
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 241

(PRIVATE)

An Act respecting the village of Saint-Sauveur-des-Monts

First reading

Introduced by
Mr Robert Dean
Member for Prévost



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(PRIVATE)

An Act respecting the village
of Saint-Sauveur-des-Monts

WHEREAS it is in the interest of the village of Saint-Sauveur-des-Monts that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In this Act

- (1) “village” means the village of Saint-Sauveur-des-Monts;
- (2) “parish” means the parish of Saint-Sauveur.

For the purposes of sections 2 and 3, financial contribution means the annual indemnity owing for the capital expenditures in respect of the sewer service, the operation and the cost of financing the sewer service assumed by the village for the benefit of the parish, including the losses sustained for the fiscal years from 1971 to 1983.

2. The village and the parish may, by by-law, authorize the making of an agreement relating to the financial contribution of the parish for the sewer service provided by the village for the fiscal years from 1971 to 1983.

The municipalities may in the agreement agree to have the Commission municipale du Québec determine all or part of the financial contribution. The agreement requires only the approval of the Commission municipale du Québec.

3. Failing an agreement, and upon the request of the village or the parish, the Commission municipale shall determine the financial

contribution of the parish. The financial contribution bears interest from 31 December of the fiscal year in which it should have been paid at the rate fixed by the parish pursuant to article 687 of the Municipal Code and in force on that date.

The Commission municipale shall, in making its decision, comply with the rules of cost apportionment enacted by Order 54 made on 5 March 1976 by the head of the environment protection services.

The Commission municipale du Québec may also order the parish to pay to the village any amount it considers equitable to cover the expenses incurred in view of determining and collecting the financial contribution.

4. Article 950 of the Code of Civil Procedure (R.S.Q., chapter C-25) applies to any decision rendered by the Commission municipale du Québec under section 2 or 3.

5. The parish may, by by-law requiring only the approval of the Minister of Municipal Affairs and the Commission municipale du Québec, borrow the sums necessary to provide for the payment of the financial contribution determined under section 2 or 3. The special tax to reimburse that loan is imposed pursuant to article 684*a* of the Municipal Code.

The by-law may order the imposition of an annual compensation to the owner, lessee or occupant of each house, shop or other building served by the sewer service contemplated in this Act. The amount of the compensation may vary according to the categories and sectors determined in the by-law.

The by-law may also order the imposition of an annual compensation to the owner or occupant of a trailer, within the meaning of section 231 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) for the sewer service contemplated in this Act and from which they benefit.

The compensation contemplated in the second and third paragraphs shall be allocated to the reimbursement of the loan contemplated in the first paragraph and the levying of the special tax is reduced accordingly.

Subparagraph 3*a* of article 408 and articles 408*b* and 408*c* of the Municipal Code apply, *mutatis mutandis*, to the compensation contemplated in the second paragraph.

6. (1) The village shall, before 15 November each year, submit the price proposed for supplying water or for sewer services for the subsequent fiscal year to the parish and the municipal corporation of Piedmont served by the village. The price must be accompanied with

an estimate of their financial contributions. If no proposed price is submitted, the price for the current fiscal year applies to the subsequent fiscal year.

(2) Should the price submitted for the services be refused, the village or each municipality served by it may apply, before 15 December, to the Commission municipale du Québec which shall then fix the price by order.

(3) Each municipality shall discharge its financial contribution in quarterly instalments the first of which being payable on the 15 January following the receipt of the estimate of its contribution. Every instalment bears interest from the date it is due at the maximum rate determined under section 50 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7). Every reimbursement owing by the village pursuant to an order of the Commission municipale du Québec bears interest at the same rate from the date fixed in the order. Where the order of the Commission municipale du Québec has the effect of reducing the price proposed by the village, the quarterly instalments are adjusted accordingly.

(4) The village and any municipality contemplated in this section may make any agreement to establish the conditions for supplying water or sewer services to that municipality other than the price and, in particular, the installation of meters to measure the quantity of water supplied.

(5) The village may submit to each of the municipalities a list of the provisions of its by-laws that it considers necessary to safeguard its waterworks and sewer systems and to prevent the water from being wasted or fouled. The municipality is then required to pass a by-law to render the provisions applicable in its territory and present proof of it to the village.

(6) Should an agreement fail to be reached pursuant to paragraphs 4 and 5, the Commission municipale du Québec, after consultation with the Minister of the Environment, may make, in respect of the municipality, the order it considers necessary.

(7) The village is required to keep a separate account for each service supplied by it outside its territory. Any surplus or deficit in a fiscal year shall be entered under the revenues or expenditures in the budget of the following fiscal period.

(8) The Commission municipale du Québec, when exercising a power conferred by this section, must comply with the rules of cost apportionment enacted by paragraph 5 of article 412*d* and by articles 412*e* to 412*g* of the Municipal Code after having, in the absence of an agreement, fixed, for each municipal corporation, a maximum capacity

of consumption by taking into account the potential use of the goods and services contemplated and a palliative measure for the case where actual consumption of a municipality exceeds its maximum capacity of consumption.

7. The village is authorized to make arrangements with the parish or with the municipality of Piedmont for the carrying out of works of all kinds including maintenance, snow removal and street widening works, in streets or public places situated in part in their territories, or entirely in one or the other if situated along a common border.

Failing such arrangements, either the parish or the municipality of Piedmont, may apply, by petition, to the Commission municipale du Québec to require the neighbouring municipality to carry out the works or pay their actual cost in the proportion and according to the conditions determined by the Commission.

8. Section 404 of the Municipal Code is amended for the village by adding the following paragraphs:

“(5) To regulate, prohibit or restrict the use of any object or device designed to produce, amplify or transmit noises or sounds.

“(6) To order that any category of noises or sounds it determines, heard outside the boundaries of the property wherefrom they originate constitutes a nuisance.”

9. Article 410*a* of the said Code is amended for the village by replacing the third paragraph by the following paragraphs:

“The person authorized or a peace officer also has the power to move a road vehicle or to cause it to be moved, when immobilized or parked, in the case of snow removal or in the cases of urgency determined by by-law, at the cost of the owner of the vehicle, if it is in violation of a municipal by-law and if it impedes or hinders traffic, access to a property or access to a water hydrant.

That person may also regulate or prohibit, after agreement with the owner, the traffic or parking of any road vehicles on any land or any building intended for parking and where the public has access.”

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

11. This Act comes into force on the day of its sanction.