacing “following formalities” in the second and third lines of the first paragraph by “following formalities prescribed by this paragraph”;
- (3) by replacing “description, based on the cadastre in force, of the private road” in the first and second lines of subparagraph 1 of the first paragraph by “technical description, based on the cadastre in force and prepared by a land surveyor, of the land occupied by the road”;
- (4) by replacing the portion before subparagraph *a* of subparagraph 3 of the first paragraph by the following:

“(3) the municipality has a notice published twice in a newspaper in its territory. The notice must contain”;
- (5) by striking out “private” in subparagraph *b* of subparagraph 3 of the first paragraph;
- (6) by replacing the second paragraph by the following paragraphs:

“The second publication must be made after the 60th and not later than the 90th day following the first.

If registration is required by law, the municipality submits to the minister responsible for the cadastre a cadastral plan showing both the part of the road that has become its property because of this section and the remaining part. In addition, the municipality must give notice of the deposit to any person whose address has been registered in the land register, but the consent of the creditors or the beneficiary of a declaration of family residence is not required in order to obtain the new cadastral numbering.

The municipality publishes in the land register a statement referring to this section that includes the cadastral description of the land concerned and states that the formalities prescribed in the first three paragraphs have been observed.”;

(7) by striking out “private” in the second line of the third paragraph;

(8) by replacing “one year after the last publication in the *Gazette officielle du Québec*” in the third and fourth lines of the third paragraph by “three years after the last publication prescribed in subparagraph 3 of the first paragraph”;

(9) by striking out “private” in the first line of the fourth paragraph.

**62.** Section 73 of the Act is amended

(1) by inserting “technical” before “description” in the second line of the first paragraph;

(2) by replacing the portion before subparagraph 1 of the third paragraph by the following:

“The municipality has a notice published twice in a newspaper in its territory,”;

(3) by replacing the fourth paragraph by the following paragraphs:

“The second publication must be made after the 60th and not later than the 90th day following the first.

The land to which the resolution provided for in the first paragraph applies becomes the property of the municipality on the date of the first publication of the notice provided for in the third paragraph. If registration is required by law, the municipality submits to the minister responsible for the cadastre a cadastral plan showing both the land that has become its property because of this section and the remaining land. In addition, the municipality must give notice of the deposit to any person whose address has been registered in the land register, but the consent of the creditors or the beneficiary of a declaration of family residence is not required in order to obtain the new cadastral numbering.

The municipality publishes in the land register a statement referring to this section and section 74 that includes the cadastral description of the land concerned and states that the formalities prescribed in the first five paragraphs have been observed.”

**63.** Section 74 of the Act is amended

(1) by replacing “sending” in the second line of the first paragraph by “first publication”;

(2) by replacing “notice is sent” in the second line of the third paragraph by “second publication of the notice”.

**64.** Section 90 of the Act, amended by section 119 of chapter 31 of the statutes of 2006, is again amended by inserting “and installing equipment for the distribution of the electric power” after “system” in the second line of the second paragraph.

**65.** The Act is amended by inserting the following section after section 247:

**“247.1.** A local municipality owns the land occupied, on 31 December 2005, by a municipal road that was governed by the Municipal Code of Québec (chapter C-27.1) and that, on that date, was under its management or the management of another local municipality having jurisdiction in the territory that includes the land.

If no land title document has been published in the land register for land the municipality owns under the first paragraph, the municipality determines the boundaries of the land and requests publication of its right of ownership by observing the formalities prescribed in sections 73 and 74 with the necessary modifications.

Ownership of the land referred to in the first paragraph is conferred, retroactively to 1 January 2006, on the local municipality having jurisdiction in the territory concerned on (*insert the date of assent to this Act*).

However, if another local municipality had jurisdiction in the territory concerned before that second date, that other municipality is deemed to have owned the land as of 1 January 2006 and until the municipality referred to in the third paragraph succeeds to the rights and obligations of the other municipality with respect to the territory concerned.”

#### ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

**66.** Section 20.1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by replacing the third paragraph by the following paragraph:



“In addition, the municipality may provide that special duties need not be paid in any or all of the following cases:

(1) the exemption is provided for in subparagraph *d* of the first paragraph of section 20 and the transfer results from the death of the transferor;

(2) the exemption is provided for in subparagraph *e* of the first paragraph of section 20 and the transfer results from the death of the transferor; or

(3) the exemption is provided for in subparagraph *e.1* of the first paragraph of section 20 and the transfer results from the death of the person who transferred the immovable to the trust referred to in that subparagraph.”

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

**67.** Section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), amended by section 68 of chapter 31 of the statutes of 2006, is again amended

(1) by replacing “Minister” in the third line of the first paragraph by “Commission municipale du Québec”;

(2) by replacing “Minister” in the first and third lines of the second paragraph by “Commission”;

(3) by replacing “Minister” in the second line of the third paragraph by “Commission”;

(4) by replacing “Minister or by the person designated by the Minister to examine the merits of the by-law and make a decision in the Minister’s place” in the fourth and fifth lines of the third paragraph” by “Commission”.

**68.** Section 115.1 of the Act, enacted by section 69 of chapter 31 of the statutes of 2006, is amended by replacing the first paragraph by the following paragraph:

**“115.1.** A by-law may be published to meet the publication requirement for its coming into force before the period prescribed in the second paragraph of section 115 expires or before the approval required under the third paragraph of that section is granted if the by-law

(1) is made to collect the revenue provided for in the part of the budget of the central municipality that is within the jurisdiction of the urban agglomeration council;

(2) is required under section 69; or

(3) orders a loan for the purpose of making capital expenditures.”

**69.** Section 116.1 of the Act, amended by section 70 of chapter 31 of the statutes of 2006, is again amended by replacing “Minister” in the second line of the second paragraph by “Commission”.

#### ACT RESPECTING MUNICIPAL TAXATION

**70.** The Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting the following after section 41.1:

“§6.1. — *Pipeline*

“**41.1.0.1.** The aggregate of the components of a pipeline that must be entered on the roll, that are situated in the territory of the local municipality and that are installed on a parcel of land belonging to an owner other than the owner of the pipeline constitutes a separate unit of assessment entered in the name of their owner.

The value of the parcel of land referred to in the first paragraph is reduced in proportion to the value of the right held in respect of the land by the owner of the pipeline. The value of that right is not added to the value of the unit of assessment entered in the name of the owner of the pipeline. These assessment rules do not limit the scope of the fourth paragraph of section 66 if a component of a system of gas distribution to Québec consumers is installed on a parcel of land belonging to an owner that is not the operator of the system.

If another unit of assessment is entered on the roll of the municipality in the name of the owner of the pipeline, the assessor may decide that the aggregate referred to in the first paragraph is added to that unit or, if there are several such units, to one of them.

However, any component of the pipeline that is installed on a parcel of land belonging to a public body is excluded from the aggregate referred to in the first paragraph, provided no building other than such a component is installed on that land.”

**71.** Section 79 of the Act is amended by replacing “such a document” in the second line of the third paragraph by “a document referred to in the second paragraph of section 78 and”.

**72.** The Act is amended by inserting the following section after section 80.1:

“**80.1.1.** The powers conferred on the Minister by the third paragraph of section 79, the second paragraph of section 80 and the first paragraph of section 80.1, with respect to the Minister’s right of access to a document, are also conferred on the Minister of Agriculture, Fisheries and Food if the document concerns an agricultural operation registered in accordance with a regulation under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).”

**73.** Section 80.2 of the Act is amended

(1) by striking out “of Municipal Affairs and Regions” in the second line of the first paragraph;

(2) by striking out the second paragraph;

(3) by striking out “concerned” in the third line of the third paragraph.

**74.** Section 81 of the Act is amended by striking out “or, where the unit of assessment is a unit of assessment referred to in the second paragraph of section 80.2, before 1 March each year” in the second, third and fourth lines of the first paragraph.

**75.** Section 126 of the Act is amended

(1) by striking out “of Municipal Affairs and Regions” in the first line of the first paragraph;

(2) by striking out the second paragraph.

**76.** Section 131.1 of the Act is amended

(1) by striking out “of Municipal Affairs and Regions” in the second line of the first paragraph;

(2) by striking out the second paragraph.

**77.** Section 132 of the Act is amended by striking out “of Municipal Affairs and Regions or the Minister of Agriculture, Fisheries and Food, as the case may be,” in the seventh and eighth lines.

**78.** Section 133 of the Act is amended by striking out “of Municipal Affairs and Regions or the Minister of Agriculture, Fisheries and Food, as the case may be,” in the sixth and seventh lines.

**79.** Section 138.1 of the Act is amended

(1) by striking out “of Municipal Affairs and Regions” in the second line of the first paragraph;

(2) by striking out the second paragraph.

**80.** Section 138.3 of the Act is amended by replacing “quatre” in the third line of the third paragraph in the French text by “quatre”.

**81.** Section 138.5 of the Act is amended

(1) by striking out “of Municipal Affairs and Regions” in the first line of subparagraph 4 of the second paragraph;

(2) by striking out subparagraph 5 of the second paragraph;

(3) by replacing subparagraph 4 of the fourth paragraph by the following subparagraph:

“(4) receipt by the Minister of a copy of the notice provided for in section 180, in the case described in subparagraph 4 of that second paragraph.”

**82.** Section 138.9 of the Act is amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) the Minister, in the case described in section 138.1.”;

(2) by striking out paragraph 5.

**83.** Section 154 of the Act is amended by striking out “of Municipal Affairs and Regions or the Minister of Agriculture, Fisheries and Food, as the case may be,” in the third and fourth lines of paragraph 2.

**84.** Section 180 of the Act is amended

(1) by striking out “of Municipal Affairs and Regions” in the first line of the fourth paragraph;

(2) by striking out the second sentence of the fourth paragraph.

**85.** The Act is amended by inserting the following section after section 180:

“**180.0.1.** If an alteration concerns a unit of assessment that includes an agricultural operation registered in accordance with a regulation under section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and situated within an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), a copy of the notice of alteration must be sent to the Minister of Agriculture, Fisheries and Food.”

**86.** Section 183 of the Act is amended by replacing “, by the Minister of Municipal Affairs and Regions or the Minister of Agriculture, Fisheries and Food, as the case may be,” in the fourth, fifth and sixth lines of subparagraph 4 of the third paragraph by “by the Minister”.

**87.** The Act is amended by inserting the following sections after section 204.1:

**“204.1.1.** If a unit of assessment is not entered on the roll in the name of a person mentioned in section 204 and includes an immovable referred to in section 255, it is partially exempt from taxation, as if the part corresponding to the immovable were entered on the roll in the name of the owner of the immovable.

The immovable is then deemed to be referred to in the paragraph of section 204 that refers to its owner.

**“204.1.2.** If the owner of an immovable is a group of persons that includes at least one of the persons referred to in section 255, but is not composed entirely of such persons, the roll must clearly state what part of the value of the immovable relates to that person.

Unless all the immovables included in the unit of assessment are owned by the same group referred to in the first paragraph, and the part that relates to the person referred to in section 255 corresponds to the same percentage of the value for each of those immovables, the information required under that paragraph is added to the special entries arising from the application of sections 2 and 61 that are used to identify the immovable within the unit of assessment.

If the obligation under the first paragraph applies, the immovable is deemed to be referred to in the paragraph of section 204 that mentions the member of the group that is a person referred to in section 255, solely for the part of the value noted in the roll of assessment in accordance with the first paragraph.

Only the part of the value noted in the roll of assessment in accordance with the first paragraph is exempt from taxation. In that case, a member of the group that is a person referred to in section 255 is not the debtor of any part of the property taxes relating to the immovable.

The fourth paragraph does not apply if all the owners of the immovable are persons mentioned in section 204 and all the immovables included in the unit of assessment are exempt from property taxes.

**“204.1.3.** In the case described in the third paragraph, any provision under which a reference to the owner of an immovable is a reference to the person in whose name the unit of assessment that includes the immovable is entered on the roll is inoperative if the immovable is referred to in section 204.1.1 or 204.1.2.

If the obligation under the first paragraph of section 204.1.2 applies in respect of the immovable, the reference in a provision to the owner of the immovable is a reference, in the case described in the third paragraph, to the member of the group of owners to whom the non-taxable part of the value relates.

The first two paragraphs apply if the provision containing the reference specifically concerns the owner of an immovable referred to in section 204. However, if the provision specifically concerns the owner of an immovable referred to in a particular paragraph of that section, the first two paragraphs apply only if that paragraph is the one referred to in the second paragraph of section 204.1.1 or the third paragraph of section 204.1.2.”

**88.** Section 208 of the Act is amended by replacing “the immovable is included in the unit of assessment entered on the roll in the name of” in the third and fourth lines of the first paragraph by “its owner is”.

**89.** The heading of subdivision 3 of Division II of Chapter XVIII of the Act is replaced by the following heading:

“§3. — *Self-produced electric power*”.

**90.** Section 229 of the Act becomes section 220.14.

**91.** The Act is amended by inserting the following sections after section 253:

**“253.0.1.** If a demand for payment of a tax or compensation, including a supplement, mentions a credit granted in consideration of an amount to be paid to the municipality on behalf of the debtor under Division VII.1 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14), the municipality may, if the Minister of Agriculture, Fisheries and Food refuses to pay that amount, require the debtor to pay it.

A demand under the first paragraph for payment of the amount of the credit is treated as a demand for payment of a tax supplement. However, despite Division VII.1 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, no credit is to be mentioned in the demand.

**“253.0.2.** If a refund must be paid by the municipality in the case of a tax or compensation for which a credit referred to in section 253.0.1 was granted, the amount of the refund is apportioned to take into account the respective overpayments of the debtor and the Minister of Agriculture, Fisheries and Food.

The part paid by the debtor is refunded subject to the rules set out in this division. The part paid by the Minister is refunded as agreed by the Minister and the municipality or, failing agreement, as prescribed by the Minister.”

**92.** Section 255.1 of the Act is replaced by the following section:

**“255.1.** When a unit of assessment includes both an immovable referred to in section 255 and another that is not referred to in that section, the roll must, in accordance with section 61, contain the information required to

calculate, on the basis of the part of the non-taxable value of the unit that corresponds to the non-taxable value of the immovable referred to in section 255, the amount to be paid under the first paragraph of section 254.”

**93.** Section 255.2 of the Act is amended by replacing the first paragraph by the following paragraph:

“**255.2.** When an immovable referred to in a provision under section 255 belongs to several owners, not all of whom are persons referred to in that provision, section 255.1 applies as if the immovable consisted only of that part that relates to the owner or owners referred to in that provision.”

#### MUNICIPAL AID PROHIBITION ACT

**94.** Section 1 of the Municipal Aid Prohibition Act (R.S.Q., chapter I-15) is amended by striking out the second paragraph.

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’ASSAINISSEMENT DES EAUX

**95.** Section 5 of the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1) is replaced by the following section:

“**5.** The affairs of the Société are administered by the person designated by the Minister of Municipal Affairs and Regions.”

**96.** Sections 6 to 9, 11, 12, 14 and 15 of the Act are repealed.

**97.** Section 16 of the Act is amended by striking out “, except those made under section 15,” in the first line.

**98.** Section 17 of the Act is repealed.

**99.** Section 45 of the Act is amended by replacing “The president and the” in the first line by “The”.

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**100.** Section 93 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by striking out the third and fourth paragraphs.

**101.** Section 96.1 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“The transit authority may adopt a by-law delegating the power to establish a selection committee to an employee and setting the conditions and procedures for the exercise of the delegated power.”;

(2) by replacing “and fourth” in the fourth line of the fifth paragraph by “, fourth and fifth”.

**102.** Section 101 of the Act is amended by striking out the second paragraph.

**103.** The Act is amended by inserting the following section after section 101:

**“101.1.** Sections 93 and 101 do not apply to a contract

(1) whose object is the supply of equipment, materials or services for which a tariff is fixed or approved by the Government of Canada or of Québec or by a minister or body thereof;

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a non-profit organization, a public 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 a supplier found, after thorough and documented verification, to be the only one in all the provinces and territories of Canada that is in a position to provide the equipment, materials or services, or, if the object of the contract is the providing of professional services covered by the regulation in force made under section 100, the only one within Québec that is in a position to provide the services;

(3) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or another fluid and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

(4) whose object is the supply of services by a supplier in a monopoly position in the field of communications, electricity or gas;

(5) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative;

(6) whose object is the supply of bulk trucking services and that is entered into through the holder of a brokerage permit issued under the Transport Act (chapter T-12);

(7) whose object is the supply of movable property or services related to cultural or artistic fields or the supply of subscriptions or computer software for educational purposes;



(8) whose object is the supply of media space for the purposes of a publicity or promotional campaign; or

(9) whose object is the supply of materials or equipment and that is entered into in circumstances that are exceptionally advantageous for the transit authority, such as the bankruptcy or liquidation of the supplier;

(10) whose object, stemming from the use of a software package or software product, is to

(a) ensure compatibility with existing systems, software packages or software products;

(b) ensure the protection of exclusive rights such as copyrights, patents or exclusive licences;

(c) carry out research and development; or

(d) produce a prototype or original concept.

The second paragraph of section 93 and section 101 do not apply to a professional services contract entered into with the designer of plans and specifications for adaptation, modification or supervision work if the plans and specifications are used and the contract relating to their design was the subject of a call for tenders.

The second paragraph of section 93 does not apply to a contract covered by the regulation in force made under section 100.”

**104.** Section 104 of the Act is amended by replacing “section 93 does not apply” in the second and third lines of the second paragraph by “sections 93 and 101 do not apply”.

**105.** Section 105 of the Act is amended by replacing “section 93” in the first line of the first paragraph by “sections 93 and 101”.

**106.** Section 108 of the Act is amended by inserting the following paragraphs after the second paragraph:

“Subject to the fourth paragraph, the rules governing the awarding of contracts by the transit authority apply to any contract awarded following a joint call for public tenders under the first paragraph. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to the transit authority are observed, the Minister of Municipal Affairs and Regions may exercise the power conferred by section 103 in relation to a contract referred to in the third paragraph.”

## ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

**107.** Section 21.2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by adding the following paragraph at the end:

“The total annual remuneration referred to in section 21.1 to which the chair of the board of directors of the Société de transport de Montréal is entitled may not exceed 90% of the maximum applicable to the mayor of Ville de Montréal.”

## ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**108.** Section 296.1 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the third paragraph by the following paragraph:

“The annual amount of the basis remuneration and each additional remuneration are determined in accordance with sections 296.4 to 296.6.”

**109.** The Act is amended by inserting the following sections after section 296.3:

**“296.4.** An amount prescribed under section 296.1 and applicable for a fiscal year, referred to as “the fiscal year concerned”, is the result obtained by indexing upward the amount applicable for the preceding fiscal year.

The indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

That rate is established by

(1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

If the indexation results in a mixed number, only the integer is used and it is rounded up if the first decimal is greater than 4.

**“296.5.** If an increase is impossible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

**“296.6.** Before the beginning of the fiscal year concerned, the Minister of Municipal Affairs and Regions shall transmit to the Regional Government a notice

(1) stating the percentage corresponding to the rate of increase used to establish any amount applicable for that fiscal year or, as the case may be, stating that an increase is impossible for that fiscal year; and

(2) stating any amount applicable for that fiscal year.”

**110.** Section 410 of the Act is amended

(1) by striking out “, the third paragraph of section 296.1” in the fifth and sixth lines of the second paragraph;

(2) by striking out the third paragraph.

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

**111.** Section 250 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 230 of chapter 25 of the statutes of 2001, section 115 of chapter 68 of the statutes of 2001, section 265 of chapter 37 of the statutes of 2002 and sections 45 and 52 of chapter 68 of the statutes of 2002, is again amended by striking out the fifth and sixth paragraphs.

#### OTHER AMENDING PROVISIONS

**112.** Section 70.1 of Order in Council 850-2001 dated 4 July 2001, concerning Ville de Sherbrooke, enacted by Order in Council 509-2002 dated 1 May 2002, is repealed.

**113.** Section 15 of Order in Council 1214-2005 dated 7 December 2005, respecting the urban agglomeration of Longueuil, amended by section 13 of Order in Council 549-2006 dated 14 June 2006, is again amended by replacing the third paragraph by the following paragraphs:

“Two mayors from the reconstituted municipalities, designated by a decision made by a majority of the votes cast by the mayors of those municipalities, may attend the meetings of the executive committee. Once the director general of the central municipality is informed in writing of the names of the two designated mayors, the director general must see that the documents relating to the meetings of the executive committee are sent to the designated mayors as well as to the committee members.

The two mayors participate as members of the executive committee in the deliberations and the vote on any matter related to the exercise of an urban agglomeration power.

At the time of the designation of the two mayors, two persons chosen from among the members of the councils of the reconstituted municipalities must also be designated, in the same manner, to replace the designated mayors if they are unable to act.

For the purposes of a decision under the third or fifth paragraph, the mayor of a reconstituted municipality has the number of votes assigned to the representative of the municipality in accordance with Division II of Chapter I of Title II.”

## MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

### *Land use planning and development instruments of certain municipalities*

**114.** Not later than (*insert the date occurring six months after the date of assent to this Act*), Ville de Lévis must adopt a by-law adopting a revised land use planning and development plan under section 56.13 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

If the city fails to adopt the by-law referred to in the first paragraph within the prescribed time, the Government may prohibit any new industrial, commercial or residential structure in any part of the territory of the city, in view of government policies or the strategic vision proposed by the Communauté métropolitaine de Québec in respect of that part of the territory.

No building or subdivision permit may be issued under a city by-law in respect of a structure that is prohibited under the second paragraph.

An order made under the second paragraph has precedence over any interim control resolution or by-law applicable to the same territory and ceases to have effect, if not repealed previously, on the date of coming into force of the revised plan.

For the purpose of fulfilling its obligation under the first paragraph, the city initiates the revision process for the plan defined in the third paragraph of section 250 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 111, by adopting, for its whole territory, a second draft revised plan as required under section 56.6 of the Act respecting land use planning and development. The revision process is then continued using the second draft plan.

**115.** Ville de Lévis must apply the revision process referred to in section 110.3.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) to replace the planning program defined in the fourth paragraph of section 250 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 111.

After the revised plan resulting from the application of section 114 comes into force, the city council must adopt the by-law revising the planning program to be replaced. That by-law is deemed to be a concordance by-law required under section 59 of the Act respecting land use planning and development, arising from that revision of the plan, as if it amended the planning program in force rather than revising it. However, the by-law must be adopted within one year, rather than two years, from the coming into force of the revised plan.

Following the coming into force of the by-law revising the planning program to be replaced, the time limit for adopting a concordance by-law referred to in section 110.4 of the Act respecting land use planning and development in order to ensure conformity with the revised planning program of any by-law not deemed to be in conformity under section 110.9 of that Act is 12 months rather than 90 days.

**116.** Municipalité régionale de comté de Maskinongé need not revise its land use planning and development plan as required under Division VI.1 of Chapter I of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) for the part of the plan applicable to the territory of Paroisse de Saint-Étienne-des-Grès.

It must, however, adopt a by-law amending its plan, by following the procedure prescribed in Division VI of that chapter, in order to integrate and harmonize the different parts of the plan.

For the purposes of the second paragraph, the following rules apply as modifications to the Act respecting land use planning and development:

(1) the adoption of documents under the second paragraph of section 48 and section 53.10 of the Act is optional;

(2) the Minister of Municipal Affairs and Regions gives an opinion on the proposed amendment within 120 days after receiving a copy of the draft by-law, and section 51 of that Act then applies with the necessary modifications; and

(3) the coming into force of the amending by-law is considered to be the coming into force of a by-law adopting a revised plan.

The first three paragraphs cease to have effect at the end of 31 December 2008. If an amending by-law described in the second paragraph is not in force at that time, the municipality must complete the revision process for the part of the plan referred to in the first paragraph.

*Permit relating to a childcare centre or day care centre*

**117.** A permit granted before (*insert the date of assent to this Act*) in accordance with a by-law made under the first paragraph of section 134 of the Educational Childcare Act (R.S.Q., chapter S-4.1.1), by a borough council of

Ville de Montréal, for the use of land or the construction, alteration or occupation of buildings for the purposes of a childcare centre or day care centre within the meaning of that Act may not be declared invalid on the ground that the borough council did not have jurisdiction to adopt the by-law.

*Tax relating to advertising structures*

**118.** The provisions repealed by section 12 apply for the purposes of every fiscal year preceding the fiscal year 2007, and those enacted by sections 27 and 42 apply for the purposes of every fiscal year as of the fiscal year 2007.

The tax imposed for the fiscal year 2007 by Ville de Montréal under section 102.2 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), as it existed before being repealed by section 12, is deemed to have been imposed under section 489.1 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 27.

*Director general*

**119.** The person who, on (*insert the date preceding the date of assent to this Act*), performed the duties of the director general under the second paragraph of section 112 of the Cities and Towns Act (R.S.Q., chapter C-19), as it read before being replaced by paragraph 2 of section 21, is deemed to have been appointed director general.

*Municipal Ombudsman*

**120.** A person appointed or a body created by the council of a local municipality before (*insert the date of assent to this Act*) to act as Municipal Ombudsman is deemed to have been appointed or created under section 573.15 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 1104.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted respectively by sections 32 and 43.

The presumption in the first paragraph also applies to a member of a body referred to in that paragraph, with the necessary modifications.

*Validation of acts relating to the installation of certain equipment*

**121.** A decision made by the council of a local municipality before (*insert the date of assent to this Act*) on the laying of conduits for the burial of an electric power distribution or telecommunications system or on a financial contribution to the costs of installing electric power distribution equipment may not be invalidated on the ground that the municipality did not have jurisdiction over that matter.

*Objection to an urban agglomeration council by-law*

**122.** A power granted to the Commission municipale du Québec under section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), as amended by section 67, is exercised by the Minister of Municipal Affairs and Regions or any person designated by that Minister to act in the Minister's place with regard to a by-law referred to in that section 115 in respect of which a related municipality informed the Minister of its objection not later than (*insert the date of assent to this Act*).

*Unit of assessment including taxable and non-taxable parts*

**123.** The legislative provisions enacted or amended by sections 87, 88, 92 and 93, as enacted or amended, apply for the purposes of every fiscal year as of the fiscal year 2007.

The Act respecting municipal taxation (R.S.Q., chapter F-2.1), as it existed before being amended by those sections, continues to apply for the purposes of every fiscal year preceding the fiscal year 2007. However, any act performed for the purposes of such a preceding fiscal year and that complies with the provisions referred to in the first paragraph remains valid.

*Remuneration of the chair of the board of directors of the Société de transport de Montréal*

**124.** The second paragraph of section 21.2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), enacted by section 107, applies for the purposes of every fiscal year as of the fiscal year 2007.

That Act, as it existed before being amended by that section, continues to apply for the purposes of every fiscal year preceding the fiscal year 2007.

*Remuneration of the members of Kativik Regional Authority deliberative bodies*

**125.** Sections 296.4 to 296.6 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), enacted by section 109, apply for the purpose of establishing the amounts prescribed under section 296.1 of that Act, amended by section 108, for every fiscal year as of the fiscal year 2007.

**126.** For the fiscal year 2006, the amounts prescribed under section 296.1 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 108, are as follows:

- (1) the basic remuneration for each office on the council is \$11,902;

(2) the additional remuneration for the office of speaker of the council is \$1,731;

(3) the additional remuneration for the office of deputy-speaker of the council is \$866;

(4) the additional remuneration for the office of chairman of the executive committee is \$78,998;

(5) the additional remuneration for the office of vice-chairman of the executive committee is \$58,571; and

(6) the additional remuneration for an office on the executive committee other than the office of chairman or vice-chairman is \$21,640.”

*Coming into force*

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