

1982, chapter 18

## AN ACT TO AMEND THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

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### **Bill No. 46**

Introduced by Mr Jacques Léonard, Minister of Municipal Affairs

First reading: 19 December 1981

Second reading: 13 May 1982

Third reading: 9 June 1982

**Assented to: 11 June 1982**

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**Coming into force: 11 July 1982**

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### **Acts amended:**

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Montréal Urban Community Act (1969, chapter 84)

Municipal Code

Cities and Towns Act (R.S.Q., chapter C-19)

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Act to constitute the Montréal Urban Community Police Department (1971, chapter 93)

Act respecting the Public Security Council and the Police Department of the Montréal Urban Community (1977, chapter 71)



## CHAPTER 18

### An Act to amend the Act respecting the Communauté urbaine de Montréal

[Assented to 11 June 1982]

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

R.S.Q.,  
c. C-37.2,  
s. 1, am. **1.** Section 1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by striking out paragraphs *f* and *g*;

(2) by striking out paragraphs *i* and *j*;

(3) by replacing paragraph *k* by the following paragraph:

“depart-  
ment  
head”.

“(k) “department head”: the director general, the secretary, the treasurer, the head of the valuation department, the chief of the police department or any department head appointed under section 104 or 105.”

R.S.Q.,  
c. C-37.2,  
s. 5, re-  
pealed.

**2.** Section 5 of the said Act is repealed.

R.S.Q.,  
c. C-37.2,  
ss. 7-25,  
replaced.

**3.** Sections 7 to 25 of the said Act are replaced by the following sections:

Executive  
committee.

**7.** The executive committee consists of thirteen members, including the chairman and two vice-chairmen.

Chairman.

**8.** The chairman is appointed by the Council, from among its members. The Council may order the vote for this appointment to be taken by secret ballot, and provide the terms and conditions thereof.

Vote.

If, at the first meeting of the Council at which a vote is taken to appoint a chairman, no candidate receives the majority of votes provided for in section 53, the appointment is made by a majority of two-thirds of the votes at the next meeting.

Appoint-  
ment by  
the Gov-  
ernment.

If no candidate receives a majority of two-thirds of the votes at that meeting, the chairman may be appointed by the Government, which may appoint a person who is not a member of the Council.

Appoint-  
ment at  
subsequent  
meeting.

The third paragraph does not prevent the Council from proceeding with the appointment, upon a majority of two-thirds of the votes, at a meeting held after that mentioned in the second paragraph, provided the Government has not done so in its place.

Resigna-  
tion from  
municipal  
council.

“9. The chairman, after his appointment and before taking office, must resign from office as a member of the council of a municipality.

Member of  
the  
Council.

However, he remains a member *ex officio* of the Council.

Members.

“10. The twelve other members of the executive committee are

(1) the chairman and the vice-chairman of the Council; and

(2) the chairman and the vice-chairman of each of the committees referred to in section 82.

Vice-  
chairmen.

“11. The vice-chairmen of the executive committee are appointed by the Council from among the members contemplated in section 10. One shall be chosen from among the representatives of the city of Montréal and the other from among the representatives of the other municipalities.

Oath.

“12. The members of the executive committee shall take office after making the oath in accordance with the following form:

*“Oath of office*

I, the undersigned, ....., do swear (or solemnly affirm) that I will act as a member of the executive committee of the Communauté urbaine de Montréal faithfully and in conformity with the law. So help me God. *(The last sentence shall not be used where a solemn affirmation is made.)*

Signed: .....

Sworn (or affirmed)  
before me, at .....,  
*(municipality)*  
on .....,  
*(date)*

Signed: .....  
*(person authorized to administer the oath)."*

Term of  
chairman.

**“13.** The term of office of the chairman of the executive committee is four years.

Expira-  
tion.

However, if he is elected or appointed a member of the council of a municipality before the expiry of such four years, his term of office expires on the date on which he is so elected or appointed.

Renewal.

The term of office of the chairman may be renewed without his having to be elected or appointed a member of the council of a municipality.

Term of  
members.

**“14.** The term of every other member of the executive committee continues for as long as he is chairman or vice-chairman of the Council or of any committee referred to in section 82.

Resigna-  
tion.

**“15.** In the event of the resignation of a member of the executive committee, his term of office ends on the date of receipt by the secretary of the Community of a written notice to that effect, signed by the member.

Resigna-  
tion.

The resignation of a member other than the chairman is likewise his resignation from office as chairman or vice-chairman of the Council or of any committee referred to in section 82.

Con-  
tinuance in  
office.

**“16.** Notwithstanding the end of his term of office, every member of the executive committee remains in office until his successor takes office.

Vacancy.

**“17.** Any vacancy in the office of chairman of the executive committee shall be filled within thirty days after the date on which it occurs, in accordance with section 8.

Vice-  
chairman.

**“18.** A member of the executive committee appointed vice-chairman remains in office until the earlier of the following dates:

(1) that of the end of his term as a member of the executive committee;

(2) that on which the secretary of the Community receives a written notice signed by the member advising him that he resigns from the office of vice-chairman.

Appoint-  
ment.

The Council shall make the appointment provided for in section 11 within thirty days after the date mentioned in the first paragraph.

Con-  
tinuance in  
office.

Notwithstanding the first paragraph, the vice-chairman remains in office until his successor is appointed.

Remunera-  
tion.

**“19.** The chairman, the vice-chairmen and the other members of the executive committee are entitled to the remuneration, allowance and pension, whether contributory or not, fixed by by-law of the Council and paid by the Community.

**Retroactive effect.** The by-law fixing the remuneration or allowance may have effect retroactively to 1 January preceding its coming into force.

**Unapplicability of by-law.** The by-law fixing the pension does not apply to any person who avails himself of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).

**Remuneration of the chairman.** **“20.** In no case may the chairman of the executive committee receive from the Community, as remuneration and allowance, a total annual sum greater than that which the Government may fix by order.

**Publication of the order.** The order shall be published in the *Gazette officielle du Québec*. It comes into force on 1 January immediately preceding or following its publication, as provided therein.

**Allowance to the chairman.** **“21.** In no case may the chairman of the executive committee receive, as an allowance, a total annual sum greater than the amount of the annual allowance for entertainment expenses of a member of the National Assembly of Québec fixed by the Legislature Act (R.S.Q., chapter L-1).

**Pension.** **“22.** The years during which a person holds office as chairman of the executive committee of the Community count for the purposes of computing the pension payable to such person as a member of the council of a municipality in accordance with the Act governing such municipality. In that case, such pension shall be paid jointly by the municipality and the Community in proportion to the period during which such person held office as chairman of the executive committee of the Community or as a member of the council of the municipality; the pension shall be paid at the times and in the manner determined by the Government.

**Unapplicability of provision.** The first paragraph does not apply if such person avails himself of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities.

**Authorized expenses.** **“23.** The expenses actually incurred by any member of the executive committee on behalf of the Community must, in each case, have been previously authorized by the committee. The latter shall approve payment thereof upon receipt of a statement with vouchers annexed.

**Tariff.** **“24.** The executive committee may establish a tariff applicable where expenses are incurred by any of its members on behalf of the Community.

**Payment.** Payment of an amount provided for in the tariff for an expense referred to in the first paragraph shall be approved by the

committee upon receipt of a statement with the voucher required by the committee.

Expenses on behalf of the Community.

**“25.** The Council may provide sufficient appropriations in the budget of the Community for the reimbursement of a class of expenses which the members of the executive committee may incur on behalf of the Community during the fiscal year, whether such expenses are actually incurred or provided for in the tariff.

Authorization not required.

The executive committee is not required to give prior authorization for an expense included in such a class, if it does not exceed the balance of the appropriations, after subtracting the sums already used or set aside to reimburse previous expenses.

Contingency fund.

If all the appropriations for a fiscal year have been used, the executive committee may appropriate, for the purposes provided in this section, all or part of the balance of the sums provided for in the budget to cover unforeseen administrative expenses.”

R.S.Q., c. C-37.2, s. 26, am.

**4.** Section 26 of the said Act is amended by replacing the second paragraph by the following paragraph:

Instructions to officers and employees.

“For such purposes, the executive committee may of its own motion take all such steps as it deems expedient and give appropriate instructions to the officers or employees of the Community. It may, through its chairman or vice-chairman, require any information that it needs from the director general, or require such information from the head of the department concerned where that head is not under the authority of the director general.”

R.S.Q., c. C-37.2, s. 28, am.

**5.** Section 28 of the said Act is amended

(1) by replacing that part preceding paragraph *a* by the following:

Powers of the executive committee.

**“28.** The executive committee, upon a report of the director general of the Community and of the head of the department concerned, may”;

(2) by replacing paragraph *i* by the following paragraph:

“(i) alienate any property of the Community the value of which does not exceed \$10 000 according to a report of the head of the valuation department in the case of an immoveable or of the head of the department concerned in the case of a moveable property;”;

(3) by replacing the period at the end of paragraph *k* by a semicolon;

(4) by adding, after paragraph *k*, the following paragraphs:

“(l) authorize the making of a contract with a view to enabling the Community to own, acquire or use, during the execution of

works within its jurisdiction, a servitude or any other right necessary or useful for such execution;

“(m) strike out from the books of account of the Community any claim that, according to a report of the treasurer, is *de facto* or *de jure* a bad debt.”

R.S.Q.,  
c. C-37.2,  
s. 29, am.

**6.** Section 29 of the said Act is amended by replacing the second paragraph by the following paragraph:

Title.

“The official title of a department head designates his assistant or any other person authorized by the executive committee to replace the head, when such assistant or person acts in his stead.”

R.S.Q.,  
c. C-37.2,  
s. 31, re-  
placed.

**7.** Section 31 of the said Act is replaced by the following section:

Appropriations.

“**31.** Subject to any contrary provision of this Act, the appropriations voted by the Council by way of the budget, out of the authorized loans or otherwise, remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they were voted, without further approval by the Council.”

R.S.Q.,  
c. C-37.2,  
s. 32, am.

**8.** Section 32 of the said Act is amended by adding, at the end, the following paragraph:

Irresistible force.

“However, in any case of irresistible force that might endanger the life or health of the population or seriously damage the equipment of the Community, the executive committee may order such expenditure as it considers necessary and grant the necessary contract to remedy the situation, upon the written request of its chairman or of the director general. The committee shall in such a case give a substantiated report to the Council at the next meeting.”

R.S.Q.,  
c. C-37.2,  
s. 33, am.

**9.** Section 33 of the said Act is amended by adding, at the end, the following paragraph:

Administrative standards.

“The executive committee may likewise, with the same approval, make a by-law prescribing administrative standards and establishing an organization plan for the departments of the Community, or prescribing the staffing requirements for the management of such departments. The by-law may give to the director general full or partial responsibility for applying such standards or plan, or for hiring personnel the executive committee is authorized to hire. Such responsibility may be given to the head of the department concerned where that head is not under the authority of the director general.”

R.S.Q.,  
c. C-37.2,  
s. 35, am.

**10.** Section 35 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Signing of contracts.

“He shall sign, together with the secretary, all the contracts of the Community. However, the executive committee may appoint another person to sign, together with the secretary, all the contracts of the Community, any category of such contracts or any given contract. No such person may sign a contract except where the chairman and the vice-chairmen are unable or refuse to do so, in the circumstances referred to in section 36.

Suspensions.

The chairman of the executive committee may, for cause, suspend any officer or employee of the Community. He shall in such a case make a report to the executive committee at the first meeting thereafter and state his grounds in writing.

Effects of suspension.

The suspended officer or employee ceases thereupon to receive his salary and, where that is the case, the allowance to which he is entitled. The suspension lasts until the next meeting of the Council or of the executive committee, according to which of them is competent to dismiss the officer or employee or to reduce his salary.

Other penalties.

The Council or the executive committee, as the case may be, may extend the suspension or impose another penalty in accordance with this Act.”

R.S.Q.,  
c. C-37.2,  
s. 36, re-  
placed.

**11.** Section 36 of the said Act is replaced by the following section:

First vice-chairman.

“**36.** Each of the two vice-chairmen of the executive committee shall, in turn, be first vice-chairman for a term of three months. When appointing them, the Council shall determine which shall be first vice-chairman for the initial three month term. The rotation is not affected by the replacement of either of the vice-chairmen.

Replacement.

The first vice-chairman shall replace the chairman if the latter is absent or unable or unwilling to act, or where the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor takes office.

Replacement.

If the first vice-chairman is absent or unable or unwilling to act, or where the office of first vice-chairman is vacant and the first vice-chairman is unable or unwilling to remain in office until his successor takes office, the second vice-chairman shall act in his stead, in accordance with the second paragraph.”

R.S.Q.,  
c. C-37.2,  
s. 37, re-  
placed.

**12.** Section 37 of the said Act is replaced by the following section:

Chairman.

“**37.** The meetings of the executive committee are presided over by the chairman of such committee or by one of its vice-chairmen in the case referred to in section 36; where both vice-

chairmen are absent or incapacitated or refuse to act, or if their offices are vacant and they are unable or unwilling to remain in office until their successors take office, the members present shall appoint one of their number to replace the vice-chairman temporarily.”

R.S.Q.,  
c. C-37.2,  
s. 39, re-  
placed.

**13.** Section 39 of the said Act is replaced by the following section:

Quorum.  
“**39.** The quorum at meetings of the executive committee is seven members, including at least two representatives of the city of Montréal and two representatives of the other municipalities.”

R.S.Q.,  
c. C-37.2,  
ss. 40.1,  
40.2,  
added.

**14.** The said Act is amended by inserting, after section 40, the following sections:

First vote.  
“**40.1** If at least four representatives of the city of Montréal or four representatives of the other municipalities vote against an affirmative decision of the committee, the decision has no effect until the next meeting of the committee.

Second  
vote.  
The question must be put to the vote at that next meeting. If the decision is confirmed by the second vote but the opposition referred to in the first paragraph is maintained, the decision has no effect until the next meeting of the Council.

Decision.  
The question shall be decided by the Council at that next meeting. Unless two-thirds of the votes are negative, the decision of the committee is confirmed and takes effect. Such confirmation does not give the decision of the committee stronger effect than if it had not been the object of the opposition referred to in the first paragraph.

Minutes.  
“**40.2** The minutes of every meeting of the executive committee must be approved by the committee at a subsequent meeting.

Reading of  
minutes.  
However, the committee may exempt the secretary from reading the minutes if each member has received a copy of them before the meeting at which they must be approved.

Applica-  
bility.  
Section 41 applies, *mutatis mutandis*, to the minutes.”

R.S.Q.,  
c. C-37.2,  
s. 42, am.

**15.** Section 42 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

Composi-  
tion of the  
Council.  
“**42.** The Council of the Community consists of  
(1) the chairman of the executive committee,  
(2) the mayor and councillors of the city of Montréal, and  
(3) one delegate from each of the other municipalities.

Delegates.

In the case of the municipalities other than the city of Montréal, the mayor is a delegate *ex officio* to the Council of the Community. If the mayor is absent or incapacitated or refuses to act, or if the office of mayor is vacant, the council of the municipality shall, by resolution, designate another of its members as delegate, and send a copy of the resolution to the Community before the first meeting the delegate must attend; the designation is valid for the duration of such absence, incapacity, refusal to act or vacancy, and until it is revoked by the council of the municipality, provided the designated person remains a member of that council."

R.S.Q.,  
c. C-37.2,  
s. 45, am.

**16.** Section 45 of the said Act is amended by replacing the second paragraph by the following paragraph:

Motions.

"At a regular meeting of the Council, any member, provided he has notified the secretary of the Community in writing thereof within the prescribed time in order to have the secretary enter the question on the agenda paper, may make a motion that the executive committee report to the Council on any matter within the Council's competence; such member may then state the reasons in support of his motion, and if the motion is seconded, the other members of the Council have the same right to speak to the motion; if the motion is passed, the executive committee shall report to the Council, in order to have a measure passed, at the first regular meeting after the expiry of sixty days from the passing of the motion. Such question shall be included in the agenda paper of such meeting."

R.S.Q.,  
c. C-37.2,  
s. 46, re-  
placed.

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

Agenda  
paper.

"**46.** The agenda paper for each regular meeting of the Council shall be prepared by the secretary of the Community and include the matters referred to him in due time or, in accordance with the internal management by-laws of the Council, by

- (1) the executive committee,
- (2) the chairman of the executive committee,
- (3) any committee,
- (4) any group of at least fifteen members of the Council, or
- (5) any member of the Council, in accordance with section 45.

Agenda  
paper.

The agenda paper of any regular meeting of the Council must also include any matter required by law to be discussed at such meeting."

R.S.Q.,  
c. C-37.2,  
s. 47, am.

**18.** Section 47 of the said Act is amended by replacing the first paragraph by the following paragraph:

Special meetings.

**“47.** The special meetings of the Council are called by the secretary of the Community upon the request of the chairman of the Council, of the chairman of the executive committee, of the executive committee itself or of a committee, or upon the written request of not fewer than fifteen members of the Council. The notice of convocation must mention the matters to be discussed, according to the request, and stands in lieu of an agenda paper.”

R.S.Q.,  
c. C-37.2,  
s. 48, am.

**19.** Section 48 of the said Act is amended by adding, at the end, the following paragraph:

Notice.

“The secretary shall publish prior notice of the holding of each meeting of the Council, in a newspaper circulated in the territory of the Community.”

R.S.Q.,  
c. C-37.2,  
ss. 50, 51,  
replaced,  
51.1,  
added.

**20.** Sections 50 and 51 of the said Act are replaced by the following sections:

Public meetings.

**“50.** The meetings of the Council shall be open to the public.

Question period.

Every meeting of the Council must include a period during which the persons attending may put oral questions to the members of the Council.

Internal by-laws.

**“51.** The Council may make by-laws respecting its administration and internal management.

Question period.

The by-laws may, in particular, prescribe the length and time of the question period at meetings of the Council, and the procedure to be followed to put a question.

Quorum.

**“51.1** A quorum at sittings of the Council is the majority of the members, including at least one-third of the representatives of the city of Montréal and one-third of those of the other municipalities.”

R.S.Q.,  
c. C-37.2,  
s. 52, am.

**21.** Section 52 of the said Act is amended by adding, at the end, the following paragraph:

Single vote.

“The chairman of the executive committee has one vote.”

R.S.Q.,  
c. C-37.2,  
s. 53, re-  
placed.

**22.** Section 53 of the said Act is replaced by the following section:

Decisions.

**“53.** The decisions of the Council are taken by a majority vote. Such majority must include both a majority of the votes cast by the representatives of the city of Montréal and a majority of the votes cast by the representatives of the other municipalities.”

R.S.Q.,  
c. C-37.2,  
s. 55, re-  
placed.

**23.** Section 55 of the said Act is replaced by the following section:

Votes and  
proceed-  
ings.

**“55.** The minutes of the votes and proceedings of the Council shall be entered in a book kept for such purpose by the secretary of the Community; they shall be signed by the chairman of the Council and by the secretary.

Reading.

The minutes of any meeting shall be read at a subsequent meeting unless a copy of them has been given to each member of the Council not later than at the convening of the latter meeting. The minutes must be approved by the Council at the latter meeting.”

R.S.Q.,  
c. C-37.2,  
s. 56, am.

**24.** Section 56 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

Remunera-  
tion.

**“56.** The Council, by by-law, shall fix the remuneration and allowance of its members. Such remuneration and allowance are paid by the Community.

Retroac-  
tive effect.

The by-law may have effect retroactively to 1 January preceding its coming into force.

Applica-  
bility.

Sections 23 to 25 apply in respect of members of the Council who are not members of the executive committee.”

R.S.Q.,  
c. C-37.2,  
s. 58, am.

**25.** Section 58 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

Report to  
the  
Council.

**“58.** Any report of the executive committee to the Council may be approved, rejected, amended or returned.”

R.S.Q.,  
c. C-37.2,  
s. 69, am.

**26.** Section 69 of the said Act is amended by adding, at the end, the following paragraph:

Separate  
offence.

**“If the infringement of a by-law is continuous, a separate infringement is deemed to be committed each day it continues.”**

R.S.Q., c.  
C-37.2, ss.  
69.1-69.4,  
added.

**27.** The said Act is amended by inserting, after section 69, the following sections:

Presump-  
tion.

**“69.1** Every person who knowingly does or fails to do something with a view to aiding a person to commit an offence, or knowingly advises, encourages or incites a person to commit an offence is himself a party to the offence.

Presump-  
tion.

**“69.2** Where an artificial person or an association not having juridical personality commits an offence, every director, senior executive, officer, employee or agent of such artificial person or association who knowingly prescribes or authorizes the commission of the offence or knowingly consents thereto is deemed to be a party to the offence.

Presump-  
tion.

**“69.3** Where several persons form a common intent to commit an offence, each of them is deemed to be a party to each offence committed by any of them in the pursuit of their common intent, provided he knew or ought reasonably to have known that the offence would probably be committed in the pursuit of the common intent.

Presump-  
tion.

**“69.4** Every person who is responsible for the control or supervision of the premises or is the owner, lessee or occupant of such premises and who knowingly allows or tolerates that an offence be committed is a party to the offence.

Proof.

Proof that the offence was committed by an employee of the person mentioned in the first paragraph or by another person whose presence is tolerated on the premises is conclusive proof, in the absence of proof to the contrary, that the offence was committed with the permission of the former person.”

R.S.Q.,  
c.C-37.2,  
ss. 82, 83,  
replaced,  
ss. 82.1-  
82.13,  
added.  
Select  
commit-  
tees.

**28.** The said Act is amended by replacing sections 82 and 83 by the following sections:

**“82.** The following select committees of the Council are established:

- (1) the planning committee;
- (2) the environment quality committee;
- (3) the valuation and finance committee;
- (4) the public safety committee;
- (5) the public transport committee.

Composi-  
tion.

**“82.1** Each of the planning, environment quality, valuation and finance and public transport committees consists of not more than seven members, including a chairman and a vice-chairman.

Appoint-  
ment.

The members of each committee are appointed by the Council from among its members. At least two of them must be chosen from among the representatives of the city of Montréal and at least two from among the representatives of the other municipalities.

Public  
safety  
committee.

**“82.2** The public safety committee consists of seven members, including a chairman and a vice-chairman.

Appoint-  
ment.

One member of the committee is appointed by the Government. The Community shall pay him the salary fixed by the Government, which shall also fix his other conditions of employment.

Appoint-  
ment.

The other six members of the committee are appointed by the Council from among its members. Three of them must be chosen

from among the representatives of the city of Montréal and three from among the representatives of the other municipalities.

**82.3** The Council shall appoint the chairman and vice-chairman of each committee from among the members of the committee who represent a municipality.

If the chairman of a committee is a representative of the city of Montréal, the vice-chairman must be a representative of another municipality, and vice versa.

Neither the chairman nor the vice-chairman of a committee may at the same time hold another office that entails membership of the executive committee.

**82.4** The term of office of a member of a committee is four years.

However, if he ceases to be a member of the Council before the expiry of that term, he ceases at the same time to be a member of the committee.

For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such office at the next election and if such election enables him to again become a member of the Council as a representative of the same municipality.

**82.5** If a member of a committee resigns, his term of office ends on the date the secretary of the Community receives a written notice to that effect, signed by the member.

**82.6** Notwithstanding the end of his term of office, a member of a committee remains in office until his successor is appointed.

**82.7** Any vacancy in the office of a member of a committee shall be filled within thirty days after the date on which it occurs, in accordance with section 82.1 or 82.2, as the case may be.

**82.8** The chairman and the vice-chairman of a committee shall remain in office until the first of the following dates:

(1) that of the end of his term of office as a member of the committee;

(2) that on which he is appointed to another office that entails membership of the executive committee.

In addition, the vice-chairman of a committee ceases to hold office on the date on which the chairman who was appointed at the

same time as, or was in office when, he was appointed, ceases to hold the office of chairman.

Appoint-  
ment. The Council shall make the appointment provided for in section 82.3 within thirty days after the date mentioned in the first or second paragraph, as the case may be.

Con-  
tinuance in  
office. Notwithstanding the first and second paragraphs, the chairman or the vice-chairman remains in office until his successor is appointed.

Function  
of the com-  
mittee. **“82.9** The function of a committee is to examine any question within its field of competence and to make such recommendations as it deems appropriate to the Council.

Authority. A committee shall carry out its function at the request of the Council or the executive committee, or of its own motion.

Confiden-  
tial recom-  
menda-  
tions. The public safety committee shall make the recommendations it deems confidential to the executive committee rather than to the Council. Moreover, the public safety committee shall give to the executive committee the advice and examination provided for in section 178.1.

Public  
meetings. **“82.10** Every meeting of any committee except the public safety committee is a public meeting.

Number. Every committee must hold at least four meetings during each calendar year.

Closed  
doors. The public safety committee may hold meetings *in camera*. However, it shall hold at least two public meetings every calendar year.

Chairman. The chairman of the executive committee may attend any sitting of a committee.

Notices. The secretary of the Community shall cause prior notice of the holding of each public meeting of a committee to be published in a newspaper circulated in the territory of the Community.

Question  
period. Every public meeting of a committee must include a period during which the persons present may put oral questions to the members of the committee.

Chairman. **“82.11** The chairman of a committee shall direct its activities and preside over its meetings.

Vice-  
chairman. The vice-chairman shall replace the chairman if the latter is absent or incapacitated or refuses to act, or if the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor is appointed.

Replace-  
ment. If both the chairman and the vice-chairman are absent or incapacitated or refuse to act, or if the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until their successors are appointed, the members present at a meeting of the committee shall appoint one of their number to preside over the meeting.

Vote. **"82.12** Each member of a committee has one vote. The decisions of the committee are taken by a majority of votes; in case of a tie-vote, the decision is deemed to be rendered in the negative.

Report. The committee shall report on its work and decisions by means of a report signed by its chairman or the majority of its members.

Confiden-  
tial in-  
formation. The report shall be sent to the Council and a copy to the executive committee. However, the report containing the confidential recommendations of the public safety committee and the advice and examination of that committee provided for in section 178.1 shall be sent to the executive committee.

Effect. **"82.13** No report of any committee has effect unless it is ratified or adopted by the Council or by the executive committee where the original of the report is sent to it and the recommended decision is within its competence.

Internal  
by-laws. **"83.** The Council may make any by-law respecting the administration and the internal management of any committee.

Powers. It may in particular, in such by-law,  
 (1) prescribe the length and time of the question period at public meetings of a committee, and the procedure to be followed to put a question; and  
 (2) require a committee to forward to the Council every year, at the time determined by the Council, a report of its operations during the last fiscal period."

R.S.Q.,  
c. C-37.2,  
ss. 86, 87,  
replaced,  
s. 86.1,  
added.  
Penalties. **29.** Sections 86 and 87 of the said Act are replaced by the following sections:

**"86.** Every person neglecting or refusing to appear, to produce papers or to be examined is, on conviction by the court which has jurisdiction to recover the penalties enacted by the by-laws of the Community, liable to the penalties provided in section 69.

Oath. **"86.1** The chairman of a committee may administer the oath to the witnesses.

Special  
commit-  
tees. **"87.** In addition to the committees referred to in section 82, the Council may establish a select or special committee, composed of as many of its members as it may fix.

Members. The members of such a committee are appointed by the Council, which may replace them at any time. The Council shall designate from among them a chairman and a vice-chairman.

Function. The function of such a committee is to examine any matter determined by the Council and within the competence of the Community, in a field other than those mentioned in section 82, and make such recommendations as it deems appropriate to the Council.

Applicability. Sections 82.10 to 86.1 apply to the committee, except the special provisions respecting the public safety committee.”

R.S.Q.,  
c. C-37.2,  
s. 98, am. **30.** Section 98 of the said Act is amended

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

Territorial jurisdiction. **“98.** The jurisdiction of the arts council extends to every municipal corporation whose territory is wholly or partly situated within a radius of fifty kilometres from the territorial limits of the Community and which has expressed the wish therefor by a resolution of its council transmitted to the secretary of the Community.”;

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

Renewal. **“The resolution remains in force for a period of three years; it is thereafter renewed by tacit renewal every three years for a new period of three years unless the municipal corporation has given to the secretary of the Community a notice to the contrary effect at least six months before the date of expiration of the three year period then in progress.”**

R.S.Q.,  
c. C-37.2,  
s. 99, am. **31.** Section 99 of the said Act is amended by replacing the second paragraph by the following paragraph:

Contribution. **“A municipal corporation may demand that the executive committee fix in its respect, for a period of three years, the contribution, the terms and conditions and the time contemplated in the first paragraph before it transmits its resolution to the secretary of the Community in accordance with the first paragraph of section 98 or, where applicable, at least one month before the expiry of the time allowed it to give a notice in accordance with the third paragraph of that section.”**

R.S.Q.,  
c. C-37.2,  
ss. 101,  
102, re-  
placed, ss.  
101.1-  
101.8,  
added. **32.** Sections 101 and 102 of the said Act are replaced by the following sections:

Chairman and vice-chairman. **“101.** The Council shall appoint a chairman and a vice-chairman of the Council from among its members.

Plurality of offices prohibited. Neither the chairman nor the vice-chairman of the Council may at the same time hold another office that entails membership on the executive committee.

Representatives. If the chairman of the Council is a representative of the city of Montréal, the vice-chairman must be a representative of another municipality, and vice-versa.

Term. **"101.1** The chairman or the vice-chairman of the Council is appointed for a four year term.

Termination of office. However, if he ceases to be a member of the Council before the expiry of that term, he ceases at the same time to be the chairman or the vice-chairman.

Continuance in office. For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such office at the next election and if such election enables him to again become a member of the Council as a representative of the same municipality.

Termination of office. **"101.2** The chairman or the vice-chairman ceases to hold office on being appointed to an office that entails membership on the executive committee.

Termination of office. In addition, the vice-chairman ceases to hold office when the chairman appointed at the same time as, or in office when, he was appointed ceases to be chairman.

Resignation. **"101.3** In case of resignation, the chairman or the vice-chairman ceases to hold office upon the receipt, by the secretary of the Community, of a written notice to that effect signed by the member resigning.

Appointment. **"101.4** The Council shall make the appointment provided for by section 101 within thirty days after that on which the chairman or vice-chairman leaves office.

Continuance in office. **"101.5** Notwithstanding sections 101.1 to 101.4, the chairman or the vice-chairman remains in office until his successor is appointed.

Additional remuneration. **"101.6** The chairman and the vice-chairman of the Council are entitled to the additional remuneration and allowance fixed by by-law of the Council and paid by the Community.

Retroactive effect. The by-law may have effect retroactively to 1 January before its coming into force.

Vote. **"101.7** The chairman and the vice-chairman of the Council may vote as members of the Council, but have no casting vote in case of a tie-vote.

Chairman. **“101.3** The chairman of the Council shall preside over its meetings. He shall maintain order and decorum at such meetings. He may cause any person who disturbs order at a meeting to be expelled therefrom.

Vice-chairman. **“102.** The vice-chairman of the Council replaces the chairman if the latter is absent or is incapacitated or refuses to act, or if the office of chairman is vacant and the chairman is unable or unwilling to remain in office until his successor is appointed.

Replacement. If both the chairman and the vice-chairman are absent or incapacitated or refuse to act, or if the offices of chairman and vice-chairman are vacant and they are unable or unwilling to remain in office until their successors are appointed, the members present at a meeting of the Council shall appoint one of their number to preside over the meeting.”

R.S.Q., c. C-37.2, s. 103, replaced. **33.** Section 103 of the said Act is replaced by the following section:

Appointments. **“103.** The Council shall appoint a director general, a secretary and a treasurer. It shall also, in accordance with the Act respecting municipal taxation (R.S.Q., chapter F-2.1), appoint an assessor who is the head of the valuation department. It shall make such appointments upon the recommendation of the executive committee.

Exclusive service. No person may be appointed permanently to fill any position contemplated in this section or in the first paragraph of section 104 or the position of head of the police department if he remains in the employ of a municipality.

Duties. The Council, by by-law, may define such duties of any person holding such a position as are not defined by this Act.”

R.S.Q., c. C-37.2, s. 104, am. **34.** Section 104 of the said Act is amended by replacing the first paragraph by the following paragraph:

Departments. **“104.** The Council, by by-law, may establish the various departments of the Community, including an economic promotion department, and establish the field of their activities; it shall appoint, by resolution and on the recommendation of the executive committee, the heads of such departments and define their duties.”

R.S.Q., c. C-37.2, ss. 105, 106, replaced. **35.** Sections 105 and 106 of the said Act are replaced by the following sections:

Replacement. **“105.** Subject to section 193, if the head of a department is absent or incapacitated or refuses to act, or the office of department

head is vacant, the executive committee may appoint a temporary head to the department.

Dismissal. **“106.** Subject to section 192, the Council may dismiss the head of a department or reduce his salary by a vote of the absolute majority of all the votes of the members of the Council. Such majority must include both the absolute majority of all the votes of the representatives of the city of Montréal and that of all the votes of the representatives of the other municipalities.

Dismissal. Subject to section 198, the executive committee may dismiss any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and has been in office for at least six months, or reduce his salary, by a vote of the absolute majority of all the votes of the members of the committee.”

R.S.Q.,  
c. C-37.2,  
s. 108, re-  
placed, ss.  
108.1-  
108.3,  
added.

**36.** Section 108 of the said Act is replaced by the following sections:

Expenses  
for appeal.

**“108.** If the appeal is upheld, the Commission municipale du Québec may also order the Community to pay to the appellant such sum as it determines to indemnify him for the expenses he has incurred for such appeal; the order to that effect shall be homologated upon motion by the appellant to the Provincial Court or the Superior Court depending on their respective jurisdictions. The appellant may thereafter execute the judgment against the Community.

Conflict of  
interest.

**“108.1** No officer or employee of the Community may, under pain of forfeiture of office, have any direct or indirect interest in an activity putting his personal interest in conflict with that of his department.

Conflict of  
interest.

However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Immunity.

**“108.2** No head of a department of the Community may be prosecuted by reason of official acts done in good faith in the performance of his duties.

Plurality of  
offices pro-  
hibited.

**“108.3** No member of the council of a municipality may hold regular or permanent employment with the Community, under pain of forfeiture of office.

Temporary  
employ-  
ment.

If such a member holds temporary or casual employment, he cannot sit on the Council.”

R.S.Q.,  
c. C-37.2,  
s. 109, am.

**37.** Section 109 of the said Act is amended

(1) by replacing that part preceding subparagraph *a* of the first paragraph by the following:

Director  
general.

“**109.** Subject to this Act, the director general has the following functions and duties:”;

(2) by replacing subparagraphs *a* to *c* of the first paragraph by the following subparagraphs:

“(a) to manage the affairs of the Community under the authority of the executive committee;

“(b) as mandatary of the executive committee, to exercise authority over the department heads, except the secretary and the head of the police department;

“(c) to ensure coordination between the executive committee and the department heads;”;

(3) by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) to obtain, examine and present to the executive committee projects prepared by the department heads on matters requiring the approval of the executive committee or of the Council;”;

(4) by replacing the period at the end of subparagraph *k* of the first paragraph by a semicolon;

(5) by inserting, after subparagraph *k* of the first paragraph, the following subparagraph:

“(l) to ensure the carrying out of the plans and programs of the Community, under the authority of the executive committee.”;

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

Com-  
muni-  
cations.

“All communications between the executive committee and the officers or employees of the Community shall be made through the director general, or through the head of the department concerned if the latter is not under the authority of the director general.”

R.S.Q.,  
c. C-37.2,  
s. 110, am.

**38.** Section 110 of the said Act is amended by replacing the third paragraph by the following paragraphs:

Minutes.

“The minutes of the executive committee and of the Council make proof of their contents if approved and signed by the secretary and the person presiding over the meeting or, where such is the case, by a person designated under section 41.

Records  
and docu-  
ments.

Documents and copies emanating from the Community and forming part of its records make proof of their contents if certified true by the secretary.”

R.S.Q.,  
c. C-37.2,  
ss. 110.1-  
110.3,  
added.

**39.** The said Act is amended by inserting, after section 110, the following sections:

Access to  
documents.

**“110.1** The books, registers and documents forming part of the records of the Community may be consulted, during office hours, by any person requesting to do so.

Copies.

**“110.2** The secretary must deliver to any person who so requests, upon payment of the fees payable under the tariff fixed by the executive committee, copies of or extracts from the books, registers or documents forming part of the records of the Community.

Fees.

The Minister may determine by order the fees payable under the first paragraph. From the date of the order and within the limitations so fixed, the executive committee may prescribe such tariff as it deems proper, failing which the issue of such documents by the secretary is free of charge. At the request of the executive committee, the Minister may authorize it to prescribe a tariff of fees higher than those prescribed by the order.

Restric-  
tion.

**“110.3** Sections 110.1 and 110.2 do not apply to the whole or part of a book, register or document relating to a subject discussed or to be discussed at a meeting *in camera* of the public safety committee.”

R.S.Q.,  
c. C-37.2,  
s. 112, re-  
placed.

**40.** Section 112 of the said Act is replaced by the following section:

Oaths and  
affirma-  
tions.

**“112.** The department heads and their assistants may in performing their duties administer the same oath or receive the same solemn affirmation as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).”

R.S.Q.,  
c. C-37.2,  
s. 113, am.

**41.** Section 113 of the said Act is amended by replacing paragraph *g* by the following paragraph:

**“(g)** establish and maintain or assist in the establishment or maintenance of relief or retirement funds or pension plans for its officers and employees, or for their relatives and dependent persons, and pay premiums for them, subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17) with respect to retirement funds or pension plans, and with the approval of the Minister of Financial Institutions and Cooperatives on recommendation of the Superintendent of insurance with respect to relief funds;”.

R.S.Q.,  
c. C-37.2,  
s. 115, am.

**42.** Section 115 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Tunnels.

**“Notwithstanding any provision to the contrary, the Community may dig a tunnel under any lot for its sewer conduits or for the**

metro, at a depth of more than fifteen metres or ten metres, respectively. As soon as work begins, the Community becomes, without formality or indemnity, but subject to recourse in damages,

(1) the owner of the volume occupied by the tunnel;

(2) the owner of a thickness of two metres surrounding the interior concrete wall of the sewer tunnel, or five metres in the case of the metro tunnel; and

(3) the holder of a legal servitude established in favour of the volume contemplated in subparagraph 1 and restricting the stress applied to the upper surface of the volume to 250 kilopascals, in the case of a metro tunnel.

Registration of plans.

As soon as work begins, the Community shall advise the owner of the lot of the existence of the work and the provisions of this section. In the year following the completion of work, the Community shall deposit in its archives a copy of a plan certified by the head of the department involved, showing the horizontal projection of such tunnel. It shall register such plan by depositing two copies in the registry office of the registration division of the immovable affected and the registrar shall mention each lot or part of a lot affected in the index of immoveables.”

R.S.Q.,  
c. C-37.2,  
s. 116.1,  
added.

**43.** The said Act is amended by inserting, after section 116, the following section:

Presumption.

“**116.1** For the purposes of the Act respecting municipal taxation, an immovable is deemed to belong to the Community upon the Community’s taking possession of it in accordance with the Expropriation Act.”

R.S.Q.,  
c. C-37.2,  
s. 118, re-  
placed.

**44.** Section 118 of the said Act is replaced by the following section:

Public reserve.

“**118.** The secretary of the Community shall send forthwith to each municipality concerned a certified true copy of the resolution passed under section 117 or under a by-law or resolution establishing a reserve for public purposes under the Expropriation Act.”

1969, c. 84,  
ss. 106-  
109,  
repealed.

**45.** Sections 106 to 109 of the Montreal Urban Community Act (1969, chapter 84) are repealed.

R.S.Q.,  
c. C-37.2,  
s. 119,  
replaced.

**46.** Section 119 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following section:

Alienation of property.

“**119.** The Community shall not alienate moveable or immovable property the value of which exceeds \$10 000 except by

auktion, by public tender or in any other manner approved by the Commission municipale du Québec.”

R.S.Q.,  
c. C-37.2,  
s. 121, re-  
placed,  
s. 121.1,  
added.

**47.** Section 121 of the said Act is replaced by the following sections:

Areas of  
compe-  
tence.

“**121.** The Community has such competence as is provided by this Act in the following matters:

- (1) air purification;
- (2) water purification;
- (3) waste recovery and recycling;
- (4) public health;
- (5) recreation and parks;
- (6) police;
- (7) public transportation.

Additional  
compe-  
tence.

“**121.1** The Community also has such competence as is provided by another Act, in particular in the following matters:

(1) the adoption of a development plan for its territory under the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) the assessment of immoveables and places of business for its territory, under the Act respecting municipal taxation.”

R.S.Q.,  
c. C-37.2,  
ss. 122,  
123, re-  
placed,  
124.1,  
124.2,  
added.

**48.** Sections 123 and 124 of the said Act are replaced by the following sections:

Delega-  
tion.

“**123.** The Government or one of its ministers or agencies may delegate non-discretionary powers to the Community.

Exercise.

The Community may accept such delegation and exercise such powers.

Carrying  
out of  
agree-  
ments.

“**124.** Municipalities which make an agreement may, with the consent of the Community, provide therein that the Community is liable for the carrying out of the agreement instead of an intermunicipal committee or board, as the case may be. The agreement must not only contain such components as are required by the Act under which it is entered into, but it must also specify in detail the powers and obligations of the Community.

Consent.

The consent of the Community is given by by-law of the Council. The by-law is added to the by-laws of the municipalities that are forwarded to the Minister with the agreement for his approval.

Approval. If the agreement is approved, the Community has the powers and obligations necessary for its carrying out and specified therein.

Exchange of jurisdiction. **“124.1** The Community and a municipality may enter into an agreement, in accordance with the Act governing the latter, in which the Community undertakes to supply the municipality with a service or receives from the latter a delegation of jurisdiction.

Intermunicipal agreements. In such a case, the Community is deemed to be a municipal corporation for the purposes of the provisions of the said Act concerning intermunicipal agreements on the supply of services or the delegation of jurisdiction.

Vote. **“124.2** Except for the vote on the by-law by which the Community agrees to be liable for the carrying out of an agreement or authorizes it to be made under sections 124 and 124.1, respectively, only the parties representing the municipalities taking part in the agreement are entitled to vote in the Council on a question relating to its carrying out.

Voting rules. The rules regarding the division of the votes among such representatives and the other rules on the decision to be taken by the Council are provided in the agreement.”

R.S.Q.,  
c. C-37.2,  
Tit. I,  
Div. VII,  
subd. 1,  
heading,  
ss. 125-  
126,  
repealed.

**49.** The heading of subdivision 1 of Division VII of Title I of the said Act and sections 125 and 126 are repealed.

R.S.Q.,  
c. C-37.2,  
Tit. I,  
Div. VII,  
Subd. 2, 3,  
4, ss. 128-  
132, re-  
pealed.

**50.** Subdivisions 2, 3 and 4 of Division VII of Title I of the said Act, including sections 128 to 132, are repealed.

R.S.Q.,  
c. C-37.2,  
Tit. I,  
Div. VII,  
subd. 5,  
heading  
replaced.

**51.** The heading of subdivision 5 of Division VII of Title I of the said Act is replaced by the following heading:

“ § 1. — *Air purification*”.

**52.** Section 133 of the said Act is amended by replacing paragraphs 8 to 11 by the following paragraph and subparagraphs:

R.S.Q.,  
c. C-37.2,  
s. 133, am.

“(8) authorize the head of the department concerned or another officer designated by it for such purposes to cause the cessation of the emission of air pollutants or any activity relating thereto, or to have it reduced to such extent as it may determine, as long as it considers that the presence of such air pollutants constitutes an immediate danger to the life or health of persons, wildlife or vegetation;

(9) limit the period for which the engine of a parked vehicle may operate and prohibit the emission of fumes or gaseous emanations from a vehicle, the opaqueness, quantity or concentration of which exceeds the degree fixed by it;

(10) authorize the executive committee to prescribe any order to complete a by-law passed under this section, which is published and comes into force in the same manner as a by-law, and is deemed to form part of the by-law to which it relates;

(11) prescribe that any infringement of a by-law or order made under this section or section 134 or 135 entails, as a penalty,

(a) for a first offence, a minimum fine of not more than \$1 000 and a maximum fine of not more than \$10 000, as fixed by the Community, with or without costs, imprisonment for not more than three months, or both such penalties together;

(b) for any subsequent offence within a period of 12 months from the previous offence, a minimum fine of not more than \$2 000 and a maximum fine of not more than \$20 000, as fixed by the Community, with or without costs, imprisonment for not less than one month nor more than six months, or both such penalties together.

Immunity

In no case may the Community or the head or officer contemplated in subparagraph 8 of the first paragraph be prosecuted for an act performed in good faith under the said subparagraph. Any decision by the department head or officer under the said subparagraph may be appealed from in accordance with sections 96 to 103 of the Environment Quality Act (R.S.Q., chapter Q-2). Notwithstanding the appeal, the decision remains executory unless the Commission municipale du Québec orders otherwise in accordance with section 99 of the said Act.”

R.S.Q.,  
c. C-37.2,  
ss. 134,  
135, re-  
placed.

**53.** Sections 134 and 135 of the said Act are replaced by the following sections:

Access.

“**134.** In the exercise of their duties, the officers and employees of the Community charged with the application of the by-laws and orders passed under section 133 may enter

(1) any premises where there is or may be a substance, an apparatus, a machine, a works or an installation that is subject to such by-laws or orders; or

(2) any premises where an activity that is subject to such by-laws or such orders is or may be carried on.

Inspection.

Such officers or employees may examine the substances, apparatus, machines, works or installations; they may also require the production of books, registers and documents relating to the matters contemplated by such by-laws or orders, and require in that respect any other information deemed useful or necessary. A person must carry out such a requirement.

Obstruction.

**“135.** No person may hinder an officer or employee contemplated in section 134 in the performance of his duties, particularly by misleading him or attempting to mislead him by concealment or by misrepresentation, or by refusing to give him one’s surname, given name and address.

Attestation of authority.

Such officer or employee shall, if so required, produce a certificate, signed by the head of the department concerned, attesting to his authority.”

R.S.Q., c. C-37.2, s. 136.1, added.

**54.** The said Act is amended by inserting, after section 136, the following section:

Security exemption.

**“136.1** The Community is exempt from the obligation to give security when requesting an interlocutory injunction to cease the infringement of a by-law or an order passed under section 133, or of section 134 or 135.”

R.S.Q., c. C-37.2, Tit. I, Div. VII, subd. 6, ss. 137, 138, repealed.

**55.** Subdivision 6 of Division VII of Title I of the said Act, including sections 137 and 138, is repealed.

R.S.Q., c. C-37.2, Tit. I, Div. VII, subd. 7, ss. 139-151, replaced, ss. 151.1-151.6, added.

**56.** The heading of subdivision 7 of Division VII of Title I of the said Act and sections 139 to 151 are replaced by the following heading and sections:

**“ § 2. — *Water purification***

Interpretation.

**“139.** In this subdivision,

“waste water”;

(1) “waste water” means water carrying waste from buildings, mixed or not with underground or surface water or water from other sources, and, unless the context indicates otherwise, rain water and underground water;

“industrial waste water”;

(2) “industrial waste water” means waste water carrying solid, liquid or gaseous residue from

(a) an industrial, manufacturing, commercial or institutional process or establishment, or any other process or establishment of the same nature; or

(b) the development, recovery or processing of raw material;

“sanitary waste water”;

(3) “sanitary waste water” means waste water from the plumbing system of a building and not mixed with underground or surface water nor with residue from any process contemplated in paragraph 2;

“purification works”.

(4) “purification works” means a sewer, a sewer system, a waste water pumping station, a water purification plant or any

other works directly or indirectly used to collect, receive, carry, treat or drain waste water.

**Standards.** “**140.** The Community, by by-law, may establish minimum standards for all of its territory respecting the methods of carrying out all work respecting water purification, including the construction of depollution works and the materials used in the carrying out of such works.

**Coming into force.** Such by-laws shall be binding upon all the municipalities; they shall not come into force except upon the approval of the Minister of the Environment.

**Approval of projects.** “**141.** Every municipality shall submit to the executive committee for approval any project for the construction, enlargement or alteration of depollution works before passing the resolution or the by-law necessary for implementing such project.

**Time limit.** Within fifteen days after receiving such application, the executive committee shall determine whether such project is of a purely local nature or has any repercussion on any territory larger than that of the municipality.

**Intermunicipal repercussions.** If the executive committee decides that the project has intermunicipal repercussions, the Council may, by resolution, subject to the approval of the Deputy Minister of the Environment, order such alterations as it deems expedient to the plans and specifications of the proposed work and authorize the municipality to carry out such work. Failing an agreement between the Community and the municipalities involved concerning the apportionment of the cost of the work, such apportionment shall be ordered by the Minister of the Environment.

**Powers of the Minister.** “**142.** The Minister or Deputy Minister of the Environment, as the case may be, shall not, with respect to the work contemplated in section 140, exercise as regards any municipality the powers contemplated in sections 29, 32, 34, 35, 41 and 43 of the Environment Quality Act, before calling upon the executive committee of the Community to make the representations to him it considers appropriate.

**Representations by the Community.** When the Minister of the Environment exercises the powers provided for in section 35 of the Environment Quality Act, he shall order the execution of intermunicipal work by the municipalities that he designates, unless the executive committee of the Community informs the Minister that the Community consents to execute it. If the Community consents to execute the work, the Minister shall not then order its execution except by the Community; the Minister shall not establish the apportionment of the cost of the works and the cost of maintenance and operation thereof, determine

the method of payment or fix the indemnity, periodic or otherwise, payable by the municipalities for the use of the works or for the services provided, before calling upon the executive committee of the Community to make its representations on this matter.

Authorized work. **“143.** Subject to the Environment Quality Act, the Community may, by by-law, order the carrying out, even outside its territory, of all work respecting depollution works serving or intended to serve more than one municipality.

Apportionment. Subject to paragraph 14 of section 151.1, the expenses resulting from the carrying out of the work contemplated in the first paragraph and from the maintenance, management and operation of the works contemplated in the said paragraph shall be apportioned in accordance with section 220 unless, at the request of the Community or of a municipality, the Minister of the Environment himself fixes the apportionment and the method of payment, including the fixing of an indemnity, periodic or otherwise, payable for the use of the works or for the services provided by the Community.

Acquisition of works. **“144.** The Community, by a by-law which shall come into force upon approval by the Commission municipale du Québec and by the Minister of the Environment, upon the conditions fixed by the by-law, may acquire as a portion of its system the ownership of any depollution works owned by a municipality serving or intended to serve the territory of more than one municipality.

Substitution. **“145.** Where a municipality some of whose depollution works are acquired by the Community has bound itself contractually with another municipality to receive its waste water, and the works acquired by the Community have been necessary for the carrying out of such contract, the Community shall be substituted for such municipality in all the rights and obligations of such municipality resulting from such contract.

Transfer of jurisdiction. **“146.** Where all the waste water equipment or treatment plants of a municipality are acquired by the Community, the municipality shall no longer have power to establish such equipment or plants.

Local powers. This Act does not have the effect of restricting the powers of a municipality to receive, in accordance with the by-laws of the Community, waste water from its territory or that of the other municipalities in order to convey such waste water to the works of the Community.

Prohibition. **“147.** The Community shall not receive waste water for treatment directly from persons other than a municipality, except with the consent of the municipality concerned.

Prohibition.

**“148.** From the date of the coming into force of a by-law contemplated in section 144, no municipality may, without the consent of the Community, collect waste water for treatment from another municipality.

Existing contracts.

**“149.** Nothing in section 148 is deemed to prohibit any municipality from receiving waste water from any other municipality, under contracts made before the date mentioned in that section, if the depollution works necessary to do so have not been acquired by the Community.

Contracts.

**“150.** The Community may undertake by contract to receive waste water for treatment from a municipality not situated in its territory.

Waste water by-laws.

**“151.** The Community may make by-laws to govern the receiving of waste water in its territory.

By-laws.

**“151.1** The Community may, by by-law,

(1) prohibit or regulate the discharge into a depollution works or into a watercourse of a substance which may, by itself or by reaction with another substance,

(a) damage the works, affect its normal operation, overload it or clog it;

(b) have an unfavourable effect on the watercourse;

(c) constitute a danger to the life or health of humans, wildlife or vegetation;

(d) cause a fire, an explosion or any other material damage; or

(e) constitute a nuisance, by the emission of toxic or foul-smelling gas;

(2) prescribe standards for the quantity of the discharge of surface or underground water or industrial waste water into a depollution works; prohibit or regulate such discharge; impose conditions to control, reduce, regulate or spread out such discharge;

(3) prescribe limits to the acidity, alkalinity, temperature, chemical or biochemical requirement for oxygen, or the concentration of oil, grease, suspended matter, dissolved matter or substances that are toxic or harmful to the environment; prohibit or regulate the discharge, into depollution works, of water having a content of a substance in excess of the prescribed limits or having characteristics not in conformity with such limits;

(4) regulate the discharge of rain or underground water into a sanitary and unitary or pseudo-separating sewer; prohibit the discharging of sanitary waste water into a storm sewer; prescribe quality or quantity standards for the discharge of water into a storm sewer;

(5) regulate the elimination of ground waste or residue in a depollution works; prohibit or regulate the direct or indirect connection of a waste or residue grinder to such a works;

(6) require a person who intends to discharge or who discharges industrial waste water into a depollution works to obtain a permit from the Community and to furnish for such purpose the prescribed information concerning the production of such person, his processes, his use of water, his drainage system, his mode of disposing of residue and the volume and quality of the water he discharges or plans to discharge; prescribe the fees and the other conditions and procedures of issue and renewal of the permit, and the conditions and procedures of its suspension or revocation;

(7) require of an applicant for a permit contemplated in paragraph 6, as conditions for the issue, renewal or retention of the permit,

(a) the construction of a man-hole in conformity with the prescribed requirements, to allow the inspection, sampling, measuring and registration of the quality and flow of the discharged waste water;

(b) the installation and maintenance in good repair of appropriate equipment and accessories for the sampling, analysis, measuring and registration of the quality and flow of the discharged waste water, in accordance with the prescribed methods;

(c) the installation and maintenance in good repair of equipment for the treatment or pre-treatment of industrial waste water, to regulate the flow of the discharged waste water or to bring it into conformity with the prescriptions;

(d) the presentation to the Community, for approval, of the plans relating to the installation of the equipment contemplated in subparagraph *c*, and the procedures for the use of such equipment;

(e) the maintenance of an average or maximum concentration or mass of discharged pollutants;

(f) the presentation to the Community of periodic reports on discharge, indicating the volume and the qualitative and quantitative characteristics of the discharged waste water;

(8) determine the method of computing the quantity of water discharged into a depollution works;

(9) prescribe the devices and methods whose use is recognized for the purposes of the analysis, sampling or computation of concentration and for the other purposes provided for in this section;

(10) provide for the revocation or suspension of the permit contemplated in paragraph 6 where the holder contravenes a by-law passed under this section;

(11) require a person to take the necessary measures to prevent the discharge into a depollution works or a watercourse of a substance harmful to humans or to the works or watercourse; require a person to notify the Community of any such discharge;

(12) require a person who discharges waste water into a depollution works in contravention of a by-law passed under this section to reimburse the Community for the cost incurred for the maintenance or repair of the works resulting from such discharge;

(13) regulate the construction, maintenance, management and operation of depollution works and prescribe measures to prevent and control the supply of parasitic water through filtration or catchment;

(14) fix a tariff for the supply by the Community of water services to municipalities and for the receiving of waste water;

(15) allow a person to discharge, into a depollution works of the Community, waste water having characteristics that contravene a standard enacted in accordance with paragraph 2, 3 or 4, in consideration of payment by that person of such duties as may be imposed by order of the executive committee, following a tariff established by that committee on the basis of the volume of waste water discharged, the suspended matter it contains, the biochemical or chemical requirement for oxygen, the chlorine requirement, the nature of the polluting agent or any other criterion;

(16) prescribe the use of meters, and determine the conditions, including payment of the cost, for connection to the depollution works of the Community;

(17) prescribe a method for disposing of industrial residues or any other residues constituting water polluting agents; require a person to dispose of such agents in the manner prescribed or approved by the head of the department concerned;

(18) determine the schedule of execution of work required for the issue, renewal or retention of a permit, under paragraph 7, or for the prevention or cessation of an offence or a nuisance;

(19) authorize the executive committee to make an order concerning the imposition of fees, and the establishment of a tariff for such purpose, for the use of a household refuse grinder, for the receiving or treatment of residue or sediment from septic tanks,

drain-tanks or industrial processes, and for the analysis and measuring of the water flow.

Approval. **“151.2** A by-law or an order passed under section 151.1 requires the approval of the Minister of the Environment.

Publication. An order thus passed is published and comes into force in the same manner as a by-law. It is deemed to form part of the by-law to which it relates.

Access. **“151.3** In the exercise of their duties, the officers and employees of the Community charged with the application of the by-laws and orders passed under section 151.1 may enter

(1) any premises where there is or may be a substance, an apparatus, a machine, a works or an installation that is subject to such by-laws or orders; or

(2) any premises where an activity that is subject to such by-laws or orders is or may be carried on.

Inspection. Such officers or employees may examine the substances, apparatus, machines, works or installations; they may also require the production of books, registers and documents relating to the matters contemplated by such by-laws or orders, and require in that respect any other information deemed useful or necessary. A person must carry out such a requirement.

Obstruction. **“151.4** No person may hinder an officer or employee contemplated in section 151.3 in the performance of his duties, particularly by misleading him or attempting to mislead him by concealment or by misrepresentation, or by refusing to give him one's surname, given name and address.

Attestation of authority. Such officer or employee shall, if so required, produce a certificate, signed by the head of the department concerned attesting his authority.

Penalty. **“151.5** The Community may, by by-law, prescribe that any infringement of a by-law or order made under section 151.1 or of section 151.3 or 151.4 will entail as a penalty,

(1) for a first offence, a fine of not more than \$2 000, with or without costs, imprisonment for not more than one month, or both such penalties together;

(2) for any subsequent offence within a period of 12 months from the previous offence, a fine of not more than \$5 000, with or without costs, imprisonment for not more than three months, or both such penalties together.

Security exemption. **“151.6** The Community is exempt from the obligation to give a security when requesting an interlocutory injunction to cease the

infringement of a by-law or an order passed under section 151.1, or of section 151.3 or 151.4.”

R.S.Q.,  
c. C-37.2,  
Tit. I,  
Div. VII,  
subd. 8,  
heading,  
s. 152,  
replaced,  
ss. 152.1-  
152.4,  
added.

**57.** The heading of subdivision 8 of Division VII of Title I of the said Act, and section 152 are replaced by the following heading and sections:

“§ 3. — *Waste recovery and recycling*”

**“152.** The Community may, in or outside its territory,

(1) establish, possess and operate

(a) a waste recovery and recycling establishment;

(b) premises for the disposal of residue from the operation of such establishment and of waste owned by the Community with a view to the operation which cannot be used for such purpose;

(c) premises for the disposal of residue from the operation of the waste water purification plant of the Community;

(2) regulate the use of an establishment or premises contemplated in paragraph 1.

Waste  
transporta-  
tion.

**“152.1** The Community may, by by-law, prescribe rules relating to the transport of waste between the place where it is collected and the recovery and recycling establishment.

By-law.

It may also, by by-law,

(1) require a person who carries on transport contemplated in the first paragraph to hold a permit for such purpose;

(2) prescribe the fees and other conditions and procedures for the issue and renewal of the permit, and the conditions and procedures of its suspension or revocation;

(3) in such cases as it may determine, require the person whose waste is transported to furnish the person who carries it with a bill of lading, and require the latter to keep the bill of lading in his possession when effecting such transport; require each of such persons to keep a register of the bill of lading furnished or received, as the case may be.

Bill of  
lading.

The executive committee may, by order, prescribe the form and the minimum content of the bill of lading or register. Such order is published and comes into force in the same manner as a by-law. It is deemed to form part of the by-law to which it relates.

Contracts.

**“152.2** From the time the Community begins to operate a waste recovery and recycling establishment, no municipality may grant a contract for waste collection unless the manner of disposing of such waste is approved by the Community.

Existing facilities. **“152.3** A municipality may continue to operate, maintain and repair a waste disposal establishment already in operation or under construction on 11 July 1982.

Existing facilities. In no case, however, may a municipality, without the authorization of the Community, enlarge an establishment contemplated in the first paragraph or establish a new one.

Access to municipal facilities. **“152.4** The Community, by by-law, may compel the municipalities to make available to other municipalities the garbage disposal centre it operates, upon payment of a compensation fixed by the Community and approved by the Commission municipale du Québec.”

R.S.Q., c. C-37.2, Tit. I, Div. VII, subd. 9, heading, replaced. **58.** The heading of subdivision 9 of Division VII of Title I of the said Act is replaced by the following heading:

**“§ 4. — *Public health*”.**

R.S.Q., c. C-37.2, s. 153, am. **59.** Section 153 of the said Act is amended by replacing the seventh and eighth paragraphs by the following paragraphs:

Publication. **“Such order is published and comes into force in the same manner as a by-law and is deemed to form part of the by-law to which it relates.**

Penalty. The Community may, by by-law, prescribe that any infringement of a by-law or order made under this section entails as a penalty,

(1) for a first offence, a fine of not more than \$2 000, with or without costs, imprisonment for not more than one month, or both such penalties together;

(2) for any subsequent offence during a 12 month period from the previous offence, a fine of not more than \$5 000, with or without costs, imprisonment for not more than three months, or both such penalties together.”

R.S.Q., c. C-37.2, Tit. I, Div. VII, subd. 10, ss. 155, repealed. **60.** Subdivision 10 of Division VII of Title I of the said Act, including sections 154 and 155, is repealed.

R.S.Q., c. C-37.2, Tit. I, Div. VII, subd. 11, heading replaced. **61.** The heading of subdivision 11 of Division VII of Title I of the said Act is replaced by the following heading:

**“ § 5. — *Recreation and parks*”.**

R.S.Q., c. C-37.2, s. 157, am. **62.** Section 157 of the said Act is amended by replacing the first paragraph by the following paragraph:

Maintenance.

**“157.** The Community is entrusted with the maintenance and operation of the parks and centres mentioned in the by-law contemplated in section 156, and of such other installations as it shall determine by by-law subject to the approval of the Minister.”

R.S.Q., c. C-37.2, s. 158, replaced.

**63.** Section 158 of the said Act is replaced by the following section:

Approval of projects.

**“158.** Any project for the establishment by a municipality of a park, a centre or any other recreational installation must, prior to the passing of the resolution or by-law required to put it into operation, be submitted to the executive committee for approval, with all the documents and studies on such subject in the possession of the municipality; the executive committee shall not refuse such approval unless it is of opinion that the project is of an intermunicipal nature; an appeal shall lie from such decision to the Commission municipale du Québec.

Exception.

The first paragraph does not apply to any project for the establishment of a park the area of which, added, where such is the case, to the area of an adjoining park situated within the territory of the municipality, is less than 20 hectares, and not bordering on the territory of another municipality.”

R.S.Q., c. C-37.2, s. 158.3, added.

**64.** The said Act is amended by inserting, after section 158.2, enacted by section 110 of chapter 2 of the statutes of 1982, the following section:

Cycle lanes.

**“158.3** The Community may, by by-law, establish intermunicipal lanes reserved for bicycle riding, and regulate the use thereof.

Approval.

For such purposes, it may order that the roadway of the streets identified in the by-law be reserved, in whole or in part, for bicycle riding. In such a case, the by-law must be approved by the Minister of Transport.

Agreements.

The Community and a municipality in whose territory part of an existing or a planned lane is situated may enter into an agreement concerning the development and maintenance of such part of the lane. A copy of the agreement or, failing an agreement, a certificate from the secretary of the Community stating that no agreement was entered into, must be attached to the by-law when transmitting it to the Minister of Transport, as the case may be.

Existing power.

The establishment of a lane under this section does not deprive the municipality of a power it may have to establish a similar lane in its territory.

-bicycle-.

For the purposes of this section, the word “bicycle” does not include a motorized bicycle.”

R.S.Q.,  
c. C-37.2,  
Tit. I,  
Div. VII,  
subd. 12,  
13, 14,  
ss. 159-  
161, re-  
pealed.  
R.S.Q.,  
c. C-37.2,  
Tit. I,  
Div. III,  
heading,  
replaced.  
R.S.Q.,  
c. C-37.2,  
ss. 162-  
177, re-  
pealed.  
R.S.Q.,  
c. C-37.2,  
ss. 178-  
182, re-  
placed.  
Authority  
of the  
executive  
committee.  
Advice of  
the public  
safety  
committee.

**65.** Subdivisions 12, 13 and 14 of Division VII of Title I of the said Act, including sections 159 to 161, are repealed.

**66.** The heading of Division VIII of Title I of the said Act is replaced by the following subdivision heading:

“ 6. — *Police*”.

**67.** Sections 162 to 177 of the said Act are repealed.

**68.** Sections 178 to 182 of the said Act are replaced by the following sections:

**“178.** The executive committee exercises, over the police department of the Community, the department head and its personnel, the same authority as it exercises over the other departments of the Community, department heads and their personnel.

**“178.1** The executive committee may exercise the following powers only on the advice of the public safety committee:

- (1) to determine the objectives of the police department;
- (2) to determine the number of policemen, officers and employees in the department;
- (3) to determine the hiring standards applicable in regard to the personnel of the department; and
- (4) to determine the conditions of employment applicable in regard to the members of the personnel of the department who are not employees within the meaning of the Labour Code, and establish their retirement plan, pension plan or pension fund.

Budget.

Furthermore, the executive committee must have the budget of the police department, which was prepared by its head, examined by the public safety committee before including it in the budget of the Community, with or without amendment.

Repre-  
sentations.

**“179.** The public safety committee shall receive the comments or representations of any person or group of persons in respect of the objectives and the administration of the police department, and may proceed with such consultations as it deems expedient.

Excep-  
tions.

However, in no case may the committee proceed with consultations on any question being the subject of

- (1) an investigation by the Commission de police du Québec,
- or
- (2) a request for investigation to the latter, if the Police Act requires such request to be followed up.

Disciplinary decisions.

**180.** In the matter of discipline, the executive committee shall, on the recommendation of the head, decide in respect of policemen who are not employees within the meaning of the Labour Code, subject to their right of appeal under section 79 of the Police Act.

Immunity.

**181.** The members of the executive committee cannot be sued by reason of official acts done in good faith in the exercise of their functions under this subdivision.

Recourses prohibited.

**182.** Unless authorized by the Attorney General, no recourse provided in articles 33 or 834 to 850 of the Code of Civil Procedure may be exercised nor any injunction granted against the Community or the members of the executive committee by reason of acts done by them acting in their official capacities under this subdivision.”

R.S.Q.,  
c. C-37.2,  
ss. 184-  
186, re-  
pealed.

**69.** Sections 184 to 186 of the said Act are repealed.

R.S.Q.,  
c. C-37.2,  
Div. IX,  
heading,  
repealed.

**70.** The heading of Division IX of the said Act is repealed.

R.S.Q.,  
c. C-37.2,  
s. 188, am.  
Duties.

**71.** Section 188 of the said Act is amended by replacing that part which precedes paragraph *a* by the following:

**188.** Subject to this Act, the police department, under the authority of the department head, and in the territory of the Community, shall”.

R.S.Q.,  
c. C-37.2,  
s. 189, am.

**72.** Section 189 of the said Act is amended by replacing the second paragraph by the following paragraph:

Authority.

“Subject to this Act, the members of the personnel of the police department shall discharge their duties under the authority of the department head.”

R.S.Q.,  
c. C-37.2,  
s. 190, re-  
placed.

**73.** Section 190 of the said Act is amended by replacing the first paragraph by the following paragraph:

Head of  
police de-  
partment.

**190.** The Government shall appoint the department head upon the recommendation of the Minister of Justice after consultation with the executive committee and the public safety committee.”

R.S.Q.,  
c. C-37.2,  
s. 192, am.

**74.** Section 192 of the said Act is amended by replacing the first paragraph by the following paragraph:

Dismissal.

**192.** Notwithstanding sections 106 to 108, the Government shall dismiss the head only upon the recommendation of the Minister of Justice, after consultation with the executive committee and

the public safety committee, which latter committee shall, for that purpose, hear the department head.”

R.S.Q.,  
c. C-37.2,  
s. 194, re-  
placed.  
Oaths.

**75.** Section 194 of the said Act is replaced by the following section:

“**194.** Before assuming office, the head of the department shall make the oaths prescribed in Schedules A and B of the Police Act before the chairman of the executive committee, and a policeman of the police department, before the head of the department.”

R.S.Q.,  
c. C-37.2,  
s. 195, re-  
pealed.

**76.** Section 195 of the said Act is repealed.

R.S.Q.,  
c. C-37.2,  
ss. 196-  
199, re-  
placed.

**77.** Sections 196 to 199 of the said Act are replaced by the following sections:

“**196.** The head of the department shall

Duties of  
the depart-  
ment head.

(1) submit to the executive committee, at such times as it may fix but at least every other month, a report of its operations, in the form and on the terms and conditions determined by the executive committee, whose chairman shall transmit it to the public safety committee;

(2) supply the executive committee and the public safety committee with any information necessary for the discharge of their functions;

(3) submit to the executive committee and to the Minister of Justice any detailed report on conditions that are disturbing to order, peace and public safety, or on the crime situation;

(4) prepare the annual budget of the department and send it to the executive committee on the date fixed by the latter.

Authority.

“**197.** Subject to this Act, the head is in charge of the management of the police department and the organization and conduct of its police operations.

Policemen.

“**198.** Policemen who are not employees within the meaning of the Labour Code shall remain in office during good behaviour until the retirement age fixed for them by the executive committee after consultation with the association representing the members of the superior staff.

Dismissal.

Notwithstanding sections 106 to 108, they shall not be dismissed except by the executive committee, acting on the recommendation of the head, in the manner provided in section 79 of the Police Act.

Negotia-  
tions.

“**199.** A member of the executive committee negotiates, under the authority and in the name of the executive committee,

the collective labour agreement and the retirement plan, pension plan or pension fund of the policemen of the police department.

Decisions. Every decision of that member approved by the executive committee binds the Community.”

R.S.Q.,  
c. C-37.2,  
s. 200, am. **78.** Section 200 of the said Act is amended by replacing the first paragraph by the following paragraph:

Conditions of employment. **“200.** The conditions of employment of the policemen who are not employees within the meaning of the Labour Code, and their retirement plan, pension plan or pension fund, shall be established in accordance with subparagraph 4 of the first paragraph of section 178.1.”

R.S.Q.,  
c. C-37.2,  
s. 201, am. **79.** Section 201 of the said Act is amended

(1) by replacing that part which precedes subparagraph *a* of the first paragraph by the following:

Ethics and discipline. **“201.** The Government may, on the recommendation of the executive committee, make a regulation on ethics and discipline for the policemen of the Community,”;

(2) by replacing the second and third paragraphs by the following paragraphs:

Recommendation. **“The Government may, if it considers it expedient, fix a time limit for the executive committee to submit to it a recommendation on any matter contemplated in the first paragraph; it may proceed to make a regulation if the executive committee fails to submit its recommendation within the time limit fixed.**

Power of the Government. The Government may accept, amend or reject a recommendation submitted to it by the executive committee.”

R.S.Q.,  
c. C-37.2,  
s. 203, re-  
pealed. **80.** Section 203 of the said Act is repealed.

R.S.Q.,  
c. C-37.2,  
ss. 208.1-  
208.3,  
added. **81.** The said Act is amended by inserting, after section 208, the following sections:

Financial report. **“208.1** Not later than the day the budget of the Community is submitted to the Council, the chairman of the executive committee shall report on the financial situation of the Community, at a meeting of the Council.

Contents. The chairman shall deal with the latest financial statements, the latest report of the auditor and the latest three-year fixed assets program, with preliminary instructions regarding the financial statements for the fiscal year preceding that for which the next

budget is made, and with the general direction of the next budget and the next three-year fixed assets program.

Distribu-  
tion.

The text of the chairman's report is distributed free of charge to each address in the territory of the Community. In addition to or instead of the distribution, the Council may order that the text be published in a newspaper circulated in the territory.

Notice.

**"208.2** The secretary shall give public notice of the meeting at which the budget or the three-year fixed assets program must be submitted to the Council, not later than eight days before it takes place.

Agenda.

At that meeting, the deliberations of the Council and the question period deal exclusively with the budget or the three-year program.

Distribu-  
tion of the  
budget.

**"208.3** The adopted budget or three-year program or any explanatory document therefor is distributed free of charge to each address in the territory of the Community. In addition to or instead of the distribution, the Council may order that the budget, the three-year program or the explanatory document be published in a newspaper circulated in the territory."

R. S. Q.,  
c. C-37.2,  
s. 209, am.

**82.** Section 209 of the said Act is amended

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

Budget.

**"209.** The executive committee shall draw up the budget of the Community. It shall file the budget in the office of the secretary of the Community, with its recommendations on that budget and the budget of the Commission de transport and with an examination of the budget of the police department done by the public safety committee. The secretary shall send a copy of each document so filed and of the budget of the Commission de transport to each municipality and member of the Council, not later than 15 October.";

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

Financial  
obliga-  
tions.

"The treasurer shall also include in the certificate contemplated in the second paragraph the appropriations necessary, during the next fiscal year, to pay the obligations of the Community under the collective agreements then in force, or, under legislative or regulatory provisions adopted by the Gouvernement du Québec or the Government of Canada or one of its ministers or bodies.";

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

Contingency fund.

“The budget shall also appropriate an amount of a least 1½% of the expenses of the Community to cover expenditures not provided for in the budget, the settlement of claims and the payment entailed by court sentences.

Commission de transport.

The second, third, fourth and fifth paragraphs apply, *mutatis mutandis*, with respect to the budget of the Commission de transport. The treasurer of the Community shall obtain the opinion of the treasurer of the Commission de transport before drawing up the certificate contemplated in the second paragraph with respect to the budget.”

R.S.Q., c. C-37.2, s. 210, replaced, s. 210.1, added.

Approval.

**83.** Section 210 of the said Act is replaced by the following sections:

**“210.** The budget of the Community and the budget of the Commission de transport shall be submitted to the Council not later than 15 November at a special meeting called for such purpose.

Adoption.

Such meeting shall be adjourned as often as necessary and shall not be closed until the budgets have been adopted. If there is not a quorum, the meeting shall be automatically adjourned to eight o'clock in the evening on the following juridical day.

Amendment.

The Council may, on its own motion, amend the budgets.

Separate items.

The Council is not bound to adopt simultaneously all the appropriations of the budget and thus may adopt every appropriation separately.

Adoption.

The Council may also, before 1 January, adopt temporarily, for a period of three months, one quarter of every appropriation provided for in the budget. The same applies before each period beginning 1 April, 1 July and 1 October. The Council may thus adopt at the same time

(1) three-quarters of every appropriation if it does so before 1 April; and

(2) one-half of every appropriation, if it does so before 1 July.

Presumption.

If, on 1 January, the budget of the Community or of the Commission de transport has not been adopted, one-quarter of each of the appropriations provided for in the budget of the preceding fiscal year, with the exception of those mentioned in the seventh paragraph, is deemed adopted and shall come into force. The same applies on 1 April, 1 July and 1 October if on each of those dates the budget has not been adopted.

Exception.

The presumption of adoption and the coming into force provided for in the sixth paragraph do not apply to the appropriations

provided for in the budget for the preceding fiscal year, which correspond

(1) to those mentioned in the certificate of the treasurer contemplated in section 209;

(2) to those then adopted separately under the fourth paragraph; and

(3) to those one-quarter of which has then been adopted under the fifth paragraph for the same period of three months.

Presumption.

In the hypothesis mentioned in the sixth paragraph, the appropriations mentioned in the certificate of the treasurer contemplated in section 209 and included in the budget that is being studied are deemed to be adopted on 1 January and shall then come into force.

Retroactive effect.

The adoption, after 1 January, of the budget or one of its appropriations in accordance with the fourth paragraph is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

Election year.

**“210.1** In the year of a general election to the council of the city of Montréal, the dates 15 October and 15 November mentioned in the first paragraph of sections 209 and 210 are replaced by the dates 15 December and 15 January, respectively.

Applicability.

In such case, the last four paragraphs of section 210 apply.”

R.S.Q.,  
c. C-37.2,  
s. 211, am.

**84.** Section 211 of the said Act is amended by striking out the second and third paragraphs.

R.S.Q.,  
c. C-37.2,  
s. 212, re-  
placed,  
s. 212.1,  
added.  
Supple-  
mentary  
budget.  
Rules.

**85.** Section 212 of the said Act is replaced by the following sections:

**“212.** During a fiscal year, the Community may adopt a supplementary budget.

The supplementary budget is prepared, filed and forwarded according to the rules applicable to the annual budget, *mutatis mutandis*. A copy of the budget must be sent to the municipalities and the members of the Council not less than fifteen days before it is submitted to the Council.

Special meeting.

The supplementary budget is submitted to the Council at a special meeting called for that purpose. Such meeting may close without the budget being adopted.

Amendment.

The Council may, on its own motion, amend the supplementary budget.

Presumption.

If the supplementary budget is not adopted within fifteen days from the day it is submitted, the appropriations mentioned in

the certificate of the treasurer contemplated in section 209 and included in the budget are nevertheless deemed to be adopted and shall come into force on the expiry of that period.

Apportionment.

**“212.1** The expenses provided for in the supplementary budget shall be apportioned in accordance with section 220, *mutatis mutandis*. However, the fiscal potential of each municipality used for the purposes of the apportionment is the same as that used for the apportionment of expenditures provided for in the annual budget of the same fiscal year.

Exigibility.

The aliquot share of such expenses payable by each municipality shall become exigible on the date fixed by the Council when it adopts the budget. If the Council fails to determine such date, the aliquot share shall be exigible within thirty days of the adoption of the budget.

Exigibility.

Notwithstanding the second paragraph, the aliquot share of expenses for which appropriations are deemed to be adopted under section 212 is exigible within thirty days of the date on which they come into force.”

R.S.Q.,  
c. C-37.2,  
s. 213, am.

**86.** Section 213 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

Transfers.

“The executive committee may also transfer to an expenditure item, the appropriations made available to it by the Council. The executive committee must report to the Council on all the appropriations so transferred at the regular meeting following the transfer.

Approval.

Any other transfer of appropriations shall require the approval of the Council. The latter shall only give such approval after having obtained the written notice of the head of the department concerned.”

R.S.Q.,  
c. C-37.2,  
s. 214, re-  
pealed.

**87.** Section 214 of the said Act is repealed.

R.S.Q.,  
c. C-37.2,  
ss. 215-  
217, re-  
placed.

**88.** Sections 215 to 217 of the said Act are replaced by the following sections:

Treasurer's  
attestation.

**“215.** No by-law or resolution of the Council or the executive committee or report of the executive committee authorizing or recommending the expenditure of moneys shall have effect before the filing of a certificate of the treasurer attesting that appropriations are available or will be available at the proper time for the purposes for which such expenditure is proposed.

Arts  
council.

If the executive committee authorizes the payment of a subsidy upon the recommendation of the arts council, the certificate shall be filed by the treasurer of the arts council.

Balance of appropriation.

**“216.** The balance of an appropriation voted by a budget and not entirely spent at the end of a fiscal period may no longer be used, unless

(1) an expense has then been charged against that appropriation in accordance with section 215; or unless

(2) the executive committee decides otherwise before the following 1 April.

Balance of appropriation.

In the case contemplated in subparagraph 1 of the first paragraph, the appropriation shall remain available until the expenditure is made or until the by-law, resolution or report having authorized or recommended it is repealed. In the case contemplated in subparagraph 2 of the first paragraph, the appropriation shall remain available until the date fixed by the executive committee.

Budget surplus.

**“217.** During a fiscal year, the Community on report of the treasurer may appropriate to expenses for such fiscal year or for a subsequent fiscal year, as it determines, any estimated budget surplus for the current fiscal year.

Surplus.

It may also appropriate to expenditures for such current fiscal year any surplus for the preceding fiscal year, certified true by its auditor.

Budget amended.

The appropriation of a surplus to expenditures for a fiscal year amends the budget for that fiscal year accordingly.

Carried over surplus or deficit.

Any other surplus or any deficit for a fiscal year shall be entered in the revenues or expenditures for the fiscal year following that in which the auditor made his report for the first mentioned fiscal year.”

R.S.Q., c. C-37.2, s. 219, replaced.

**89.** Section 219 of the said Act is replaced by the following section:

Guarantee.

**“219.** The payment of the expenses of the Community, including the payment of interest on and amortization of its loans, is guaranteed by its general fund.”

R.S.Q., c. C-37.2, s. 220, am.

**90.** Section 220 of the said Act, amended by section 63 of chapter 34 of the statutes of 1980, is again amended

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

**“(b)** the total of the values entered on the roll of the immovables contemplated in paragraphs 1 and 2.1 of section 204 of the Act mentioned above, in respect of which amounts in lieu of taxes must be paid;”;

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

Shares of municipalities.

“Within fifteen days of the adoption of the budget, the treasurer shall determine the provisional or final share of the expenses provided for in such budget payable by each municipality, and the amount of each payment, which must be equal except the last, which may be a lesser amount. This paragraph also applies where the budget is not adopted on 1 January of the fiscal year for which it is made, in respect of the appropriations adopted separately under the fourth paragraph of section 210 as well as the appropriations deemed to be adopted and in force on that date under the eighth paragraph of the said section.

Provisional shares.

Where the budget is not adopted on 1 January of the fiscal year for which it is made, the treasurer shall determine the provisional share of the expenses for which quarter appropriations are adopted or deemed to be adopted under the fifth or sixth paragraph of section 210. Where quarter appropriations are adopted or deemed to be adopted on 1 January, 1 April, 1 July and 1 October, the treasurer shall determine the share not later than the fifteenth of each of those months. The share is payable on 1 March, 1 June, 1 September and 1 November, respectively. When the budget is adopted, the fourth paragraph applies and the treasurer shall make the required adjustments, if any, in order to take account of the shares contemplated in the first paragraph that have been paid or the interest accumulated on those shares that are outstanding.”;

(3) by striking out the ninth paragraph;

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

Notice to municipalities.

“Within ten days of the establishment of the shares and payments, the treasurer shall advise the municipalities of the amount of the shares and payments payable by each of them.”;

(5) by replacing the twelfth, thirteenth, fourteenth and fifteenth paragraphs by the following paragraphs:

Contestation.

“Even if a municipality contests its share or one of the payments as determined by the treasurer, it shall be held to pay it or make the payment in the meantime, pending final settlement of its contestation; should a municipality fail to pay an amount due to the Community under this section and under sections 212.1, 278 and 279 of this Act and section 362 of the Montreal Urban Community Act (1969, chapter 84), the Community may, on resolution of the executive committee, have it advised by formal notice that it must pay the amount due within ninety days of the day the said notice is sent. Should a municipality fail to comply with such notice within the time limit, the Commission municipale du Québec may, at the

request of the executive committee, petition to have the said municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale.

**Adjustments.** Any reduction of the aliquot share of a municipality shall apply as regards that municipality from the payment following the date of final settlement of its contestation, and any corresponding increase of the aliquot shares of the other municipalities shall be added, as regards those municipalities, to the amount of the fourth payment.

**Interest.** An amount to be reimbursed by the Community to a municipality by reason of a difference between the provisional and the final share, a reduction of the share after a contestation, a difference contemplated in section 279 or another adjustment of the share, bears interest at the rate determined under the eleventh paragraph from the date of exigibility of the last payment of the share or the entire share, as the case may be.

**Adjustment.** An adjustment of the share effected under this section does not constitute an expenditure or a supplementary revenue of the Community for the fiscal period during which the adjustment is effected.

**Statement of assessments.** The head of the valuation department shall draw up, after the deposit of the assessment roll and of the roll of rental values, a statement of the total assessments, comprising real estate assessments as well as rental assessments.

**Basis of statement.** The statement of the total assessments is based on the rolls deposited on 15 September each year and kept up to date until the following 15 October. In the case where sections 71 and 72 of the Act respecting municipal taxation apply, the dates mentioned above are changed accordingly. The statement is used for the purposes of the second paragraph and shall not be amended, unless a roll is quashed or set aside by a final judgment. After the deposit of a new roll to replace a roll quashed or set aside, the head of the valuation department shall draw up a new statement of the total assessments, which is used for the preparation of the new apportionment in accordance with this section."

**R.S.Q., c. C-37.2, s. 221, replaced.** **91.** Section 221 of the said Act is replaced by the following section:

**General or special tax.** **"221.** For the purposes of paying its share of the expenses of the Community, each municipality may impose a general or special tax based on the assessment of the taxable immoveables in its territory, by following the procedure provided for that purpose in the Act governing it."

**R.S.Q., c. C-37.2, s. 223, am.** **92.** Section 223 of the said Act is amended by replacing the first paragraph by the following paragraph:

Capital ex-  
penditures  
program.

**“223.** The Community shall, not later than 30 October each year, adopt for the next three fiscal years the program of its capital expenditures and the program of the capital expenditures of the Commission de transport. Each such program shall be adopted by the by-law of which it is a part.”

R.S.Q.,  
c. C-37.2,  
s. 224, re-  
placed.

**93.** Section 224 of the said Act is replaced by the following section:

Loans.

**“224.** The Community may, with the approval of the Minister and the Commission municipale du Québec, contract loans for a purpose within its jurisdiction, according to the mode and on such conditions as are approved by them. The term of such loans shall in no case exceed fifty years.”

R.S.Q.,  
c. C-37.2,  
s. 225, am.

**94.** Section 225 of the said Act is amended

(1) by replacing the second subparagraph of paragraph 3 by the following subparagraph:

Sale by  
tender.

“In the case of sale by tender, the tenders shall not be subject to sections 32 and 120, but they shall be addressed to the treasurer and opened by him in the presence of the chairman of the executive committee or, in the case provided for in section 36, in the presence of a vice-chairman of the committee, the director-general, or his deputy. The treasurer, on behalf of the Community, shall make the sale to the tenderer who submitted the tender which the treasurer deems to be the most advantageous to the Community. He shall not be bound to accept any tender.”;

(2) by replacing the first subparagraph of paragraph 4 by the following subparagraphs:

“(4) A loan may be granted from such working fund

(a) for a purpose for which the Community is authorized to borrow temporarily;

(b) in anticipation of the collection of revenue of the Community or of a sum owing to it; or

(c) for the purchase of pending securities of the Community that may meet the requirements of a sinking-fund, at a price not exceeding their par value.

Term.

The term of the loan may not exceed three years in the case contemplated in subparagraph *a* of the first paragraph and may not exceed one year in the other cases.”

R.S.Q.,  
c. C-37.2,  
replaced.

**95.** Section 226 of the said Act is replaced by the following section:

Loans. **“226.** The loans of the Community shall be ordered by by-law, except in the case of loans by notes the term for repayment of which does not exceed one year; in the last mentioned case, a resolution shall be sufficient.

Loan by-laws. The by-law need mention only the total amount of the principal of the loan it orders, the purposes for which the proceeds of the loan are to be used and the maximum term for which it may be contracted.”

R.S.Q., c. C-37.2, s. 227, am. **96.** Section 227 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

Securities or contract. **“227.** Where a loan has been ordered by by-law of the Council, the executive committee may effect it by issuing securities or by contract, up to the total amount of principal mentioned in the by-law.

Modalities. The executive committee shall then determine

(1) the interest rate on the loan or securities, or the manner of fixing such rate;

(2) the time the loan is effected;

(3) the contents of the securities or of the contracts; and

(4) the conditions of issue of the securities.

Term. The executive committee may then effect the loan for a term shorter than that authorized by by-law of the Council and determine the part of such loan which shall be renewable at maturity and the maximum term of such renewal.”;

(2) by adding, at the end, the following paragraphs:

Register. **“The** executive committee may designate a place outside Québec where a register shall be kept for the registration of securities and a person authorized to keep the register.

Repayment. It may repay in advance a loan that may be so repaid.

Rules. It may prescribe rules on any matter relating to borrowings of the Community that the Council, by by-law, entrusts to it for regulation.

Approval. A resolution of the executive committee adopted under this section must be approved by the Minister and the Commission municipale du Québec.”

R.S.Q., c. C-37.2, s. 228, replaced. **97.** Section 228 of the said Act is replaced by the following section:

Applicable provisions.

**“228.** Section 7 and Divisions V, VI and VIII to X of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) apply to the Community. The treasurer or any other officer designated for that purpose by the executive committee shall fulfil the obligations mentioned in sections 24 and 32 of the said Act.

Seal and certificate.

The Minister may cause the seal and the certificate provided for in section 12 of such Act to be affixed to a security issued by the Community under a by-law approved by it or the Commission municipale du Québec. The validity of a security bearing such seal and certificate is not contestable.

Exception.

Division IX of the said Act does not apply to a security that is not subject to registration pursuant to the conditions of its issue.

Advance repayment or redemption.

A loan obtained by the Community or a security issued by it may be repaid or redeemed in advance, of its own accord, according to the terms of the contract or security. The date of advance repayment or redemption may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.”

R.S.Q., c. C-37.2, s. 229, am.

**98.** Section 229 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Canadian currency.

“The amount in Canadian dollars of a loan effected in another currency is obtained by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

Computation.

For the purposes of the computation contemplated in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the moment of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the Community; or,

(2) at noon on the day on which all or part of the proceeds are paid to the Community, if it is not converted into Canadian dollars.

Renewal of a loan.

Where all or part of the proceeds of a loan are used to renew a loan already effected by the Community, for all or part of its unexpired term, the amount used for such renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is effected.”

R.S.Q., c. C-37.2, ss. 230, 231, replaced, 231.1-231.3, added. Authorized investments.

**99.** Sections 230 and 231 of the said Act are replaced by the following sections:

**“230.** The securities issued by the Community are authorized investments as if they were mentioned in subparagraph a of the first paragraph of article 981o of the Civil Code.

General obligations.

The commitments included in the securities issued by the Community and the contracts entered into by it constitute direct and general obligations of the Community and of the municipalities and rank concurrently and *pari passu* with all other general obligations of the Community and of the municipalities.

Joint and several liability.

**“231.** The Community and the municipalities are jointly and severally liable for any obligations contracted by the Community towards the holders of the securities issued by it or towards persons with whom it has debts arising from contracts.

Unapplicable provisions.

**“231.1** Notwithstanding any inconsistent legislative provision, the second paragraph of section 228 does not apply to a security issued under section 225 or issued to effect a temporary loan.

Types of securities.

**“231.2** Notwithstanding any inconsistent legislative provision, the securities of the Community may be issued in the following forms or as a combination thereof:

- (1) fully registered securities;
- (2) securities that may be registered only for the principal; or
- (3) securities payable to the bearer.

Transfer.

The executive committee may prescribe the mode of transfer or negotiation of the securities of the Community and the formalities to be fulfilled for that purpose. However, a bearer security is negotiable by mere delivery and is not subject to registration unless otherwise stipulated.

Foreign loan.

**“231.3** Where the Community effects a loan in a foreign country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding respecting that loan.

Foreign legislation.

In the same circumstances, the Community may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that sections 224 to 232 are complied with.”

R.S.Q.,  
c. C-37.2,  
s. 232, am.

**100.** Section 232 of the said Act is amended by replacing the first paragraph by the following paragraph:

Signatures.

**“232.** The bonds, notes and other securities of the Community shall be signed by the chairman or the vice-chairman of the executive committee and by the secretary or, if the secretary is absent or unable to act, by the person designated for such purpose by the executive committee.”

R.S.Q.,  
c. C-37.2,  
s. 238, am.

**101.** Section 238 of the said Act is amended by replacing the second paragraph by the following paragraph:

Applica-  
bility.

“Sections 3 and 4, the first paragraph of section 15 and sections 23 to 25, 38 and 41 apply to the Commission, *mutatis mutandis*.”

R.S.Q.,  
c. C-37.2,  
s. 239, re-  
placed.  
Vote.

**102.** Section 239 of the said Act is replaced by the following section:

“**239.** In any matter submitted to the Council respecting the Commission, the representatives of the municipalities of the territory of the Commission shall be entitled to vote, in addition to the chairman of the executive committee. In this title, the word “municipality” means one of those municipalities.

Longueuil.

For such purposes only, and as long as the city of Longueuil forms part of the territory of the Commission, such city shall be represented on the Council by one delegate, appointed in accordance with the second paragraph of section 42, who shall be deemed to be a member of the Council.”

R.S.Q.,  
c. C-37.2,  
s. 240, am.

**103.** Section 240 of the said Act is amended by striking out the second and third paragraphs.

R.S.Q.,  
c. C-37.2,  
s. 241, re-  
placed,  
241.1-  
241.5,  
added.  
Appoint-  
ment.

**104.** Section 241 of the said Act is replaced by the following sections:

“**241.** The chairman and general manager shall be appointed by the Government.

Appoint-  
ment.

The other commissioners shall be appointed by the Council. One of the commissioners shall be appointed upon a motion by a representative of the city of Montréal and the other upon a motion by a representative of another municipality.

Term.

“**241.1** The term of office of a commissioner is fixed by the Government and in no case may it exceed five years.

Con-  
tinuance in  
office.

“**241.2** Notwithstanding the end of his term of office, a commissioner remains in office until his successor is appointed.

Vacancy.

“**241.3** A vacancy in the office of commissioner shall be filled within thirty days of the date on which it occurs, in accordance with section 241.

Replace-  
ment.

“**241.4** If a commissioner is absent or unable or unwilling to act, or where the office of a commissioner is vacant and the commissioner is unable or unwilling to remain in office until his successor is appointed, he may be temporarily replaced by a person appointed in the same manner as himself.

Temporary  
substitute.

Section 241.5, the first paragraph of section 242 and the third paragraph of section 243 do not apply to the temporary substitute.

Exclusive service. **“241.5** A commissioner shall carry on only the work of the Commission and his duties of office; he shall not hold any other remunerated employment or occupation.”

R.S.Q., c. C-37.2, s. 242, am. **105.** Section 242 of the said Act is amended by replacing the first paragraph by the following paragraphs:

Incompatibility of office. **“242.** The office of commissioner is incompatible with the office of member of the Council or of a council of a municipality or of officer or employee of the Community or a municipality.

Forfeiture. In no case may a commissioner hold regular or permanent employment with the Commission, under pain of forfeiture of office.”

R.S.Q., c. C-37.2, s. 243, replaced. **106.** Section 243 of the said Act is replaced by the following section:

Remuneration. **“243.** The Council shall fix, by by-law, the remuneration and allowance of its members. The remuneration and allowance shall be paid by the Commission out of its revenue.

Retroactive effect. The by-law may be retroactive to 1 January preceding its coming into force.

Pension. The Council shall fix by by-law the rules concerning the pension of commissioners, which must be a contributory pension. The pension is paid by the Commission out of its revenue.”

R.S.Q., c. C-37.2, s. 249, am. **107.** Section 249 of the said Act, amended by section 113 of chapter 2 of the statutes of 1982, is again amended by adding, at the end, the following paragraph:

Exercise of powers. **“The** commissioner who exercises the powers of the chairman under the seventh or eighth paragraph does so only until the appointment of a temporary substitute or of a successor in accordance with section 241.3 or 241.4, where such is the case.”

R.S.Q., c. C-37.2, s. 253, am. **108.** Section 253 of the said Act is amended  
(1) by replacing the first paragraph by the following paragraph:

Applicability. **“253.** Sections 69 to 69.4, 110.1, 110.2, 113 to 116, 119, 307 to 309 and 315 apply, *mutatis mutandis*, to the Commission. For such purposes, the word “municipality” in any of those sections means a municipality within the territory of the Commission.”;

(2) by replacing subparagraphs *d* and *e* of the second paragraph by the following subparagraphs:

“(d) to make by-laws respecting the transport of passengers in its vehicles and the conduct of persons on or in its property in such a way as to ensure comfort and safety to the public;

“(e) to establish, possess and operate a service for the public transport of passengers

i. between any point within its territory and the international airport situated at Dorval or Mirabel; or

ii. between any point or airport contemplated in subparagraph i and a Canadian or American airport towards which all or part of the air traffic of the airport first mentioned is diverted;”.

R.S.Q.,  
c. C-37.2,  
ss. 254,  
255, re-  
placed.  
Approval.

**109.** Sections 254 and 255 of the said Act are replaced by the following sections:

“**254.** A by-law of the Commission must be approved by the Council in order to come into force.

Public ten-  
ders.

“**255.** A contract for the execution of work, the supplying of equipment or materials or the supplying of services other than professional services is awarded by the Commission after a call for public tenders, in accordance with section 120 which applies, *mutatis mutandis*, where the contract involves an expenditure of \$25 000 or more.

Tenders.

Where the contract involves an expenditure of more than \$5 000 but less than \$25 000, its awarding must be preceded by a call for tenders made by inviting at least two contractors or, as the case may be, two suppliers to tender.”

R.S.Q.,  
c. C-37.2,  
s. 258, am.

**110.** Section 258 of the said Act is amended by striking out the eighth paragraph.

R.S.Q.,  
c. C-37.2,  
s. 267, am.

**111.** Section 267 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Approval.

“To come into force, the tariffs established by the Commission and applicable in its territory, as well as tariffs for the public transportation service between any point within its territory and the international airport situated at Mirabel, must be approved by the Council.”

R.S.Q.,  
c. C-37.2,  
s. 268, am.

**112.** Section 268 of the said Act is amended by replacing the first paragraph by the following paragraph:

Review of  
decision.

“**268.** Where the Council’s approval is not required, any decision of the Commission respecting transport tariffs may be revised by the Commission des transports du Québec upon an appeal by the Community or any municipal corporation or person interested.”

R.S.Q.,  
c. C-37.2,  
s. 273, re-  
pealed.

**113.** Section 273 of the said Act is repealed.

R.S.Q.,  
c. C-37.2,  
s. 275, am.

**114.** Section 275 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

Applica-  
bility.

**“275.** Sections 116.1, 207, 216 and 221 apply, *mutatis mutandis*, to the Commission. For such purposes, the word “municipality” in any of those sections means a municipality of the territory of the Commission.”

R.S.Q.,  
c. C-37.2,  
s. 279, am.

**115.** Section 279 of the said Act, amended by section 65 of chapter 34 of the statutes of 1980, is again amended

(1) by replacing the third, fourth and fifth paragraphs by the following paragraphs:

Difference  
between  
actual and  
estimated  
deficit.

“The sum representing the difference, for a given fiscal period, between the estimate and the actual amount of the portion of the deficit contemplated in the first paragraph or between the amount mentioned in the certificate contemplated in section 278 and the actual expenses of the city of Montréal, is, as the case may be,

(1) paid by the Community to the Commission or the city, within thirty days of receipt by the treasurer of the Community of a certificate of the treasurer of the Commission or of the director of finance of the city attesting the difference; or

(2) reimbursed by the Commission or the city to the Community at the time of the sending of the certificate.

Share of  
the deficit.

If the Community must, under the third paragraph, pay a sum greater than the sum it was reimbursed, the treasurer of the Community shall, not later than 21 December of the current fiscal period and subject to the sixth paragraph, apportion the excess amount among the municipalities. The aliquot share is payable by each municipality on 1 March of the following fiscal period.

Notice.

Within ten days of the determination of the aliquot shares under the fourth paragraph, the treasurer of the Community shall notify each municipality of the amount of its aliquot share.

Appropriation of  
surplus.

The Council may, not later than 21 December of the current fiscal period, appropriate any surplus contemplated in section 217 for the purposes of the payment of all or part of the excess amount contemplated in the fourth paragraph.

Reimbursement.

If the Community is, under the third paragraph, reimbursed for a sum greater than the sum it must pay, the excess amount is reimbursed to the municipalities within thirty days of receipt, by the treasurer of the Community, of the last of the certificates contemplated in paragraph 1 of the third paragraph.

Proportional amounts.

The apportionment contemplated in the fourth paragraph or the reimbursement contemplated in the seventh paragraph is effected in proportion to the fiscal potential of each municipality for the fiscal period contemplated in the third paragraph.

Budget amended.

The instalments, payments of aliquot shares or reimbursements effected under this section constitute an expense or revenue of the Community for the fiscal period during which they are effected. The budget for that period is deemed amended accordingly and the corresponding appropriations are deemed to be adopted.

Territory of the city of Longueuil.

Until the coming into force of the letters patent provided for in section 300, the data required for the purposes of this section and the applicable provisions of section 220, with regard to the territory of the city of Longueuil served by the Transit Commission, shall be established by the head of the valuation department of the Community, in respect of the assessment roll, of the roll of rental values and of the portion of the real estate or rental values to be included in order to take account of any amount or compensation paid in lieu of real estate or business tax.”;

(2) by adding, at the end, the following paragraph:

Provisional shares.

“In the case provided for in the sixth paragraph of section 210, section 220 applies, *mutatis mutandis*, to the determination of an amount to be apportioned among the municipalities. The treasurer of the Community shall determine the provisional shares, in accordance with the effective dates provided for in the said section, on the basis of one-quarter of the estimated deficit of the budget for the preceding fiscal period of the Commission, as long as the budget has not been adopted. The amounts so apportioned are taken into account in the computation of the difference contemplated in the third paragraph.”

1969, c. 84, s. 309, repealed.

**116.** Section 309 of the Montreal Urban Community Act (1969, chapter 84) is repealed.

R.S.Q., c. C-37.2, ss. 280, 281, replaced.

**117.** Sections 280 and 281 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) are replaced by the following sections:

Loans.

**280.** The Commission may, with the approval of the Minister, the Commission municipale du Québec and the Council, contract a loan for a purpose within its jurisdiction, according to the mode and the conditions approved by the Minister and the Commission municipale du Québec. The term of such loans shall in no case exceed fifty years.

Loan by-law.

**281.** The loans of the Commission shall be ordered by by-law, except in the case of loans by notes the term for repayment

of which does not exceed one year; in such last mentioned case, a resolution shall be sufficient.

Amount,  
use and  
term.

The by-law need mention only the total amount of the principal of the loan that it orders, the purposes for which the proceeds of the loan are to be used and the maximum term for which it may be contracted."

R.S.Q.,  
c. C-37.2,  
s. 282, am.

**118.** Section 282 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

Securities  
or con-  
tract.

**"282.** Where a loan has been ordered by by-law, the Commission may effect it by issuing securities or by contract, up to the total amount of principal mentioned in the by-law.

Modalities.

The Commission shall then determine

(1) the interest rate on the loan or securities or the manner of fixing that rate;

(2) the time the loan is effected;

(3) the content of the securities or of the contracts; and

(4) the conditions of issue of the securities.

Term.

The Commission may then effect the loan for a term shorter than that mentioned in the by-law and determine the part of such loan which shall be renewable at maturity and the maximum term of such renewal.";

(2) by adding, at the end, the following paragraphs:

Register.

"The Commission may designate a place outside Québec where a register shall be kept to register the securities and a person to keep it.

Rules.

It may set down rules on any matter respecting its loans.

Approval.

A resolution of the Commission adopted under this section must be approved by the Minister and the Commission municipale du Québec."

R.S.Q.,  
c. C-37.2,  
ss. 283-  
285, re-  
placed.

**119.** Sections 283 to 285 of the said Act are replaced by the following sections:

Applicable  
provisions.

**"283.** Section 7 and Divisions v, vi and viii to x of the Act respecting municipal and school debts and loans apply to the Commission. The treasurer of the Commission or any other officer designated for that purpose by it shall fulfill the obligations mentioned in sections 24 and 32 of the said Act.

Seal and certificate.

The Minister may cause the seal and the certificate contemplated in section 12 of such Act to be affixed to any security issued by the Commission under a by-law approved by it or the Commission municipale du Québec. The validity of a security bearing such seal and certificate is not contestable.

Exception.

Section IX of the said Act does not apply to a security that is not subject to registration pursuant to the conditions of its issue.

Advance repayment or redemption.

A loan of the Commission or a security issued by it may be repaid or redeemed in advance, of its own accord, according to the terms of the contract or security. The date of advance repayment or redemption may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

Authorized investment.

**“284.** The securities issued by the Commission are authorized investments as if they were mentioned in subparagraph *a* of the first paragraph of article 981*o* of the Civil Code.

General obligations.

The commitments included in the securities issued by the Commission and the contracts entered into by it constitute direct and general obligations of the Commission and of the municipalities mentioned in Schedules A and B. They shall rank concurrently and *pari passu* with all other general obligations of the Commission and of those municipalities.

Joint and several liability.

**“285.** The Commission and those municipalities are jointly and severally liable for any obligations contracted by the Commission towards the holders of the securities issued by it or towards persons who have debts arising from contracts.”

R.S.Q., c. C-37.2, s. 286, am.

**120.** Section 286 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Canadian currency.

“The amount in Canadian dollars of a loan effected in another currency is obtained by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

Computation.

For the purposes of the computation contemplated in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the time of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the Commission; or

(2) at noon on the day on which all or part of the proceeds of the loan is paid to the Commission, if it is not converted into Canadian dollars.

Renewal of a loan.

Where all or part of the proceeds of a loan are used to renew a loan already effected by the Commission, for all or part of its

unexpired term, the amount used for such renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is effected.”

R.S.Q.,  
c. C-37.2,  
ss. 286.1-  
286.3,  
added.

**121.** The said Act is amended by inserting, after section 286, the following sections:

Temporary  
loan.

**“286.1** Notwithstanding any inconsistent legislative provision, the second paragraph of section 283 does not apply to a security issued by the Commission to effect a temporary loan.

Types of  
securities.

**“286.2** Notwithstanding any inconsistent legislative provision, the securities of the Commission may be issued in one of the following forms or as a combination thereof:

- (1) fully registered securities;
- (2) securities that may be registered for the principal only; or
- (3) securities payable to the bearer.

Transfer.

The Commission may prescribe the mode of transfer or negotiation of its securities and the formalities to be fulfilled for that purpose. However, a bearer security is negotiable by mere delivery and is not subject to registration unless otherwise stipulated.

Foreign  
country.

**“286.3** Where the Commission effects a loan in a foreign country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding respecting that loan.

Foreign  
legislation.

In the same circumstances, the Commission may order that the securities issued by it or the contracts entered into by it in a foreign country for the purposes of the loan be governed by the law of that country, provided that sections 280 to 287 are complied with.”

R.S.Q.,  
c. C-37.2,  
s. 288, am.

**122.** Section 288 of the said Act is amended by replacing the second paragraph by the following paragraph:

Copy of  
the  
budget.

**“The Commission must, not later than 1 July each year, send to the Minister of Transport and the Commission des transports du Québec a certified copy of the budget for the current year and of the report filed by the auditors for the previous fiscal year, together with a report of the Commission’s activities during that fiscal year.”**

R.S.Q.,  
c. C-37.2,  
s. 294, am.

**123.** Section 294 of the said Act is amended

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

General  
obliga-  
tions.

**“Notwithstanding the apportionment of the debt service provided by this section, the commitments included in securities issued**

by the Community and contracts entered into by it, for the purpose of extending the metro, constitute direct and general obligations of the Community and of the municipalities mentioned in Schedules A and B. The Community and those municipalities are jointly and severally liable for the obligations contracted by the Community towards the holders of the securities issued by it or towards persons who have debts arising from contracts.”;

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

Expropriation.

“When an expropriation is decided upon by the Community for the purposes provided for by this section and except when the object of the expropriation is a servitude or a right which affects only the subsoil of an immovable or when a municipality already has manifested its intent not to carry out the expropriation itself, the Community shall offer to the municipality in which an immovable or a property right affected by such proposed expropriation is situated to carry out the expropriation itself at its own cost. Subject to subparagraph *j* of the first paragraph, the Community shall not proceed with the expropriation unless such municipality fails to accept, by resolution, the offer of the Community, within 90 days following its receipt.”

R.S.Q.,  
c. C-37.2,  
s. 296.1,  
added.

**124.** The said Act is amended by inserting, after section 296, the following section:

Public  
transport.

“**296.1** The Community may enter into an agreement with a transport undertaking with a view to providing public transport service in the territory of the Commission or between a point inside the territory and a point outside the territory.

Powers.

The Community has all the powers required to apply the agreement.”

1969, c. 84,  
s. 321, am.

**125.** Section 321 of the Montreal Urban Community Act (1969, chapter 84), amended by section 36 of chapter 90 of the statutes of 1971 and section 22 of chapter 73 of the statutes of 1972, is again amended by replacing that part which precedes paragraph *a* by the following:

Date.

“**321.** Not later than 1 January 1983, the Commission, the Community and the city of Montréal shall jointly:”

1969, c. 84,  
s. 324, am.

**126.** Section 324 of the said Act, amended by section 23 of chapter 73 of the statutes of 1972, is replaced by the following section:

Adoption  
of the  
plan.

“**324.** The plan shall be adopted by by-law of the Community and of the city of Montréal not later than 15 January 1984; it shall come into force following ratification by the Government.”

1969, c. 84,  
s. 325, am.

**127.** Section 325 of the said Act is amended by replacing the second paragraph by the following paragraph:

Representations.

“The Commission, the Community and the municipalities shall be called upon to submit their representations to the Commission municipale du Québec, and the Commission shall render its decision within three months following the application of the party who referred the dispute to it.”

1969, c. 84,  
ss. 329-332, repealed.

**128.** Sections 329 to 332 of the said Act are repealed.

R.S.Q.,  
c. C-37.2,  
s. 300, replaced,  
s. 300.1,  
added.

**129.** Section 300 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following sections:

Exclusion of territory of Longueuil.

**“300.** The Government may, on the recommendation of the Minister, exclude, by letters patent, the territory of the city of Longueuil from the territory of the Commission.

Coming into force.

The letters patent come into force on the day of their publication in the *Gazette officielle du Québec*.

Disputes.

**“300.1** The Government may designate a person to examine any questions in dispute between the Community, the Commission, the city of Longueuil, the Commission de transport de la Rive Sud de Montréal and the municipalities and bodies to whose rights they have succeeded.

Recommendations.

The designated person shall transmit to the Government his recommendations for the solution of the questions in dispute, within the time limit established by the Government.”

1969, c. 84,  
s. 336,  
repealed.

**130.** Section 336 of the Montréal Urban Community Act (1969, chapter 84) is repealed.

R.S.Q.,  
c. C-37.2,  
s. 306, am.

**131.** Section 306 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing subsection 1 by the following subsection:

Decision.

**“306.** (1) The Commission municipale du Québec, after hearing the Commission and the appellant municipality, must render its decision within two months thereafter and inform the parties of its decision.

Share confirmed or changed.

The Commission may in such decision confirm the aliquot share or change it. It may change the aliquot share only if it entails serious prejudice to the ratepayers.

Order.

It may order the Commission to pay to the appellant municipality or vice versa, an amount that it considers equitable to meet the expenses caused by such appeal. The order shall be homologated

upon a motion to the Provincial Court or the Superior Court, in accordance with their respective jurisdictions. The order homologated shall be executory in the same manner as a judgment of such court.

Interlocutory order. It may also make an interlocutory order to safeguard the rights of the interested parties during the suit.”

1969, c. 84, s. 341, am. **132.** Section 341 of the Montréal Urban Community Act (1969, chapter 84), amended by section 14 of chapter 87 of the statutes of 1975, is replaced by the following section:

Public reserve. **“341.** Any municipality that establishes, extends or abandons a reserve for public purposes under the Expropriation Act shall have the notice contemplated in section 79 or 83 of the said Act served on the Community before having it served on the owner or the interested holder of the real right.”

R.S.Q., c. C-37.2, s. 311, repealed. **133.** Section 311 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is repealed.

R.S.Q., c. C-37.2, s. 312.1, added. **134.** The said Act is amended by inserting, after section 312, the following section:

Exercise of power. **“312.1** Any power that may be exercised by ordinance of the executive committee may also be exercised by by-law of the Council.”

R.S.Q., c. C-37.2, s. 314, replaced. **135.** Section 314 of the said Act is replaced by the following section:

Facsimile. **“314.** The facsimile of the signature of the director general, secretary, treasurer or head of the valuation department of the Community on any document he is authorized to sign shall have the same effect as the signature itself if the use of such facsimile is authorized by the executive committee.

Exception. The first paragraph does not apply in respect of the original of a by-law, ordinance or resolution adopted by the Council or executive committee.

Applicability. The first two paragraphs apply, *mutatis mutandis*, to the chairman and director general, secretary and treasurer of the Commission de transport.”

R.S.Q., c. C-37.2, s. 317, replaced. **136.** Section 317 of the said Act is replaced by the following sections:

Interpretation. **“317.** The Community is a municipality within the meaning of the Act respecting the Ministère des Affaires municipales (R.S.Q.,

chapter M-22), the Act respecting the Commission municipale (R.S.Q., chapter C-35) and the Municipal Aid Prohibition Act (R.S.Q., chapter I-15). It is a municipal corporation within the meaning of the Public Health Protection Act (R.S.Q., chapter P-35), the Labour Code (R.S.Q., chapter C-27) and the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1).

Interpreta-  
tion.

It is also a municipal corporation within the meaning of paragraph *f* of section 244 of the Act respecting insurance (R.S.Q., chapter A-32).

Applica-  
bility.

The Acts mentioned in the first paragraph apply, *mutatis mutandis*, to the Community.

Civil pro-  
tection.

In particular, for the application of the Act respecting the protection of persons and property in the event of disaster,

(1) the executive committee and its chairman are deemed to be the council and the mayor of the municipal corporation, respectively;

(2) from the time the executive committee or its chairman decrees a state of emergency pursuant to the said Act, the officers and employees of the municipalities contemplated by such decree shall come under the authority of the chairman of the executive committee to the extent necessary for the application of the said Act; and

(3) the executive committee or its chairman may decree a state of emergency in a municipality only if

(a) such municipality and the Community have previously entered into an agreement as to their respective responsibilities for the expenses caused by the acts of officers and employees of the municipality, or if

(b) the council or the executive committee of the municipality, or its mayor or chairman of the committee, expressly requests the executive committee of the Community or its chairman to decree the state of emergency, in which case the expenses mentioned in subparagraph *a* are charged to the municipality.

Dispensa-  
tion.

“**317.1** The Community is dispensed from the obligation of contracting the insurance provided for by section 84 of the Automobile Insurance Act (R.S.Q., chapter A-25) and section 103 of the said Act applies to it.”

R.S.Q.,  
c. C-37.2,  
ss. 320-  
328, re-  
pealed.

**137.** Sections 320 to 328 of the said Act are repealed.

R.S.Q.,  
c. C-37.2,  
s. 329, re-  
placed.

**138.** Section 329 of the said Act is replaced by the following section:

Proceedings.

**“329.** Any proceeding for an offence under this Act or a by-law, ordinance or resolution of the Council, the executive committee or the Transit Commission shall be instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).”

R.S.Q.,  
c. C-37.2,  
s. 330, am.

**139.** Section 330 of the said Act is amended by replacing the first paragraph by the following paragraphs:

Transfer of  
social  
benefits.

**“330.** The social benefits accrued to the credit of an officer or employee of the Government of Canada, of a provincial government, of a body or agency of such a government, of a university situated in Québec, of a municipality, of a school municipality, of the Conseil scolaire de l'île de Montréal, of Hydro-Québec, of the electrical services commission of the city of Montréal, of the Montréal transportation commission or of the Transit Commission of the Communauté urbaine de Montréal in a plan or fund administered by one of such employers, by one of such employers and its employees or by a third party on behalf of such persons, shall be transferable upon the application of the officer or employee transferred to the employ of the Community or the Transit Commission or vice versa, or upon the application of the concerned government or body, the whole upon the conditions fixed or approved by the Régie des rentes du Québec.

Transfer of  
social  
benefits.

The other social benefits, in particular vacation and sick leave, credited to an officer or employee of a government or body mentioned in the first paragraph who changes employment are also transferable, provided that the change of employment concerns the Community or the Transit Commission. The conditions of the transfer of those social benefits are those agreed upon by the Community and the Transit Commission and the government or other concerned body.

Applicability.

This section applies, *mutatis mutandis*, to the transfer of social benefits between the plans or funds of the Community.”

R.S.Q.,  
c. C-37.2,  
s. 332, re-  
placed.

**140.** Section 332 of the said Act is replaced by the following section:

Population.

**“332.** For the purposes of this Act, the population of a municipality is that indicated in the last census recognized as valid by the Government under the Cities and Towns Act or the Municipal Code, as the case may be, and the population of the territory of the Community is the sum of the populations of the municipalities.”

1969, c. 84,  
ss. 366 to  
369, re-  
pealed.

**141.** Sections 366 to 369 of the Montreal Urban Community Act (1969, chapter 84) are repealed.

1969, c. 84,  
Tit. IV,  
ss. 372,  
373, re-  
pealed.

**142.** Title IV of the said Act, comprising sections 372 and 373, is repealed.

R.S.Q.,  
c. C-37.2,  
Scheds. A,  
B, re-  
placed.

**143.** Schedules A and B to the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) are replaced by the following schedules:

#### “SCHEDULE A

##### *Territory of the Community*

Town of Anjou; Town of Baie d’Urfé; City of Beaconsfield; City of Côte-Saint-Luc; Town of Dollard-des-Ormeaux; City of Dorval, including the Town of Île Dorval; Town of Hampstead; Town of Kirkland; City of Lachine; City of LaSalle; City of Montréal; Town of Montréal-Est; City of Montréal-Nord; Town of Montréal-Ouest; Town of Mont-Royal; City of Outremont; City of Pierrefonds; City of Pointe-aux-Trembles; City of Pointe-Claire; Town of Roxboro; Town of Sainte-Anne-de-Bellevue; Town of Sainte-Geneviève; Town of Saint-Laurent; City of Saint-Léonard; Town of Saint-Pierre; Parish of Saint-Raphaël-de-l’Île-Bizard; Village of Senneville; City of Verdun; City of Westmount.

#### “SCHEDULE B

##### *Territory of the Transit Commission*

Town of Anjou; Town of Baie d’Urfé; City of Beaconsfield; City of Côte-Saint-Luc; Town of Dollard-des-Ormeaux; City of Dorval; Town of Hampstead; Town of Kirkland; City of Lachine; City of LaSalle; City of Longueuil; City of Montréal; Town of Montréal-Est; Town of Montréal-Nord; Town of Montréal-Ouest; Town of Mont-Royal; City of Outremont; City of Pierrefonds; City of Pointe-aux-Trembles; City of Pointe-Claire; Town of Roxboro; Town of Sainte-Anne-de-Bellevue; Town of Sainte-Geneviève; Town of Saint-Laurent; City of Saint-Léonard; Town of Saint-Pierre; Parish of Saint-Raphaël-de-l’Île-Bizard; Village of Senneville; City of Verdun; City of Westmount.”

M.C.,  
a. 113a,  
am.

**144.** Article 113a of the Municipal Code, enacted by section 43 of chapter 16 of the statutes of 1980, is amended by replacing the first paragraph by the following paragraph:

“**113a.** The sitting of the council includes a period during which the persons attending may put oral questions to the council members.”

R.S.Q.,  
c. C-19,  
s. 322, am.

**145.** Section 322 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the second paragraph by the following paragraph:

Question  
period.

“A sitting of the council includes a period during which the persons attending may put oral questions to the members of the council.”

R.S.Q.,  
c. A-19.1,  
s. 264.1,  
added.

**146.** The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting, after section 264, the following section:

Applica-  
bility.

“**264.1** The Preliminary Title, Chapters I, VI and VII of Title I, Division II of Chapter II of Title II, Title III and Chapter I of Title IV apply to the Communauté urbaine de Montréal and to municipalities that are part of it, including the city of Montréal, as if the Community were a regional county municipality.

Adapta-  
tions.

The provisions mentioned in the first paragraph apply with the following adaptations:

(1) the secretary of the Community is deemed to be the secretary-treasurer of the regional county municipality;

(2) the by-law by which the Council of the Community adopts, amends or revises its development plan and the by-law or the resolution by which it adopts or amends its interim control by-law must be adopted by the majority provided for in sections 52 and 53 of the Act respecting the Communauté urbaine de Montréal;

(3) the Community must adopt its development plan not later than 11 July 1985;

(4) in addition to the items mentioned in section 5, the development plan of the Community must also include the following:

(a) the approximate density of occupation permissible in the various parts of its territory, including those parts within the urbanization perimeters;

(b) the approximate layout and the type of the main thoroughfares;

(5) in addition to the items mentioned in section 6, the complementary document to the development plan of the Community may include the minimum standards that must be taken into account by the traffic by-laws of the municipalities;

(6) instead of mailing or otherwise distributing an abstract of the preliminary development proposal to every address, the Community may have it published in a newspaper circulated in its territory; in such a case, the opinion of a municipality on that proposal must be sent to the Council of the Community within sixty days from such publication;

(7) within six months of receiving the resolution adopting the development proposal, the Minister shall give the notice contemplated in section 16 to the Council of the Community;

(8) the public meetings for consultation on the final version of the development plan of the Community, pursuant to section 20, shall be held by the development committee formed by section 82 of the Act respecting the Communauté urbaine de Montréal;

(9) the development plan of the Community comes into force six months after its adoption by the Council, subject to sections 27 to 29; the application for amendment of the plan provided for in section 27 may be made within six months from its adoption;

(10) a traffic by-law of a municipality whose territory is included in that of the Community must be in conformity with the objectives of the development plan of the Community and with the provisions of the complementary document to the plan; sections 34, 36 to 45, 57, 59, 60, 221 to 226 and 240 apply, *mutatis mutandis*, in respect of such a by-law;

(11) the opinion of the Council of the Community provided for by section 46 or 74, respecting the advisability of a loan by-law of a municipality, must be transmitted to the municipality within sixty days from the adoption of the by-law;

(12) notwithstanding section 61, the prohibition of any new use of the land, structure or cadastral operation or any parcelling out of a lot by alienation in the territory of a municipality included in that of the Community is lifted with the issuance of a permit by an officer designated by the municipality

(a) either when the use of the land, the structure, the cadastral operation or the planned parcelling out has already received, before the coming into force of the resolution contemplated in section 4, all the authorizations required by the municipality and when the use of the land or the structure begins within six months of the coming into force of the said resolution or when the cadastral operation or parcelling out is carried out within the same period,

(b) or when the two following conditions are met:

i. the waterworks and sewer services for which an authorization was received or a permit issued under the Act are already installed along the street where the use of the land, the structure, the cadastral operation or the parcelling out is intended, or the by-law ordering their installation is in force;

ii. the landsite on which or in respect of which the use of the land, the structure, the cadastral operation or the parcelling out is to be carried out is adjacent to a public street;

(13) government regulations made under subparagraph 6 of the first paragraph of section 241 and the second paragraph of that

section do not apply to the members of the Council of the Community.

Adoption or amendment of by-law by the city of Montréal.

Notwithstanding the first paragraph, the city of Montréal is not bound to adopt a planning program or any by-law that its charter does not give it the power to adopt. If, by the application of a provision mentioned in the first paragraph, the said city must adopt or amend a by-law that its charter gives it the power to adopt or amend, such adoption or amendment shall be made in accordance with the said charter and in accordance with the provisions mentioned in the first paragraph. In those provisions, any reference to another provision of this Act is deemed to be, for the said city, a reference to the corresponding provision of its charter. For the purposes of section 51, in the case of the said city, an owner is a person entered as such on its real estate assessment roll on the day of the adoption of the resolution mentioned in that section, and a lessee is a person entered, on the same date, as a lessee on the electoral list; in the case of a natural person, he must be of full age and a Canadian citizen.

Copies of resolutions and by-laws.

Only to the extent necessary for the application of the provisions mentioned in the first paragraph, and not in view of the procedure for consultation or approval provided for by Chapter IV of Title I, must the city of Montréal send copies of its resolutions and by-laws and send and publish notices respecting them in accordance with this Act.”

1971, c. 93, ss. 44-46, 53, repealed.

**147.** Sections 44 to 46 and 53 of the Act to constitute the Montréal Urban Community Police Department and to again amend the Montréal Urban Community Act (1971, chapter 93) are repealed.

1977, c. 71, ss. 11-15, repealed.

**148.** Sections 11 to 15 of the Act respecting the Public Security Council and the Police Department of the Montréal Urban Community (1977, chapter 71) are repealed.

Interpretation:

**149.** For the purposes of sections 150 to 189,

“Act”;

(1) “Act” means the Act respecting the Communauté urbaine de Montréal amended by this Act;

“existing Act”.

(2) “existing Act” means the Act respecting the Communauté urbaine de Montréal as it existed before 11 July 1982.

Continuance in office.

**150.** The members of the executive committee of the Communauté urbaine de Montréal in office on 11 July 1982 continue to hold office in the positions they hold on the committee until all the members of the committee appointed under sections 8, 82.3 and 101 of the Act have come into office.

**151.** The chairman and vice-chairman of the Council of the Communauté urbaine de Montréal in office on 11 July 1982 continue to hold office until the chairman or the vice-chairman of the Council, as the case may be, is appointed under section 101 of the Act.

**152.** If a member of the executive committee or the chairman or the vice-chairman of the Council of the Communauté urbaine de Montréal in office on 11 July 1982 ceases to be a member of the committee or hold therein the position of chairman or vice-chairman or ceases to be chairman or vice-chairman of the Council before the date provided for by section 150 or 151, he is replaced until that date in accordance with the existing Act.

**153.** Not later than 9 September 1982, the Council of the Communauté urbaine de Montréal must make the appointments provided for by sections 8, 11, 82.1 to 82.3 and 101 of the Act.

If the Council fails to make an appointment within the period provided for in the first paragraph, the Government or the Minister of Municipal Affairs may do so in his place, whether in the case of the chairman of the executive committee or another person.

The second paragraph does not prevent the Council from making the appointment after the expiry of the period mentioned in the first paragraph, if the Government or the Minister has not done so in its place.

**154.** Subject to section 155, until the Council of the Communauté urbaine de Montréal fixes by by-law a remuneration and allowance pursuant to section 19, 56 or 101.6 of the Act, those fixed by the Government under section 24, 56 or 101 of the existing Act shall continue to be paid, taking into account, however, article 77j of the Municipal Code or section 65.12 of the Cities and Towns Act (R.S.Q., chapter C-19) and sections 114 and 115 of the Act to amend certain provisions of law respecting democratic procedure and the remuneration of elected officials, in municipalities (1980, chapter 16).

**155.** Until the date provided for in section 154, the chairman of the executive committee of the Communauté urbaine de Montréal receives from the latter, in addition to the remuneration and the allowance mentioned in that section, the remuneration and allowance that he received at the time of his resignation, from the municipality of which he was a member of the council and, where applicable, from a mandatory body of the municipality.

Remuneration.

**156.** Notwithstanding sections 20 and 21 of the Act, a member of the Council of the Communauté urbaine de Montréal in office on 11 July 1982, if he is appointed chairman of the executive committee under section 8 of the Act and as long as he remains so, shall not receive from the Community less remuneration and allowance than the sum of those he was receiving on that date from the municipality of which he was a member of the council, from a mandatory body of the municipality and a supramunicipal body.

Consecutive terms.

The person contemplated in the first paragraph is not deemed to cease to be chairman of the executive committee at the expiry of his term if he is reappointed to that position for a consecutive term.

Interpretation.

**157.** For the purposes of sections 155 and 156, the words “mandatory body of a municipality” and “supramunicipal body” have the same meaning as for the purposes of section 65.12 of the Cities and Towns Act.

Pension.

**158.** A person who was chairman, vice-chairman or an ordinary member of the executive committee of the Communauté urbaine de Montréal before 11 July 1982 continues to be entitled to the pension fixed in his respect by the Government under section 24 of the existing Act.

Applicability.

The first paragraph also applies to a person who ceases to be chairman, vice-chairman or an ordinary member of the executive committee after the date mentioned in the first paragraph but before the coming into force of the by-law of the Council of the Community fixing the pension pursuant to section 19 of the Act.

Conditions.

The by-law contemplated in the second paragraph must provide, in respect of a person who is the chairman, vice-chairman or an ordinary member of the executive committee on the date mentioned in the first paragraph and to whom the by-law applies, for a pension whose conditions are at least as advantageous as those fixed in his respect by the Government under section 24 of the existing Act.

Application of order.

**159.** Until the Government makes the order provided for by section 20 of the Act, the order made under section 65.12 of the Cities and Towns Act applies to the chairman of the executive committee of the Communauté urbaine de Montréal as if he were a member of the council of a municipality, subject to section 156.

Appropriation.

**160.** For the fiscal year 1982, the Council of the Communauté urbaine de Montréal may appropriate, out of the moneys not otherwise appropriated from its general fund, sums sufficient for the purposes provided for in section 25 of the Act.

Presumption.

For the application of that section, such sums are deemed to be appropriations provided for in the budget.

Effect continued. **161.** A by-law of the Council of the Communauté urbaine de Montréal adopted under section 50 of the existing Act continues to have effect as if it had been adopted under section 51 of the Act until it is replaced or repealed.

Applicability. **162.** The third paragraph of section 52 of the Act applies only to the chairman of the executive committee of the Communauté urbaine de Montréal appointed in accordance with section 8 of the Act.

Applicability. The same applies to the right to vote of the chairman of the executive committee mentioned in section 239 of the Act.

By-laws continued. **163.** The by-laws establishing the departments of the Communauté urbaine de Montréal and the field of their activities and the functions of their heads not provided for by the Act, adopted under sections 103, 104, 125 and 132 of the existing Act, continue to have effect as if they had been adopted under sections 103 and 104 of the Act, until they are replaced or repealed.

Continuance in office. **164.** The treasurer, the valuation commissioner and the other permanent or temporary department heads of the Communauté urbaine de Montréal in office on 11 July 1982 continue to hold office until they are replaced pursuant to sections 103 to 105, 190 or 193 of the Act, as the case may be.

Continuance in office. **165.** The secretary-general of the Communauté urbaine de Montréal in office on 11 July 1982 remains in office as secretary until he is replaced pursuant to section 103 of the Act.

Director general. Furthermore, without holding the position of director general, he shall hold office as interim director general until a director general is appointed pursuant to section 103 of the Act.

Tariff continued. **166.** The tariff adopted by the executive committee of the Communauté urbaine de Montréal under section 314 of the existing Act continues to have effect as if it had been adopted under section 110.2 of the Act, until it is replaced or repealed.

Effect of order. The order of the Minister of Municipal Affairs made under section 91 of the Cities and Towns Act has effect in respect of the Community as if it had been made under section 110.2 of the Act. However, the order does not apply in respect of a tariff mentioned in the first paragraph.

Relief fund. **167.** A relief fund established and maintained by the Communauté urbaine de Montréal under section 113 of the existing Act, or which the Community has assisted in establishing or maintaining under that section, continues to exist as if it had been established or maintained or the assistance furnished under section 113 of the Act

and had received the approval of the Minister of Financial Institutions and Cooperatives.

Existing  
by-law.

**168.** A by-law of the Council of the Communauté urbaine de Montréal adopted under section 157 of the existing Act continues to have effect as if it had been adopted under section 157 of the Act, until it is replaced or repealed.

Con-  
tinuance in  
office.

**169.** A member of the Public Security Council appointed under section 165 of the existing Act and in office on 11 July 1982 becomes a member of the public safety committee and remains so until he is replaced in accordance with section 82.2 of the Act.

Applicabil-  
ity of  
order.

**170.** The government order made under section 173 of the existing Act continues to apply to the person contemplated in section 169 and his successors appointed under section 82.2 of the Act, as if it had been adopted under that section, until it is replaced or repealed.

Public  
Security  
Council.

**171.** The secretary, personnel and advisers of the Public Security Council appointed under section 177 of the existing Act shall not be dismissed solely for the reason that the Public Security Council is abolished. They shall not be subjected to conditions of employment less advantageous than those fixed in their respect under that section.

Decisions  
main-  
tained.

**172.** The decisions taken by the Public Security Council under sections 178 to 180, 196 and 198 of the existing Act continue to have effect as if they had been taken by the executive committee under sections 178, 178.1, 180, 196 and 198 of the Act, until they are replaced or repealed.

Tax.

**173.** A municipality may levy and recover a tax based on the rental value and imposed under section 221 of the existing Act.

Con-  
tinuance in  
office.

**174.** The chairman and general manager of the Commission de transport de la Communauté urbaine de Montréal and its other members in office on 11 July 1982 continue to hold office until they are replaced pursuant to section 241 of the Act.

Existing  
remunera-  
tion main-  
tained.

**175.** Until the Commission de transport de la Communauté urbaine de Montréal fixes by by-law a remuneration and allowance pursuant to section 243 of the Act, the remuneration and allowance fixed by the Government under section 243 of the existing Act continue to be paid.

Existing  
remunera-  
tion main-  
tained.

**176.** A member of the Commission de transport de la Communauté urbaine de Montréal in office on 11 July 1982 shall not

receive under the by-law contemplated by section 243 of the Act a remuneration and allowance less than those he received on that date.

Pension rights maintained.

**177.** A person who has been a member of the Commission de transport de la Communauté urbaine de Montréal before 11 July 1982 continues to be entitled to the pension fixed in his respect by section 243 of the existing Act or by section 329 or 330 of the Montréal Urban Community Act (1969, chapter 84).

Applicability.

The first paragraph also applies to a person who ceases to be a member of the Commission after the date mentioned in that paragraph but before the coming into force of the by-law of the Council of the Communauté urbaine de Montréal fixing the pension under section 243 of the Act.

Amount of pension.

The by-law contemplated in the second paragraph must provide, in respect of a person who is a member of the Commission on the date mentioned in the first paragraph to whom the by-law applies, a pension of an amount not less than the amount of the pension fixed by section 243 of the existing Act.

Surviving spouse.

**178.** The surviving spouse of a person contemplated in section 177 is entitled to the pension fixed in his respect by section 243 of the existing Act or section 330 of the Montréal Urban Community Act (1969, chapter 84).

Applicability.

The third paragraph of section 177 applies, *mutatis mutandis*, to that spouse.

Tariff maintained.

**179.** A tariff established under section 267 of the existing Act continues to have effect as if it had been established under section 267 of the Act and approved by the Council of the Communauté urbaine de Montréal, until it is replaced or repealed.

Agreements.

**180.** Not later than 11 July 1983, the Communauté urbaine de Montréal and the municipalities in its territory with which it has not entered into an agreement under section 330 of the existing Act must enter into an agreement under section 330 of the Act.

Order.

Failing an agreement, the Government may order the content of an agreement between the Community and such a municipality. The order has the same effect as an agreement.

Effects preserved.

**181.** Generally, unless otherwise provided for by this Act, an act performed under the existing Act preserves its effects to the extent that it is not inconsistent with the Act.

Effects preserved.

The same applies to acts performed under the provisions repealed by sections 147 and 148.

Metropolitan Boulevard.

**182.** The apportionment of the cost of the lateral roads to the Metropolitan Boulevard among the municipalities concerned within the meaning of the Act respecting the Metropolitan Boulevard (1960-1961, chapter 61), for the fiscal years 1962 to 1981, coincides with the amounts paid for that purpose during that period by each of those municipalities.

Apportionment.

For the fiscal years 1982 to 1985, the apportionment is that provided for in the Schedule.

Payment.

A municipality shall, not later than 1 February of every year mentioned in the second paragraph, pay to the Communauté urbaine de Montréal the amount entered in the Schedule opposite its name. If a municipality fails to make the payment within that period, Divisions VI, VIII and IX of the Act respecting the Commission municipale (R.S.Q., chapter C-35) apply to the municipality.

Surplus.

The treasurer of the Community may use the surplus of a loan contracted for the construction of the Metropolitan Boulevard and the interest accrued on such surplus to pay each year the amount of the debt service of loans contracted for the Metropolitan Boulevard that exceeds the amount payable by the municipalities under the Schedule and that is not paid by the Government.

Apportionment of difference.

If the fourth paragraph does not allow the amount of the debt service for a fiscal year to be paid completely, each of the amounts mentioned in the Schedule is increased to cover the difference. Such difference shall be apportioned among the municipalities according to the percentage mentioned in the Schedule opposite each name.

Distribution of surplus.

The executive committee of the Community may, upon a report of the treasurer, distribute to every municipality, according to the percentage mentioned in the Schedule opposite its name, any surplus of a loan contracted for the purposes of paying the expenses incurred for the construction of the Metropolitan Boulevard or the lateral roads to the boulevard, and any balance of interest attached thereto.

Apportionment of expenses.

Once the distribution contemplated in the sixth paragraph has been carried out, and if other expenses become payable by the Community in respect of the Metropolitan Boulevard, the executive committee shall apportion them among the municipalities according to the percentage mentioned in the Schedule opposite each name. The same applies to any additional expense in respect of the Metropolitan Boulevard and the lateral roads thereto which becomes payable by the Community after 11 July 1982 and which has not been included in the apportionment mentioned in the Schedule.

Interpretation:

**183.** In any other Act or in any by-law, ordinance, resolution or other document of the Communauté urbaine de Montréal or respecting the Community,

“secretary-general”; (1) the expression “secretary-general” means the director general or the secretary of the Community, according to the competence contemplated;

“valuation commissioner”; (2) the expression “valuation commissioner” means the head of the valuation department; and

“Public Security Council”. (3) the expression “Public Security Council” means the executive committee or the public safety committee, according to the competence contemplated.

Municipal corporation. **184.** For the purposes of subsection 2 of section 27 of the Act to amend certain legislation to give effect to Government budget policy for the fiscal period 1981-1982 (1981, chapter 12), the Communauté urbaine de Montréal is and always has been a municipal corporation.

Effect. **185.** The second paragraph of section 50 of the Act and the fifth paragraph of section 82.10 of the Act, enacted by sections 20 and 28, respectively, have effect from 1 October 1982.

Interpretation. **186.** Section 45 must not be interpreted as meaning that the provisions that it repeals had effect from 19 June 1975, except to the extent provided for by sections 144 and 145 of the Expropriation Act (1973, chapter 38).

Exception. **187.** 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).

Effect. **188.** Section 52 has effect from 6 December 1978.

Declaratory sections. **189.** Sections 95 to 99 and 117 to 121 are declaratory.

Effect. However, the first paragraph does not have the effect of invalidating a loan that the Minister of Municipal Affairs has not approved, if the existing Act does not require it to receive such approval.

Court decisions. **190.** Sections 188 and 189 do not affect a judgment rendered before 19 December 1981 nor a case pending on that date.

Coming into force. **191.** This Act comes into force on 11 July 1982.

## SCHEDULE

*Apportionment of the cost of the lateral roads  
of Metropolitan Boulevard*

	\$	%
Anjou	79 300	15.86
Baie d'Urfé	900	0.18
Beaconsfield	2 400	0.48
Dorval	16 100	3.22
Kirkland	32 400	6.48
Montréal	57 600	11.52
Montréal-est	19 400	3.88
Mont-Royal	61 200	12.24
Pointe-aux-Trembles	44 000	8.80
Pointe-Claire	36 400	7.28
Sainte-Anne-de-Bellevue	3 600	0.72
Saint-Laurent	95 600	19.12
Saint-Léonard	51 100	10.22