



NATIONAL ASSEMBLY

FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 212
(Private)

**An Act respecting the city of Chambly
and the Société d'exploitation
de la centrale de traitement d'eau
Chambly-Marieville-Richelieu**

Introduction



Introduced by
Mr Luc Tremblay
Member for Chambly

**Québec Official Publisher
1985**

Bill 212

(Private)

An Act respecting the city of Chambly and the Société d'exploitation de la centrale de traitement d'eau Chambly-Marieville-Richelieu

WHEREAS it is in the interest of the city of Chambly that the Act to incorporate the Société d'exploitation de la centrale de traitement d'eau Chambly-Marieville-Richelieu be amended and that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 28 of the Act to incorporate the Société d'exploitation de la centrale de traitement d'eau Chambly-Marieville-Richelieu (1979, chapter 110) is amended by replacing the second paragraph by the following paragraphs:

“The company may enter into an agreement with a municipal corporation or an intermunicipal management board for the supply or acquisition of water.

Section 458.52 of the Cities and Towns Act (R.S.Q., chapter C-19), adapted as required, applies to the agreement.”

2. The said Act is amended by inserting, after section 28, the following sections:

“**29.** The municipalities contemplated in section 5 may, by by-law, authorize the making of an agreement relating to the objects and

powers of the company and to the mode of apportionment of their financial contributions.

Sections 468.1, 468.2, paragraphs 1 and 3 to 6 of section 468.3, sections 468.4 to 468.6, section 468.10, the second, third and fourth paragraphs of section 468.11 and sections 468.15, 468.16, 468.53, 469 and 469.1 of the Cities and Towns Act and section 36 of the Environment Quality Act (R.S.Q., chapter Q-2), adapted as required, apply to an agreement under the first paragraph.

“30. At the request of a municipality contemplated in section 5, made by way of a by-law, under which the municipality undertakes to assume the costs, the company shall carry out all work or works necessary to increase or improve the potential use of the water treatment plant and the distribution network by the municipality making the request, including the construction of a new water treatment plant.

The by-law shall describe the work or works to be carried out, indicate an estimate of the costs, provide, in accordance with the Municipal Works Act (R.S.Q., chapter T-14), for the appropriation of the moneys required to pay the cost thereof, prescribe the conditions relating to the carrying out of the work or works and, notwithstanding sections 42 to 45, prescribe the terms and conditions applicable to the payment thereof.”

3. The said Act is amended by inserting, after section 45, the following section:

“45.1 Notwithstanding sections 42 to 45, any interested municipality which believes that its share is affected by the operating costs of the work or works carried out under section 30 may, failing agreement, request that the Commission municipale du Québec establish, in accordance with paragraph 5 of section 468.3 and sections 468.4 to 468.6 of the Cities and Towns Act, the rules for the apportionment of the costs of the company’s property, taking into account that the operating costs of the work or works carried out under section 30 must be charged to the municipality benefiting therefrom.”

4. Section 46 of the said Act is replaced by the following section:

“46. Section 468.47 of the Cities and Towns Act applies to the municipalities contemplated in this Act.”

5. The said Act is amended by inserting, after section 48, the following section:

“48.1 The municipalities contemplated in section 5 may, by means of an agreement authorized by by-law, request the Minister of Municipal Affairs to continue the existence of the company as an intermunicipal management board pursuant to the Cities and Towns Act.

The agreement shall set forth the conditions of the continuance of the company and contain the provisions of this Act that will continue to apply after the continuance.

The Minister of Municipal Affairs may approve the agreement and order the continuance of the company as an intermunicipal management board pursuant to the Cities and Towns Act. The second, third and fourth paragraphs of section 468.11 of the Cities and Towns Act, adapted as required, apply to the continuance order.

If the object of the agreement is to alter the mode of apportionment of the financial contributions of the municipalities or to fix their maximum capacities of consumption, the approval of the Minister of the Environment is required.

Subject to the second paragraph, the company shall be governed, from the date of the coming into force of the continuance order, by the legislative provisions applicable to an intermunicipal management board established under the Cities and Towns Act.

The rights and obligations of the company are not affected by the continuance.”

6. Section 415 of the Cities and Towns Act is amended, in respect of the city of Chambly,

(1) by inserting, after paragraph 11, the following paragraph:

“(11.1) To grant to certain groups or classes of persons the exclusive right to park their vehicles on the roadway of certain streets on the conditions provided in the by-law;”;

(2) by inserting, after paragraph 30, the following paragraph:

“(30.1) To regulate or prohibit the parking of vehicles on any land or in any building intended for parking, determined by by-law, following an agreement with the owner;”;

(3) by replacing paragraph 31 by the following paragraph:

“(31) To require every owner of a bicycle or non-motorized bicycle to obtain from the municipality a permanent licence for a cost of not over five dollars; to require that the licence be attached permanently

to the vehicle and to enable the municipality to enter into agreement with a third person under which the third person issues the licence and collects its costs on behalf of the municipality; the third person and his employees are then deemed to be officers or employees of the municipality. The licence provided for in this paragraph is unalienable.”

7. Section 460 of the said Act is amended, in respect of the said city, by adding, after paragraph 22, the following paragraph:

“(23) To regulate, license or prohibit the sale of articles, other than food, outside a permanent building.”

8. Section 463 of the said Act is amended, in respect of the said city, by adding, after paragraph 4, the following paragraph:

“(5) To compel any person who litters public property to do the necessary cleaning and prescribe that, in the case of a contravention, that person shall pay, in addition to the fine, the cost of the cleaning done by the city.”

9. The said Act is amended, in respect of the said city, by adding, after section 617, the following section:

“**617.1** In the absence of the judge of the Municipal Court, the clerk of the court may adjourn the cases appearing on the roll of the court, according to law; for that purpose, the clerk is deemed to be a justice of the peace.

Wherever the signature of the clerk or the assistant clerk of the Municipal Court is required by law, his name may be engraved, lithographed or printed. However, every arrest and search warrant shall bear the hand-written signature of the judge.”

10. Where water is used primarily for commercial or industrial purposes, the council may make agreements with the consumers concerned in order to fix their maximum capacity of consumption as well as a palliative measure in case their actual consumption exceeds that maximum capacity. Failing agreement, the maximum capacity and palliative measure may be fixed by by-law of the council.

On the request of an interested person, the Deputy Minister of the Environment may alter the maximum capacity fixed by by-law of the council.

Where a maximum capacity of consumption has been fixed under this section, the council may establish a minimum tariff for the water-rate or the compensation for the sewer service, based on the maximum capacity.

11. The council may make by-laws

(1) to supply meters that will be placed on or in the immovables of consumers in order to measure the quantity or pollutional load of the waste water discharged into watercourses, ditches, ducts or sewer conduits in the municipality and to fix the rental price of the meters;

(2) to prohibit the diluting of an effluent before it is discharged in a sewer network;

(3) to compel any person to install at his expense any required equipment for the measurement of the gross volume of discharged waste water or its pollutional load and to provide any waste water discharge pipe with a manhole in order to permit the inspecting of measurement apparatus and the taking of water samples;

(4) to establish the methods of analysis that will be used to determine the part of the maximum capacity of consumption relating to the pollutional load for the purposes of the application of section 10.

12. Sections 3 to 5 and 8 to 12 of chapter 98 of the statutes of 1958-59 are repealed.

13. Section 2 of chapter 81 of the statutes of 1972 is repealed.

14. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

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