

chapter C-47.1

MUNICIPAL POWERS ACT

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TITLE I

SCOPE AND INTERPRETATION

1. This Act applies to local municipalities and regional county municipalities but not to Northern, Cree or Naskapi villages.

2005, c. 6, s. 1.

2. Under this Act, municipalities are granted powers enabling them to respond to various changing municipal needs in the interest of their citizens. The provisions of the Act are not to be interpreted in a literal or restrictive manner.

2005, c. 6, s. 2.

3. A provision of a municipal by-law adopted under this Act that is inconsistent with a provision of an Act or regulation of the Government or one of its ministers is inoperative.

2005, c. 6, s. 3.

TITLE II

POWERS OF A LOCAL MUNICIPALITY

CHAPTER I

GENERAL PROVISIONS

4. In addition to the areas of jurisdiction conferred on it by other Acts, a local municipality has jurisdiction in the following fields:

- (1) culture, recreation, community activities and parks;
- (2) local economic development, to the extent set out in Chapter III;
- (3) power development and community telecommunications systems;
- (4) the environment;
- (5) sanitation;
- (6) nuisances;
- (7) safety; and
- (8) transportation.

A local municipality may adopt non-regulatory measures in the fields listed in the first paragraph and as regards childcare. However, a local municipality may not delegate a power in those fields except to the extent provided by law.

2005, c. 6, s. 4; 2005, c. 28, s. 177.

5. Under this Act and to the extent provided for in it, a local municipality adopts a by-law when it wishes to make a rule of a general and impersonal nature mandatory.

2005, c. 6, s. 5.

- 6.** In exercising a regulatory power under this Act, a local municipality may, in particular,
- (1) prescribe prohibitions;
 - (2) specify the cases where a permit is required, limit the number of permits and prescribe the cost, conditions and terms of issue and the rules governing the suspension or revocation of a permit;
 - (3) provide that one or more provisions of a by-law apply to part or all of its territory;
 - (4) create classes and make specific rules for each of them;
 - (5) prescribe the obligation to furnish security to ensure that premises are restored to their original state when a person carries on an activity or carries out work in the public domain; and
 - (6) prescribe rules that refer to standards made or approved by a third person. These rules may provide that changes made to the standards form part of the standards as if they had been adopted by the local municipality. Such changes come into force on the date set by the municipality under a resolution the adoption of which must be the subject of a public notice in accordance with the Act governing that municipality.

When a local municipality requires an itinerant merchant to obtain a permit under subparagraph 2 of the first paragraph, that permit may only be issued to a person who provides proof of having first obtained a permit in accordance with the Consumer Protection Act (chapter P-40.1).

2005, c. 6, s. 6.

CHAPTER II

CULTURE, RECREATION, COMMUNITY ACTIVITIES AND PARKS

- 7.** A local municipality may make by-laws governing the cultural, recreational and community services it offers and the use of its parks.

2005, c. 6, s. 7.

- 7.1.** A local municipality may entrust a person with the operation of its parks or its facilities or public places intended for cultural, recreational or community activities.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (chapter T-14) does not apply.

2005, c. 50, s. 104.

- 8.** In cooperation with a non-profit body, a school service centre, a school board or an educational institution, a local municipality may establish or operate a cultural, recreational or community facility in its territory or, after notifying the municipality concerned, outside its territory.

It may also grant assistance to a person outside its territory for the establishment and operation of facilities and public places intended for cultural, recreational or community activities.

2005, c. 6, s. 8; 2020, c. 1, s. 309.

CHAPTER III

LOCAL ECONOMIC DEVELOPMENT

- 9.** In order to promote its economic development, a local municipality may establish and operate

- (1) a convention centre or an exhibition centre;
- (2) a public market;
- (3) a railway siding; and
- (4) a tourist information office.

It may entrust a person with the operation of a facility referred to in the first paragraph.

A contract under the second paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (chapter T-14) does not apply.

2005, c. 6, s. 9; 2005, c. 50, s. 105.

10. A local municipality may, by by-law, regulate

- (1) the use of the services offered in the facilities listed in the first paragraph of section 9;
- (2) economic activities; and
- (3) the exhibiting, carrying or distribution of printed matter or other objects on a public road or a private immovable.

2005, c. 6, s. 10.

11. A local municipality may establish a non-profit body whose purpose is to provide technical support to an enterprise situated in its territory.

2005, c. 6, s. 11.

12. *(Repealed).*

2005, c. 6, s. 12; 2015, c. 8, s. 218.

13. *(Repealed).*

2005, c. 6, s. 13; 2015, c. 8, s. 218.

13.1. A local municipality may acquire a financial interest in a development fund created in its territory within the framework of the FIER-Regions or the Support Funds component of the government program known as the Regional Economic Intervention Fund (FIER).

The interest mentioned in the first paragraph may, in particular, be in the form of a loan or an investment made by subscribing to shares of the capital stock or the common stock of a limited partnership formed to administer the fund.

2005, c. 50, s. 106.

CHAPTER IV

POWER AND TELECOMMUNICATIONS

14. A local municipality may, by by-law, regulate the use of the power it develops.

2005, c. 6, s. 14.

15. A local municipality may entrust a person with selling the power produced by a residual materials disposal facility or water purification works.

2005, c. 6, s. 15.

16. A local municipality may make by-laws on the placing of wires, including wire burial.

It may also prescribe, by by-law, that poles and other supportive facilities must be used in common by any persons operating a telecommunications or electric company or any other service of the same nature.

2005, c. 6, s. 16.

16.1. A local municipality may install conduits for the burial of an electric power distribution or telecommunications system.

2006, c. 60, s. 59.

17. A local municipality may form a limited partnership with Hydro-Québec for the purpose, among other things, of producing electricity.

Hydro-Québec must at all times provide at least half of the contribution to the common stock of the limited partnership, and must be the partnership's general partner.

2005, c. 6, s. 17.

17.1. A local municipality may operate, alone or with another person, an enterprise that produces electricity at a wind farm or a hydro-electric power plant.

In the case of a hydro-electric power plant, the enterprise must be controlled by the local municipality. However, if the local municipality operates the enterprise with a regional county municipality or a band council within the meaning of the Indian Act (R.S.C. 1985, c. I-5) or the Cree-Naskapi (of Quebec) Act (S.C. 1984, c. 18), the enterprise may be controlled by one or more of those operators.

For the purposes of the first and second paragraphs, a local municipality whose territory is included in that of a regional county municipality may not operate an enterprise producing electricity at a hydro-electric power plant unless the regional county municipality has agreed to it.

If the enterprise is operated jointly under the first paragraph with another municipality or a band council, it need not be operated in the territory of all of those operators.

2005, c. 50, s. 107; 2006, c. 31, s. 118; 2010, c. 42, s. 15.

17.2. A local municipality wishing to operate an enterprise referred to in section 17.1 with a person operating a private-sector enterprise must issue a call for tenders if the project involves the operation of an enterprise controlled by one or more local municipalities or regional county municipalities.

The call for tenders must invite persons operating a private-sector enterprise to submit their expertise and main achievements in the provision of goods and services relating to power production and specified in the call for tenders.

The call for tenders must be published on an electronic tendering system accessible to contractors having an establishment in Québec or in a territory covered by an intergovernmental trade liberalization agreement applicable to the local municipality, and in a newspaper in the territory of the local municipality.

2005, c. 50, s. 107; 2006, c. 31, s. 118; 2010, c. 18, s. 75.

17.3. Sections 477.4 to 477.6 and 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) or articles 935 to 938.4 and 961.2 to 961.4 of the Municipal Code of Québec (chapter C-27.1) apply, with the necessary modifications, to the operator of an enterprise referred to in section 17.1 if the enterprise is controlled by one or more local municipalities or regional county municipalities. The operator is deemed to be a municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1 of the Cities and Towns Act or article 938.0.1 or 938.1.1 of the Municipal Code of Québec, as the case may be.

The following modifications are among those applicable for the purposes of the first paragraph: if the operator does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 of the Cities and Towns Act or article 961.4 of the Municipal Code of Québec must be posted on another website the operator determines; the operator shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of each local municipality or regional county municipality referred to in the first paragraph.

2005, c. 50, s. 107; 2006, c. 31, s. 118; 2010, c. 1, s. 42; 2010, c. 18, s. 76.

17.4. With the authorization of the Minister, a local municipality that participates in the operation of an enterprise referred to in section 17.1 may stand surety for a person operating that enterprise.

Before giving the authorization, the Minister may order the local municipality to submit the decision authorizing the suretyship to the approval of the qualified voters, according to the procedure prescribed for the approval of loan by-laws.

2006, c. 31, s. 118.

17.5. The total of the financial participation and surety bonds provided by the local municipality in respect of a given enterprise referred to in section 17.1 may not exceed the amount required to set up a wind farm with a generating capacity of 50 megawatts or a hydro-electric power plant with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State.

2006, c. 31, s. 118.

18. A local municipality may make by-laws on the use of any community telecommunications system it possesses.

The municipality may not acquire existing community telecommunications systems by expropriation.

2005, c. 6, s. 18.

CHAPTER V

ENVIRONMENT

DIVISION I

GENERAL PROVISIONS

19. A local municipality may adopt by-laws on environmental matters.

2005, c. 6, s. 19.

20. A local municipality may mandate a social trust that it has constituted for environmental purposes to carry out work on an immovable resulting from a program referred to in the second paragraph of section 92.

2005, c. 6, s. 20.

DIVISION II

WATER SUPPLY, SEWERS AND WATER PURIFICATION

§ 1. — *General provisions*

21. The municipality is not liable for damage caused to an immovable or its contents if the owner of the immovable neglects or omits to install an apparatus intended to reduce the risk of malfunction of a water supply system or sewer system in accordance with the by-law adopted under section 19. Such a by-law may apply to an immovable already erected if it prescribes a minimum period of one year to allow the owner to comply with that obligation.

2005, c. 6, s. 21.

22. A local municipality may entrust a person with the operation of its waterworks or sewer system or other water supply or water purification works for a maximum term of 25 years.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (chapter T-14) does not apply.

The resolution authorizing a contract made under the first paragraph must be submitted for approval to the qualified voters and the Government.

2005, c. 6, s. 22; 2005, c. 50, s. 108.

23. Despite its by-laws governing the water supply, a local municipality may enter into agreements with a person whose activities require an unusually high water consumption.

2005, c. 6, s. 23.

24. In exercising its powers as regards water supply, sewers and water purification, a local municipality may carry out work on a private road and is not bound to pay any compensation for the use of that road to carry out the work.

2005, c. 6, s. 24.

25. A local municipality may install private conduits, water intakes and sewer outlets and connect private conduits to public conduits at the expense of the owner.

2005, c. 6, s. 25.

25.1. A local municipality may install or maintain the waste water treatment system of an isolated dwelling within the meaning of the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), or bring it into conformity with the regulation, at the expense of the owner of the immovable. It may also clean the septic tanks of any other immovable.

For the purposes of the first paragraph, the second and third paragraphs of section 95 apply with the necessary modifications.

2007, c. 10, s. 7; 2007, c. 33, s. 1.

26. In order to serve its territory, a local municipality may also exercise, outside its territory, its powers as regards water supply and sewers.

The by-laws adopted under section 19 apply to the owner or occupant of an immovable outside its territory served by the municipality under an intermunicipal agreement.

2005, c. 6, s. 26.

§ 2. — *Water supply*

26.1. If a person fails to carry out work required by a by-law under section 19 relating to the protection of a source of drinking water, the municipality may, in an emergency, carry it out at the person's expense.

2006, c. 60, s. 60.

27. The municipality may suspend the supply of water only

(1) if a person makes abusive use of the water or controls equipment that causes water to be wasted or the quality of the water to deteriorate, and fails to take the required corrective measures within 10 days after the municipality sends a notice exposing the problem, indicating the corrective measures to be taken and informing the person that the water supply could be suspended. The suspension continues until corrective measures are taken;

(2) if a person refuses to admit the municipal employees responsible for ensuring the proper functioning of the water supply system or the application of a by-law adopted under a provision of this chapter. The supply of water is suspended so long as the refusal continues;

(3) if a person operating an enterprise fails to pay for the water supply and has not remedied the situation within 30 days of a notice to that effect sent by the municipality.

The sum required for the water supply, except to the extent that it is related to actual consumption, remains payable throughout the period in which the service is suspended under the first paragraph.

2005, c. 6, s. 27.

28. A local municipality is not bound to guarantee the quantity of water to be supplied.

No person may refuse to pay the water rate on account of a lack of water.

2005, c. 6, s. 28.

§ 3. —

Repealed, 2005, c. 50, s. 109.

2005, c. 50, s. 109.

29. *(Repealed).*

2005, c. 6, s. 29; 2005, c. 50, s. 109.

30. *(Repealed).*

2005, c. 6, s. 30; 2005, c. 50, s. 109.

31. *(Repealed).*

2005, c. 6, s. 31; 2005, c. 50, s. 109.

32. *(Repealed).*

2005, c. 6, s. 32; 2005, c. 50, s. 109.

33. *(Repealed).*

2005, c. 6, s. 33; 2005, c. 50, s. 109.

DIVISION III

RESIDUAL MATERIALS

2005, c. 50, s. 110.

34. A local municipality may entrust a person with the operation of its residual materials disposal and reclamation system.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In such a case, the Municipal Works Act (chapter T-14) does not apply.

2005, c. 6, s. 34; 2005, c. 50, s. 110.

DIVISION IV

COMMON FENCE, COMMON DITCH, DRAINAGE DITCH AND CLEARANCE

35. A local municipality may designate a person to try to resolve the disagreements referred to in section 36.

Subject to the conditions set out in the instrument of designation, the local municipality may broaden the designated person's mandate to cover all the owners in its territory.

The remuneration and eligible expenses of the designated person are specified in the instrument of designation.

2005, c. 6, s. 35.

36. The owner of land situated in the agricultural zone of a local municipality within the meaning of subparagraph 17 of the first paragraph of section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the owner of land situated outside that zone and who carries on an agricultural activity within the meaning of subparagraph 0.1 of the first paragraph of section 1 of that Act on that land, or the owner of land who carries on forest activities on that land may, regarding that land, request the designated person in writing to examine a matter and try to resolve a disagreement relating to

(1) the construction, repair or maintenance of a common fence or common ditch under article 1002 of the Civil Code;

(2) drainage work on that land involving the creation, improvement or maintenance of a drainage ditch

(a) used solely for drainage or irrigation;

(b) that was artificially created; or

(c) the watershed of which has an area of less than 100 hectares; or

(3) clearances under article 986 of the Civil Code.

The application must describe the nature, extent and expected cost of the proposed work and provide an estimate of the contribution the interested owners must make.

The owner of land adjacent to land referred to in the first paragraph may exercise the rights set out in that paragraph regarding that land, even if the owner does not meet the criteria specified in the paragraph.

The designated person does not lose his or her mandate simply because

- (1) there is a maximum discrepancy of 10% in the evaluation of the drained area; or
- (2) the application also concerns land situated in the territory of another local municipality.

2005, c. 6, s. 36.

37. After serving a three-day notice on the interested owners, to which is attached a copy of the application, the designated person goes to the premises to examine the situation and endeavour to bring the owners to an agreement.

2005, c. 6, s. 37.

38. The designated person may visit land that is the subject of an application at any reasonable time and require the production of any document or information considered necessary.

2005, c. 6, s. 38.

39. If the designated person is of the opinion that land belonging to an interested owner who was not notified under section 37 will be affected by the work, the designated person may inform that owner so that the owner may submit observations.

2005, c. 6, s. 39.

40. After giving all the interested owners an opportunity to submit observations, the designated person may communicate his or her conclusions to them, endeavour to bring them to an agreement, and, if applicable, order the carrying out of work, specifying the place, nature and extent of the work, the time limit for carrying it out, the contribution to be made by the interested parties, and the nature of their contribution.

The designated person may also order that all or part of the work be carried out by the local municipality, at the expense of the interested parties.

If there is a disagreement relating to drainage work, the contribution of an interested owner is determined according to the area of the owner's land that drains into the drainage ditch, or, if it is impossible to determine it according to that criterion, according to the number of interested owners.

2005, c. 6, s. 40.

41. The designated person's remuneration and expenses are borne by the interested owners proportionally to their share of the work.

In the case of an application that is not followed by an agreement or an order for the carrying out of work, the owner who made the application must pay the remuneration and expenses of the designated person.

2005, c. 6, s. 41.

41.1. Any amount owed to the designated person is considered a claim and a tax other than a property tax of the municipality where the work is requested under section 36.

2008, c. 18, s. 64.

42. If an interested owner fails to carry out his or her share of the work within the time stipulated in the order, the local municipality is authorized to do it at the expense of that owner.

2005, c. 6, s. 42.

43. A decision of the designated person must be communicated in writing and include reasons. It is notified to the interested owners and is executory on the expiry of 20 days after the date it is received.

2005, c. 6, s. 43.

44. The original of the decision is filed in the archives of the local municipality where the application to do the work was made and a copy of the decision is sent to any other local municipality concerned.

2005, c. 6, s. 44.

45. If land situated in the territory of more than one local municipality benefits from the work, any work not done by an interested owner is carried out under the authority of the council of the local municipality in whose territory the application to do the work was made under section 36.

2005, c. 6, s. 45.

46. The work is carried out according to the decision of the designated person and is inspected by the latter while being carried out and after being completed to ensure that the decision is complied with.

2005, c. 6, s. 46.

47. Once the work is completed, the designated person sends the inspection report to the local municipality where the application to do the work was made.

2005, c. 6, s. 47.

48. The local municipality where the application to do the work was made collects the contribution payable by an owner according to the decision of the person designated or because of the owner's failure under section 42.

An amount owed by the owner of property situated in the territory of a neighbouring local municipality is paid by the latter on receipt, after the work is completed, of a copy of the inspection report by the designated person and a claim accompanied by vouchers sent to the neighbouring local municipality by the local municipality where the application to do the work was made. Section 96 applies to the recovery of the amount disbursed by the neighbouring local municipality.

2005, c. 6, s. 48.

49. No person may hinder a designated person in the exercise of the functions of office.

On request, the designated person must provide identification and produce proof of appointment signed by the clerk or the secretary-treasurer.

2005, c. 6, s. 49.

50. A person designated under section 35 may not be prosecuted for acts performed in good faith in the exercise of the functions of office.

2005, c. 6, s. 50.

51. An interested owner may apply to the Court of Québec for a review of the decision made by the designated person.

The application must be made and served on the other interested owners within 20 days of receipt of the decision of the designated person. However, on reasonable grounds, the Court may relieve the applicant from failure to act within that time limit.

The filing of the application with the office of the Court suspends the execution of the designated person's decision until the judge has rendered a decision.

The Court may render any decision the person designated under section 40 could have rendered, and make any order designed to protect the rights of the parties. It may decide on every matter of fact or of law.

The decision is communicated in writing and includes reasons. It may not be appealed.

2005, c. 6, s. 51; I.N. 2016-01-01 (NCCP).

DIVISION V

OTHER PROVISIONS

52. A local municipality may, by by-law, prohibit the spreading of manure, sludge or residues from pulp and paper mills for up to 12 days, the dates of which are determined by the municipality so that the prohibition applies after 31 May and before 1 October and for not more than three consecutive days.

In order for the prohibition to apply in the course of a year, the by-law establishing it must be adopted by the last day of February and published by the last day of March of that year.

The clerk or the secretary-treasurer may, in writing and on request, authorize a person to carry out spreading prohibited by the by-law. Where it has rained for three consecutive days, the clerk or the secretary-treasurer must grant the authorization.

The by-law may prescribe maximum numbers of days that are greater than the numbers set out in the first paragraph if an agreement to that effect is entered into beforehand between the municipality and the regional federation that is affiliated with the association certified in accordance with section 8 of the Farm Producers Act (chapter P-28) and whose territory includes the greatest part of the municipality's territory.

If most of the farm producers in the territory of the municipality are members of a syndicate, as defined in paragraph *e* of section 1 of the Farm Producers Act, affiliated with the regional federation referred to in the fourth paragraph, the agreement may be made with that syndicate.

2005, c. 6, s. 52.

53. A local municipality may apply pesticides on an immovable, with the consent of the owner.

2005, c. 6, s. 53.

54. A local municipality may plant and maintain plants on an immovable, with the consent of the owner.

2005, c. 6, s. 54.

CHAPTER VI

SANITATION

55. A local municipality may adopt by-laws in matters of sanitation.

Despite any provision of a special Act, a by-law under the first paragraph may not pertain to matters covered by the Food Products Act (chapter P-29).

2005, c. 6, s. 55.

56. If the owner or occupant of an immovable is convicted of an offence against a sanitation by-law, a judge, in addition to imposing any other penalty, may order the offender to abate the unsanitary condition within the time the judge prescribes or to have the necessary work carried out to prevent its recurrence. If the person fails to comply within the prescribed time, the unsanitary condition may be abated by the municipality at the expense of that person.

Prior notice of the application for an order must be given by the prosecutor to the person, who could be compelled, under such an order, to abate the unsanitary condition, except if the parties are in the presence of the judge.

2005, c. 6, s. 56.

57. If the municipality notes unsanitary conditions in connection with an immovable, it may send a formal notice to the owner or occupant of the immovable requiring the owner or occupant, within the time the municipality prescribes, to abate them or do the necessary work to prevent their recurrence.

2005, c. 6, s. 57.

58. If the formal notice sent under section 57 is not acted upon within the time mentioned, a judge of the Superior Court sitting in the district where the immovable is situated may, upon an application presented even during the suit, require the owner or occupant of the immovable to take the steps required to abate the unsanitary condition within the time the judge determines or to prevent its recurrence, and order that, on failure to do so, the municipality may itself take the required steps at the expense of the owner or occupant.

When the owner and occupant of the immovable are unknown, unconfirmed or cannot be found, the judge may authorize the municipality to take immediate steps to remedy the situation and eventually claim the cost from the owner or occupant.

2005, c. 6, s. 58; I.N. 2016-01-01 (NCCP).

CHAPTER VII

NUISANCES

59. A local municipality may adopt by-laws on nuisances.

2005, c. 6, s. 59.

60. Section 56 applies, with the necessary modifications, to an offence against a by-law adopted under section 59.

2005, c. 6, s. 60.

61. If the municipality notes a nuisance in or on an immovable, sections 57 and 58 apply, with the necessary modifications.

2005, c. 6, s. 61.

CHAPTER VIII

SAFETY

62. A local municipality may adopt by-laws in matters of safety.

The municipality may remove an obstacle in the public domain at the expense of a person who fails to comply with a municipal by-law to that effect.

2005, c. 6, s. 62.

63. A local municipality may impound, sell for profit or eliminate a stray or dangerous animal. It may also have an animal suffering from a contagious disease isolated until cured, or eliminated, on a certificate from a veterinary surgeon.

The municipality may also enter into an agreement to authorize a person to enforce a by-law concerning animals. The person with whom the municipality enters into an agreement and the person's employees have the powers of employees of the municipality for the purposes of the enforcement of the municipal by-law.

This section applies despite any inconsistent provision of the Agricultural Abuses Act (chapter A-2).

2005, c. 6, s. 63.

64. A local municipality may entrust a person with the organization and management of its fire prevention department.

2005, c. 6, s. 64.

65. A local municipality may authorize a peace officer to interrupt the sound signal of an alarm system and, for that purpose, to enter an immovable not belonging to the municipality if no one is in it at that time.

The local municipality may claim an amount it determines, by a by-law adopted under section 62, where such a system is defective or malfunctions or is set off for no valid reason.

2005, c. 6, s. 65.

CHAPTER IX

TRANSPORTATION

DIVISION I

ROADS

66. A local municipality has jurisdiction over public roads that are not under the authority of the Government of Québec or the Government of Canada or one of their departments or bodies.

A local municipality may however enter into an agreement with the department or body managing the public roads over which it does not have jurisdiction to see to the maintenance and repair of those in its territory. The municipality is authorized for that purpose to enter into an agreement with any person on the sharing of the cost of the work or the work itself.

In this Act, a public road includes any highway, road, street, lane, square, bridge, footpath or bicycle path, sidewalk or other road that is not in the private domain, and all the works or installations, including a ditch, needed for its improvement, operation or management.

2005, c. 6, s. 66; 2010, c. 3, s. 278.

67. A local municipality may adopt by-laws to regulate

(1) any use of a public road not covered by the powers conferred on it by the Highway Safety Code (chapter C-24.2);

(2) any encroachment on a public road;

(3) excavations in the public roads of the municipality;

(4) the construction and maintenance of works over or under a public road; and

(5) the numbering of immovables.

2005, c. 6, s. 67; 2008, c. 18, s. 65.

68. A local municipality may regulate access to a public road.

A regulatory provision adopted under this section must not cause the immovable to be enclosed, or provide access, from that immovable, only to a public road situated in the territory of another municipality, or cause a no-access servitude acquired by the Minister of Transport to be inoperative or reduce the effect of the servitude, without the authorization of that Minister.

2005, c. 6, s. 68.

69. A local municipality may project snow that covers a public road onto adjoining private land.

2005, c. 6, s. 69.

70. A local municipality may maintain a private road open to the public by permission of the owner or occupant, on a request by a majority of the owners or occupants of the abutting property.

2005, c. 6, s. 70.

71. A contract under which a local municipality entrusts a person with the responsibility for converting its public lighting network and administering and maintaining the network during the period determined in the contract may also stipulate that that person is responsible for financing the cost for the municipality of acquiring the network and for reimbursing the cost through the fees the municipality pays that person in instalments the size and number of which are determined in the contract.

The Municipal Works Act (chapter T-14) does not apply to work carried out under a contract entered into in accordance with the first paragraph.

2005, c. 6, s. 71.

72. A road open to public traffic for 10 years or more becomes the property of the local municipality upon the observance of the following formalities prescribed by this paragraph:

(1) the municipality adopts a resolution identifying the road concerned, either by its cadastral designation if the site of the road corresponds to that of one or more whole lots of the cadastre in force or, otherwise, by a technical description prepared by a land surveyor;

(2) if applicable, a copy of the technical description, certified by a land surveyor, is filed with the office of the municipality; and

(3) the municipality has a notice published twice in a newspaper in its territory. The notice must contain

(a) the full text of this section;

(b) a summary description of the road concerned;

(c) a declaration that the formalities prescribed by subparagraphs 1 and 2 have been observed.

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

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

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

A right that third parties might claim to the ownership of the site of the road in question is prescribed unless the appropriate recourse is exercised before the competent court within three years after the last publication prescribed in subparagraph 3 of the first paragraph.

The municipality cannot apply this section to a road on which it has levied a tax within the preceding 10 years.

2005, c. 6, s. 72; 2006, c. 60, s. 61; 2011, c. 11, s. 9.

73. If a local municipality notes that the site of an existing public road is not in conformity with the titles, it approves by resolution a technical description of the land prepared by a land surveyor that corresponds to that site and is based on the cadastre in force.

A copy of the description, certified by a land surveyor, must be filed with the office of the municipality.

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

(1) identifying the land to which the resolution provided for in the first paragraph applies, using the name of the public road concerned wherever possible;

(2) identifying the resolution approving the description of the land and mentioning its date and the fact that the site of the land is based on that description; and

(3) reproducing the text of section 74 and making the necessary links with the purpose of the notice.

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

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

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

2005, c. 6, s. 73; 2006, c. 60, s. 62.

74. A real right that could be asserted in respect of land that is the subject of a description referred to in section 73 is extinguished as of the first publication of the notice provided for in that section.

The holder of a real right extinguished under the first paragraph may, however, claim an indemnity from the municipality as compensation for the loss of the right. Failing an agreement, the amount of the indemnity is determined by the Administrative Tribunal of Québec on the application of the person claiming the indemnity or the municipality, and sections 58 to 68 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

The right to the indemnity under the second paragraph is prescribed three years after the second publication of the notice in accordance with section 73.

2005, c. 6, s. 74; 2006, c. 60, s. 63.

75. When a public road is divided by the boundary of two local municipalities in such a way that a single municipality must be responsible for managing that road, the municipalities concerned must enter into an intermunicipal agreement.

2005, c. 6, s. 75.

76. If the municipalities fail to enter into an agreement under section 75, either one may request that the Commission municipale du Québec rule on whether the management of the parts of the public road concerned need be the responsibility of a single municipality, decide, if necessary, which municipality is to be responsible and prescribe rules for the sharing of expenses.

As soon as possible after the adoption of the resolution setting out the request, the municipality making the request must forward a certified copy of it to the other municipality.

The Commission may, after hearing the parties, either rule that there is no need for a single municipality to be responsible for the management of the parts of the public road concerned or rule that uniform management is necessary, decide which municipality is to be responsible and prescribe rules for the sharing of expenses. The Commission may issue any other order necessary to preserve the rights of the parties.

The Commission's decision ceases to have effect if the two municipalities reach an agreement under section 75.

2005, c. 6, s. 76; 2010, c. 18, s. 77.

77. Sections 75 and 76 apply, with the necessary modifications, to a public road that runs along the boundary of two local municipalities.

2005, c. 6, s. 77.

78. Work done to construct or reconstruct a sidewalk must facilitate access to the sidewalk by handicapped persons within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

2005, c. 6, s. 78.

DIVISION I.1

LOCAL FUND FOR THE REPAIR AND MAINTENANCE OF CERTAIN PUBLIC ROADS

2008, c. 18, s. 66.

§ 1. — *Establishment and purpose of the fund*

2008, c. 18, s. 66.

78.1. A local municipality whose territory includes the site of a quarry or sand pit must, subject to section 110.1, establish a fund for the repair and maintenance of certain public roads.

The sums paid into the fund, other than those reserved for the administrative costs of the scheme set up under this division, must be used for

- (1) the repair and maintenance of all or part of the public roads on which substances on which duties are payable under section 78.2 are or could be transported;
- (2) work to compensate for inconveniences related to the transportation of those substances.

For the purposes of this division, “quarry” and “sandpit” have the meanings assigned to “quarry” and “pit”, respectively, by section 1 of the Regulation respecting pits and quarries (chapter Q-2, r. 7).

2008, c. 18, s. 66; 2009, c. 26, s. 40.

§ 2. — *Duties to be charged*

2008, c. 18, s. 66.

78.2. The fund is to be made up of duties payable by each operator of a site referred to in section 78.1. The duties are payable on all the substances referred to in the second paragraph that are transported outside the site, if all or some of the substances are likely to be transported on municipal public roads.

The duties payable by an operator are calculated on the basis of the quantity of substances, expressed in metric tons or cubic metres, whether or not they have been processed, that are surface mineral substances defined in section 1 of the Mining Act (chapter M-13.1) or similar substances from the recycling of debris created by the demolition of buildings, bridges, highways or other structures.

However, no duties are payable on peat or substances processed in an immovable that is part of a unit of assessment that includes the site and is listed under the heading “2-3—INDUSTRIES MANUFACTURIÈRES”, but not the headings “3650 Industrie du béton préparé” and “3791 Industrie de la fabrication de béton bitumineux”, provided in the manual referred to in the regulation made under paragraph 1 of section 263 of the Act respecting municipal taxation (chapter F-2.1). The exclusion also applies to an immovable that is part of a unit of assessment listed as described above if the unit is adjacent to the unit that includes the site.

Moreover, no duties are payable by an operator on substances which the operator declares are already or have already been subject to duties payable under this section by the operator of another site.

2008, c. 18, s. 66; 2009, c. 26, s. 41.

78.3. The duties payable per metric ton for a municipal fiscal year, referred to as the “fiscal year concerned”, are obtained by indexing upward the amount applicable for the preceding fiscal year.

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

That rate is established by

- (1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and
- (2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

If the indexation results in a mixed number, only the first two decimal places are considered, and if the third decimal is greater than 4, the second decimal is rounded up.

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

Not later than 30 June before the beginning of the fiscal year concerned, the Minister of Municipal Affairs, Regions and Land Occupancy shall publish a notice in the *Gazette officielle du Québec*

(1) giving the percentage used to establish any amount applicable for that fiscal year or stating that an increase is impossible for that fiscal year; and

(2) stating any amount applicable for that fiscal year

2008, c. 18, s. 66; 2009, c. 26, s. 109.



For the municipal fiscal year 2016, the rate of increase used to establish the amount applicable under section 78.3 of this Act is 1.467%. For that fiscal year, the amount applicable under section 78.3 of this Act is \$0.56 per metric ton and the amount applicable under section 78.4 of this Act is \$1.06 per cubic metre, except in the case of dimension stone where the amount is \$1.51 per cubic metre. (2008, c. 18, s. 125; (2015) 147 G.O. 1, 593).

For the municipal fiscal year 2017, the rate of increase used to establish the amount applicable under section 78.3 of this Act is 1.606%. For that fiscal year, the amount applicable under section 78.3 of this Act is \$0.57 per metric ton and the amount applicable under section 78.4 of this Act is \$1.08 per cubic metre, except in the case of dimension stone where the amount is \$1.54 per cubic metre. (2008, c. 18, s. 125; (2016) 148 G.O. 1, 685).

For the municipal fiscal year 2018, the rate of increase used to establish the amount applicable under section 78.3 of this Act is 1.502%. For that fiscal year, the amount applicable under section 78.3 of this Act is \$0.58 per metric ton and the amount applicable under section 78.4 of this Act is \$1.10 per cubic metre, except in the case of dimension stone where the amount is \$1.56 per cubic metre. (2008, c. 18, s. 125; (2017) 149 G.O. 1, 742).

For the municipal fiscal year 2019, the rate of increase used to establish the amount applicable under section 78.3 of this Act is 1.8692%. For that fiscal year, the amount applicable under section 78.3 of this Act is \$0.59 per metric ton and the amount applicable under section 78.4 of this Act is \$1.12 per cubic metre, except in the case of dimension stone where the amount is \$1.59 per cubic metre. (2008, c. 18, s. 125; (2018) 150 G.O. 1, 303).

For the municipal fiscal year 2020, the rate of increase used to establish the amount applicable under section 78.3 of this Act is 1.9878%. For that fiscal year, the amount applicable under section 78.3 of this Act is \$0.60 per metric ton and the amount applicable under section 78.4 of this Act is \$1.14 per cubic metre, except in the case of dimension stone where the amount is \$1.62 per cubic metre. (2008, c. 18, s. 125 ; (2019) 151 G.O. 1, 397).

78.4. The duties payable per cubic metre for a municipal fiscal year are obtained by multiplying the amount payable per metric ton for that fiscal year, determined in accordance with section 78.3, by the conversion factor of 1.9, or 2.7 in the case of dimension stone.

If the product obtained is a mixed number, only the first two decimal places are considered and if the third decimal is greater than 4, the second decimal is rounded up.

The notice provided for in the sixth paragraph of section 78.3 must also state any amount applicable under this section.

2008, c. 18, s. 66.



For the municipal fiscal year 2016, the rate of increase used to establish the amount applicable under section 78.3 of this Act is 1.467%. For that fiscal year, the amount applicable under section 78.3 of this Act is \$0.56 per metric ton and the amount applicable under section 78.4 of this Act is \$1.06 per cubic metre, except in the case of dimension stone where the amount is \$1.51 per cubic metre. (2008, c. 18, s. 125; (2015) 147 G.O. 1, 593).

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§ 3. — *Declarations by site operators*

2008, c. 18, s. 66.

78.5. The operator of a site referred to in section 78.1 and situated in the territory of the municipality must declare to the municipality, at the intervals and in the manner prescribed by municipal by-law,

(1) whether the substances from the site on which duties are payable under section 78.2 are likely to be transported on municipal public roads during the period covered by the declaration;

(2) the quantity of substances on which duties are payable under section 78.2, expressed in metric tons or cubic metres, transported outside the site during the period covered by the declaration.

If the declaration referred to in subparagraph 1 of the first paragraph establishes that, during the period it covers, none of those substances is likely to be transported on municipal public roads, the declaration must be made under oath and include reasons. The person making the declaration is then exempted from any duties for the period covered by the declaration.

However, an operator may not be exempted on the ground that the substances are transported outside the operator's site, without using municipal public roads, towards a distribution, storage or processing site if that site is neither a quarry nor a sandpit and its operation is likely to entail the transportation on municipal public roads of all or some of the substances, whether or not they are processed on the site. This paragraph does not apply where the substances are transported to the site for processing in an immovable that is part of a unit of assessment listed under the heading "2-3-INDUSTRIES MANUFACTURIÈRES", but not the headings "3650 Industrie du béton préparé" and "3791 Industrie de la fabrication de béton bitumineux" mentioned in the third paragraph of section 78.2.

2008, c. 18, s. 66; 2009, c. 26, s. 42.

§ 4. — *Collection of duties and procedure*

2008, c. 18, s. 66.

78.6. The municipality may, by by-law, establish a mechanism to assess the accuracy of any declaration made under section 78.2 or section 78.5 and prescribe rules applicable to the administration of the scheme set up under this division.

2008, c. 18, s. 66; 2009, c. 26, s. 43.

78.7. Subject to the third paragraph, duties payable by an operator are due from the thirtieth day after an account is sent by the municipal officer in charge of collecting the duty. Interest accrues from that day at the rate then in force for interest on arrears of municipal taxes.

The account must inform the debtor of the rules set out in the first paragraph.

However, the duties payable by an operator on substances transported from the operator's site during a municipal fiscal year are not due before

- (1) 1 August of that fiscal year for substances transported from 1 January to 31 May of that fiscal year;
- (2) 1 December of that fiscal year for substances transported from 1 June to 30 September of that fiscal year;
- (3) 1 March of the following fiscal year for substances transported from 1 October to 31 December of the fiscal year for which the duties are payable.

2008, c. 18, s. 66.

78.8. The duties payable constitute a prior claim on the movable property of the debtor, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and are secured by a legal hypothec on the movable property.

2008, c. 18, s. 66.

78.9. A claim resulting from the duties is prescribed three years after the municipality receives a declaration made under subparagraph 2 of the first paragraph of section 78.5, except any unpaid amount on that claim resulting from a fraudulent declaration or a declaration equivalent to fraud.

2008, c. 18, s. 66.

78.10. If the municipal officer in charge of collecting the duty is of the opinion, based on information obtained by means of a mechanism established under section 78.6, that an operator has been exempted on false grounds from the duties payable in respect of a site, following a declaration made under section 78.5, or that the quantity of substances transported from the site is different from that mentioned in a declaration made under subparagraph 2 of the first paragraph of that section, the officer must mention in the account any change that the officer deems it necessary to make to the information contained in the declaration.

The duties are payable on the basis of the amended information contained in the account, subject to any judgment resulting from an action instituted under section 78.11 that has become *res judicata*

2008, c. 18, s. 66.

78.11. Sections 505 to 510 of the Cities and Towns Act (chapter C-19) or articles 1013 to 1020 of the Municipal Code of Québec (chapter C-27.1) apply with the necessary modifications to the recovery of the

duties due. Movable property may be seized and sold 30 days after the date the duties become due, while proceedings for recovery may be instituted from the day on which the duties become due.

2008, c. 18, s. 66.

78.12. All information obtained under section 78.5 is confidential except information that is already public according to law. No person may communicate such information or allow it to be communicated to a person not legally entitled to it or allow such a person to examine a document containing such information or to have access to it.

However, on the written authorization of the interested person or the interested person's authorized representative, such information may be communicated to a person designated in the authorization

This section applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Whoever contravenes this section is liable to a fine of \$500 to \$2,500.

2008, c. 18, s. 66.

§ 5. — Agreements

2008, c. 18, s. 66.

78.13. A municipality that has jurisdiction over public roads and by whose public roads substances on which duties are payable under section 78.2 are or could be transported from a site situated in the territory of another municipality may request that municipality to enter into an agreement with respect to the allocation of the sums paid into the fund established in accordance with this division.

If the municipality that established the fund refuses to enter into an agreement, the municipality making the request may submit the dispute to the Commission municipale du Québec, whose decision is final, provided its territory meets at least one of the following conditions:

- (1) it is contiguous to the territory of the municipality that established the fund;
- (2) it is contiguous to the territory of the regional county municipality that includes the territory of the municipality that established the fund; and
- (3) if the municipality making the request is a local municipality, it is included in the territory of a regional county municipality that meets one of the conditions set out in subparagraphs 1 and 2 or is included in the territory of the regional county municipality that includes the territory of the municipality that established the fund.

The decision of the Commission must take into account, among other things, the extent to which the public roads of each municipality are used for the transportation of the substances and, if applicable, determine criteria for the allocation of the sums paid into the fund. The decision of the Commission applies to the sums collected from the date on which the dispute is submitted to it.

2008, c. 18, s. 66.

78.14. Where a site referred to in section 78.1 is situated in the territory of more than one municipality, the duties payable under section 78.2 are payable only once for all the municipalities concerned, which must enter into an agreement determining which municipality is responsible for enforcing the regime set up under this division for the site.

The agreement must also include criteria for the allocation of the sums collected, which must be modified to take into account any request made to one of the municipalities concerned under the first paragraph of section 78.13.

Subject to section 78.7, the duties may be collected once an agreement is entered into, and each municipality concerned pays a part of the sums it receives into the fund it established in accordance with this division.

If one of the municipalities concerned ascertains the existence of a disagreement that prevents the entering into or amending of an agreement, it may submit the dispute to the Commission municipale du Québec, whose decision is final. The third paragraph of section 78.13 applies to the decision.

2009, c. 26, s. 44.

§ 6. — General provisions

2009, c. 26, s. 44.

78.15. This division is binding on the State and its mandataries.

2009, c. 26, s. 44.

DIVISION II

PARKING

79. A local municipality may regulate parking by by-law.

In exercising its power under the first paragraph and after obtaining the consent of the owner, the local municipality may determine the private parking areas to which the by-law applies.

2005, c. 6, s. 79.

80. A local municipality may, by by-law, regulate the towing and impounding of vehicles parked in violation of a regulatory provision adopted under this Act or the Highway Safety Code (chapter C-24.2), set the tariff of towing or removal costs, and prescribe who is to pay the costs.

2005, c. 6, s. 80.

81. A person authorized by a local municipality to enforce its parking by-laws may move a vehicle or have it moved and store it, at the owner's expense, for the purposes of maintenance work or in other cases determined by by-law by the municipality.

2005, c. 6, s. 81.

DIVISION III

PORT AND AIRPORT FACILITIES

82. A local municipality may regulate access to its port and airport facilities.

2005, c. 6, s. 82.

83. A local municipality may also establish, acquire and operate a port or airport facility outside its territory after notifying the municipality that has jurisdiction over the territory concerned.

2005, c. 6, s. 83.

84. A local municipality may entrust a person with the operation of its port or airport facilities.

A contract under the first paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (chapter T-14) does not apply.

2005, c. 6, s. 84; 2005, c. 50, s. 111.

CHAPTER X

OTHER POWERS

85. In addition to the regulatory powers under this Act, a local municipality may adopt a by-law to ensure peace, order, good government, and the general welfare of its citizens.

2005, c. 6, s. 85.

86. A local municipality may, by by-law, regulate the use of vehicles or trailers for housing or commercial purposes.

2005, c. 6, s. 86.

87. A local municipality may adopt by-laws

- (1) to regulate the burial and disinterment of bodies; and
- (2) to regulate the establishment of cemeteries.

2005, c. 6, s. 87.

88. A local municipality may agree to administer a cemetery under an agreement with the cemetery administrator.

2005, c. 6, s. 88.

89. A local municipality may have bodies interred in violation of the law removed, close a cemetery, and have bodies removed from the cemetery.

2005, c. 6, s. 89.

CHAPTER XI

GENERAL PROVISIONS

90. In addition to the financial assistance otherwise provided for, a local municipality may grant any assistance it considers appropriate with respect to the matters referred to in sections 4 and 85 to 89.

It may also contribute financially to the costs of moving or burying an electric power distribution or telecommunications system and installing equipment for the distribution of the electric power.

A local municipality may also grant assistance to relocate a commercial or industrial enterprise elsewhere within its territory. The amount of the assistance may not exceed the real cost of the relocation.

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted

- (1) for the establishment or operation of a convention centre or an exhibition centre;
- (2) to a non-profit body that provides technical support to an enterprise situated in its territory;

(3) to the owner of an immovable to help the owner comply with the obligation to install an apparatus intended to reduce the risk of malfunction of a water supply system or sewer system and keep the apparatus in good working order;

(3.1) to a person to help the person carry out required work relating to the protection of a source of drinking water;

(4) for damage to property caused by persons riotously or tumultuously assembled;

(5) to the owner of a dwelling or a building to cover the cost of installing a fire alarm, a fire extinguishing or fire fighting apparatus, or a fire escape;

(6) under the second or third paragraph; or

(7) under section 13.1.

2005, c. 6, s. 90; 2005, c. 50, s. 112; 2006, c. 31, s. 119; 2006, c. 60, s. 64.

91. In addition, a local municipality may grant assistance in the following matters:

(1) assistance to disadvantaged natural persons or natural persons in need;

(2) the undertaking and furtherance, in or outside its territory, of education, cultural activities, youth training, works of charity and any action for the general welfare;

(3) the operation of a health care institution; and

(4) agriculture.

In exercising the power under subparagraph 1 of the first paragraph, a local municipality may establish shelters.

2005, c. 6, s. 91.

91.1. A local municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under the first paragraph.

2017, c. 13, s. 142.

92. A local municipality may, by by-law, establish a program under which it grants subsidies or tax credits to professional artists within the meaning of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01) and to artists within the meaning of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1). A legal person controlled by such an artist or a group of such artists that is not a legal person is eligible under the program in place of the artist who controls the legal person or the artists who make up the group.

A local municipality may, by by-law, establish an environmental restoration program and grant a subsidy for work on an immovable consistent with that program. The amount of the subsidy must not exceed the actual cost of the work. With the consent of the owner, the municipality may carry out any work required on an immovable under such a program.

In exercising the power to grant assistance under this Act, a local municipality may also establish any other assistance program.

The first and second paragraphs apply despite the Municipal Aid Prohibition Act (chapter I-15).

2005, c. 6, s. 92.

92.1. A local municipality may, by by-law, adopt a program to grant assistance in the form of a tax credit to the persons and in respect of the immovables referred to in section 92.2.

It may also grant assistance to any person that operates a private-sector enterprise and that is the owner or occupant of an immovable other than a residence, excluding a private seniors' residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2). The value of the assistance that may be granted in this way for all of the beneficiaries may not exceed, per fiscal year, \$300,000 for Ville de Montréal and for Ville de Québec and \$250,000 for any other municipality.

Assistance may not be granted, however, if one of the following situations applies to the immovable referred to in the first or second paragraph:

- (1) activities previously exercised in the territory of another local municipality have been transferred to it; or
- (2) its owner or occupant receives government assistance intended to lower property taxes.

Subparagraph 2 of the third paragraph does not apply if the government assistance is granted to implement a recovery plan.

A private seniors' residence in respect of which assistance may be granted under the second paragraph may be situated in the territory of another municipality.

The period during which assistance may be granted to a person declared eligible may not exceed 10 years. However, that period may be longer where such assistance is granted to a private seniors' residence referred to in section 346.0.1 of the Act respecting health services and social services.

The by-law provided for in the first paragraph determines the total value of the assistance that may be granted under the program. That by-law, and any resolution adopted under the second paragraph, must be approved by the eligible voters of the municipality if the annual average of the total value of the assistance that may be granted exceeds \$25,000 or 1% of the total appropriations provided for in the municipality's budget for its operating expenses for the fiscal year during which the by-law or the resolution is adopted, whichever is higher. If the average exceeds 5% of the total appropriations, the by-law or the resolution must also be approved by the Minister. To determine the average, the total value of the assistance that may be granted under the by-law or the resolution adopted is taken into account, along with that of the assistance that may be granted under any other by-law adopted under the first paragraph if it is or will soon be in force and any resolution adopted under the second paragraph since the beginning of the fiscal year during which the by-law or resolution is adopted.

2006, c. 31, s. 120; 2008, c. 18, s. 67; 2012, c. 21, s. 12; 2017, c. 13, s. 143; 2019, c. 28, s. 133.

92.2. Only a person that operates a private-sector enterprise for profit or a cooperative that owns or occupies an immovable included in a unit of assessment listed under one of the headings that the Minister, by regulation, determines from among those in the manual referred to in the Regulation respecting the real estate assessment roll made under paragraph 1 of section 263 of the Act respecting municipal taxation (chapter F-2.1) is eligible for the tax credit provided for in the first paragraph of section 92.1.

Any regulation made by the Minister under the first paragraph comes into force on 1 January of the year following the year it is made.

A person that, under the program adopted by the municipality under section 92.1, has an effective right to a tax credit for one or more particular municipal fiscal years does not lose that right, for those fiscal years, solely because a regulation of the Minister comes into force.

A person that is the occupant rather than the owner of an immovable referred to in the first paragraph and that meets the conditions set out in that paragraph is eligible for the tax credit provided for in the first paragraph of section 92.1 if the immovable that person occupies is referred to in section 7 of the Act respecting municipal industrial immovables (chapter I-0.1).

2006, c. 31, s. 120; 2017, c. 13, s. 144.

92.3. The effect of the tax credit is to compensate all or part of the increase in the amount payable in respect of the immovable for property taxes, modes of tariffing and transfer duties if the increase results from

- (1) construction work on or alterations to the immovable;
- (2) occupation of the immovable; or
- (3) relocation to the immovable of an enterprise already present in the territory of the municipality.

The tax credit may not exceed the amount corresponding to the difference between the amount of the property taxes, modes of tariffing and transfer duties payable and the amount that would have been payable if the construction, alterations, occupation or relocation had not occurred.

Despite the first and second paragraphs, the credit may not exceed half the amount of the property taxes and modes of tariffing payable in respect of an immovable if the owner or occupant receives government assistance to implement a recovery plan. However, the credit may not be granted for a period of more than five years and must be coordinated with the government assistance.

2006, c. 31, s. 120.

92.4. Section 29.3 of the Cities and Towns Act (chapter C-19), article 14.1 of the Municipal Code of Québec (chapter C-27.1) and the Municipal Aid Prohibition Act (chapter I-15) do not apply to assistance granted under section 92.1.

2006, c. 31, s. 120.

92.5. A local municipality may make a claim for reimbursement of the assistance it granted under section 92.1 if one of the eligibility conditions is no longer met.

2006, c. 31, s. 120.

92.6. The program must be part of the municipality's economic development plan.

If the municipality does not have such a plan, the program must take into account any measure taken, if applicable, by the regional county municipality whose territory includes that of the municipality, under section 126.2.

2006, c. 31, s. 120; 2015, c. 8, s. 219.

92.7. *(Repealed).*

2006, c. 31, s. 120; 2008, c. 18, s. 68.

93. A local municipality may establish a body for the following purposes:

- (1) industrial, commercial or tourism promotion;

- (2) organization and promotion of cultural and recreational activities; and
- (3) environmental protection.

It may entrust to the bodies referred to in the first paragraph the organization and management of activities relating to the purposes they pursue.

2005, c. 6, s. 93.

94. A local municipality may entrust a non-profit partnership or legal person with the organization and management, on behalf of the local municipality, of activities or bodies referred to in subparagraph 1 or 3 of the first paragraph of section 93.

A local municipality may entrust a person with the organization and management, on behalf of the local municipality, of activities or bodies referred to in subparagraph 2 of the first paragraph of section 93.

2005, c. 6, s. 94; 2005, c. 50, s. 113.

95. A local municipality may install any equipment or device on an immovable or do any work on the immovable necessary for the exercise of its powers.

For the purposes of the first paragraph, the employees of the municipality or the persons it authorizes may enter or move about on any immovable at any reasonable time.

The exercise of the powers granted under this section is subject, however, to the restoration of the premises to their former state and to compensation of the owner or person in charge of the premises for any damage. In addition, the municipality is bound, except in an emergency, to give the owner or any other person in charge of the immovable prior notice of at least 48 hours of its intention to enter or move about on the immovable for the purposes mentioned in the first paragraph.

2005, c. 6, s. 95.

95.1. A local municipality may, for the exercise of any of its powers, own and operate a dam.

A local municipality whose territory is included in that of a regional county municipality must, before building a dam or carrying out work on a dam that could affect its impounding capacity or alter the water flow, obtain the authorization of the regional county municipality. If the dam is located in a lake or watercourse under the joint jurisdiction of two or more regional county municipalities, the local municipality must obtain the authorization of both or all of those regional county municipalities or of the board of delegates, as applicable.

Such authorization may be made subject to the local municipality entering into an agreement concerning the operation of the dam.

2013, c. 30, s. 4.

96. An amount owed to the municipality following its intervention under this Act is considered a property tax if the claim is related to an immovable and if the debtor is the owner of the immovable. Otherwise, the claim is considered a non-property tax.

2005, c. 6, s. 96.

97. The resolution by which a local municipality alienates a public utility must be approved by the qualified voters and the Government.

The first paragraph does not apply when the acquirer of the utility is another municipality, an intermunicipal board or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).

2005, c. 6, s. 97.

TITLE III

POWERS OF A REGIONAL COUNTY MUNICIPALITY

CHAPTER I

GENERAL PROVISIONS

98. A local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality for the purposes of this Title, with the necessary modifications.

2005, c. 6, s. 98.

99. A regional county municipality may make by-laws on any regional matter relating to its citizens that is not otherwise regulated.

2005, c. 6, s. 99.

100. The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under sections 122 to 126.1.

2005, c. 6, s. 100; 2005, c. 50, s. 114.

CHAPTER II

POWERS EXERCISED CONCURRENTLY WITH A LOCAL MUNICIPALITY

101. A regional county municipality may exercise the powers set out in section 9 and paragraph 1 of section 10 as regards a railway siding, sections 11, 17, 82 to 84 and 88, section 91, the first and third paragraphs of section 92, and sections 93 and 94, with the necessary modifications.

Sections 5 and 6, section 81 as regards a regional park, the fourth paragraph of section 92 and section 96 apply to regional county municipalities, with the necessary modifications.

A regional county municipality may adopt non-regulatory measures with regard to railway sidings or port or airport facilities. However, it may only delegate a power in those matters to the extent provided for by law.

2005, c. 6, s. 101; 2005, c. 50, s. 115.

102. A regional county municipality may grant assistance

(1) to a person for the establishment and operation in or outside its territory of equipment and public places for cultural, recreational and community activities;

(2) to a partnership or legal person devoted to the pursuit of the purposes mentioned in paragraph 1 of this section, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93.

2005, c. 6, s. 102.

CHAPTER III

EXCLUSIVE POWERS OF A REGIONAL COUNTY MUNICIPALITY

DIVISION I

WATERCOURSES AND LAKES

§ 1. — *Watercourses*

103. A regional county municipality has jurisdiction over continuously or intermittently flowing watercourses, including those artificially created or modified, except

(1) watercourses or parts of watercourses that the Government determines, after consultation with the Minister of Sustainable Development, Environment and Parks, by an order in council that comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the order;

(2) a ditch along a public or private road;

(3) a common ditch within the meaning of article 1002 of the Civil Code; and

(4) a drainage ditch

(a) used solely for drainage or irrigation;

(b) that was artificially created; and

(c) the watershed of which has an area of less than 100 hectares.

The part of a watercourse used as a ditch remains under the jurisdiction of the regional county municipality.

2005, c. 6, s. 103; 2006, c. 31, s. 121.

104. A regional county municipality may adopt by-laws to regulate matters relating to water flow in watercourses, including crosspieces, obstructions and nuisances.

If a person does not carry out work required by a by-law under the first paragraph, the regional county municipality may carry it out at the person's expense.

2005, c. 6, s. 104.

105. If informed of the presence in a watercourse of an obstacle that threatens the safety of persons or property, a regional county municipality must carry out the work required to restore normal water flow.

An employee designated by a regional county municipality for that purpose may immediately withdraw from a watercourse any obstructions that prevent or hamper normal water flow, without prejudice to the municipality's right to recover the costs relating to their withdrawal from any person responsible for their presence.

2005, c. 6, s. 105.

106. A regional county municipality may carry out work to create, improve or maintain a watercourse. The work may be carried out in the bed or on the banks of the watercourse or on the land bordering on them.

2005, c. 6, s. 106.

107. The owner or occupant of land must allow the employees or representatives of the regional county municipality access to the watercourse for the inspections necessary in the performance of their duties. The owner or occupant must also allow machinery and equipment any access required to carry out work.

Before undertaking work, a regional county municipality must give the owner or occupant of the land at least 48 hours' prior notice of its intention to move about on that land, unless prevented from doing so by the urgent need to remedy the situation.

The regional county municipality is bound to restore the premises to their original state and to pay compensation for any damage caused by its intervention. Failing agreement, the amount of the indemnity for damage caused is fixed by the Administrative Tribunal of Québec at the request of the person claiming it or the municipality, and sections 58 to 68 of the Expropriation Act (chapter E-24) apply, with the necessary modifications

2005, c. 6, s. 107; 2006, c. 31, s. 122.

108. A regional county municipality may assign the enforcement of the by-laws, the recovery of claims and the management of the work provided for in this subdivision to a local municipality in its territory by an agreement made in accordance with Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (chapter C-27.1).

Section 107 applies, with the necessary modifications, to a local municipality and to its employees and representatives to whom a function is assigned under the first paragraph.

2005, c. 6, s. 108.

109. A watercourse linking or separating the territory of two or more regional county municipalities is under the joint jurisdiction of those regional county municipalities. Joint jurisdiction is exercised under an agreement or through the board of delegates, as the regional county municipalities concerned choose. Failing an agreement on the exercise of the joint jurisdiction within 60 days of the sending of a notice for that purpose by one regional county municipality to the other regional county municipalities concerned, jurisdiction is exercised through the board of delegates.

The board of delegates possesses and exercises all the powers of a regional county municipality regarding that watercourse.

2005, c. 6, s. 109.

§ 2. — *Lakes*

110. A regional county municipality may carry out work to regulate the water level of a lake and do bed maintenance work.

Sections 107 to 109 apply, with the necessary modifications.

2005, c. 6, s. 110; 2008, c. 18, s. 69.

DIVISION I.1

REGIONAL FUND FOR THE REPAIR AND MAINTENANCE OF CERTAIN PUBLIC ROADS

2008, c. 18, s. 70.

110.1. A regional county municipality may establish a regional fund for the repair and maintenance of certain public roads. Once established, it stands in lieu of any local fund established under section 78.1 in the

territory of the regional county municipality; sections 78.1 to 78.15 apply, with the necessary modifications, to the regional fund.

From the establishment of the regional fund, only the regional county municipality may collect the duties provided for in section 78.2 in its territory and act under section 78.13, even if it does not have jurisdiction over public roads.

The sums paid into a local fund before the regional fund is established remain the property of the local municipality that established the local fund and must be used in accordance with the purpose of the fund.

2008, c. 18, s. 70; 2009, c. 26, s. 45.

110.2. A regional county municipality that establishes a regional fund must do so by means of a by-law an authenticated copy of which must be sent to each local municipality in its territory not later than 1 October before the fiscal year for which the fund is established.

The by-law must determine the terms for the use of the fund, which may require, among other things, that all or part of the sums be used by the regional county municipality, if it has jurisdiction over public roads, or by the local municipalities in its territory according to the allocation criteria set out in the by-law.

The regional county municipality may, in the by-law, delegate all or part of the administration of the scheme set up under this division to a local municipality in its territory; the delegation is only valid if the local municipality consents to it.

The regional county municipality may abolish the regional fund by means of a by-law an authenticated copy of which must be sent to each local municipality in its territory not later than 1 October before the fiscal year for which the fund is abolished. As of the abolition, the sums paid into the fund are paid into the different funds of the municipalities concerned in accordance with the allocation criteria set out in the by-law adopted under the second paragraph or in an agreement or decision made under section 78.13 or 78.14.

2008, c. 18, s. 70; 2009, c. 26, s. 46.

110.3. A local municipality whose territory forms part of that of the regional county municipality may request the Commission municipale du Québec to review the allocation criteria set out in the by-law.

The decision of the Commission is final.

2008, c. 18, s. 70.

DIVISION II

POWER

111. A regional county municipality may operate, alone or with another person, an enterprise that produces electricity at a wind farm or at a hydro-electric power plant.

In the case of a hydro-electric power plant, the enterprise must be controlled by the regional county municipality. However, if the regional county municipality operates the enterprise with a local municipality or a band council within the meaning of the Indian Act (R.S.C. 1985, c. I-5) or the Cree-Naskapi (of Quebec) Act (S.C. 1984, c. 18), the enterprise may be controlled by one or more of those operators.

If the enterprise is operated jointly under the first paragraph with another municipality or a band council, it need not be operated in the territory of all of those operators.

2005, c. 6, s. 111; 2005, c. 50, s. 116; 2006, c. 31, s. 123; 2010, c. 42, s. 16.

111.0.1. A regional county municipality wishing to operate an enterprise referred to in section 111 with a person operating a private-sector enterprise must issue a call for tenders if the project involves the operation of an enterprise controlled by one or more regional county municipalities or local municipalities.

The call for tenders must invite persons operating a private-sector enterprise to submit their expertise and main achievements in the provision of goods and services relating to power production and specified in the call for tenders.

The call for tenders must be published on an electronic tendering system accessible to contractors having an establishment in Québec or in a territory covered by an intergovernmental trade liberalization agreement applicable to the regional county municipality, and in a newspaper in the territory of that municipality.

2006, c. 31, s. 123; 2010, c. 18, s. 78.

111.0.2. Sections 477.4 to 477.6 and 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) or articles 935 to 938.4 and 961.2 to 961.4 of the Municipal Code of Québec (chapter C-27.1) apply, with the necessary modifications, to the operator of an enterprise referred to in section 111 if it is controlled by one or more regional county municipalities or local municipalities. The operator is deemed to be a municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1 of the Cities and Towns Act or article 938.0.1 or 938.1.1 of the Municipal Code of Québec, as the case may be.

The following modifications are among those applicable for the purposes of the first paragraph: if the operator does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 of the Cities and Towns Act or article 961.4 of the Municipal Code of Québec must be posted on another website the operator determines; the operator shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of each local municipality or regional county municipality referred to in the first paragraph.

2006, c. 31, s. 123; 2010, c. 1, s. 43; 2010, c. 18, s. 79.

111.1. If the regional county municipality wishes to operate an enterprise referred to in section 111, it must pass a resolution announcing its intention to do so. A copy of the resolution must be notified to each local municipality whose territory is included in that of the regional county municipality.

At least 45 days after notification of the resolution required under the first paragraph, the regional county municipality may begin operating the enterprise.

2005, c. 50, s. 116; 2006, c. 31, s. 123; I.N. 2016-01-01 (NCCP).

111.2. With the authorization of the Minister, a regional county municipality that participates in the operation of an enterprise referred to in section 111 may stand surety for a person operating that enterprise.

Section 111.1 applies, with the necessary modifications, to the suretyship provided for in the first paragraph.

Before giving the authorization, the Minister may order the regional county municipality to submit the decision authorizing the suretyship to the approval of the qualified voters in the local municipalities that must contribute to the payment of the enterprise's operating expenditures.

The Act respecting elections and referendums in municipalities (chapter E-2.2) applies, with the necessary modifications, to the approval provided for in the third paragraph.

2005, c. 50, s. 116; 2006, c. 31, s. 123.

111.3. The total of the financial participation and surety bonds provided by the regional county municipality in respect of a given enterprise referred to in section 111 may not exceed the amount required to

set up a wind farm with a generating capacity of 50 megawatts or a hydro-electric power plant with a generating capacity of 50 megawatts provided by hydraulic power in the domain of the State.

2005, c. 50, s. 116; 2006, c. 31, s. 123.

111.4. If a municipality referred to in any of sections 4 to 6, 8 or 9 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) could, under section 98, exercise a power provided for in section 111 or 111.2, that power is to be exercised by the central municipality within the meaning of section 15 of that Act and is considered an agglomeration power.

2005, c. 50, s. 116.

DIVISION III

REGIONAL PARKS

112. A regional county municipality may, by by-law, determine the location of a regional park, whether or not it is the owner of the land. Before the by-law is passed, the regional county municipality must give notice and post the notice in accordance with the tenth paragraph of article 445 of the Municipal Code of Québec (chapter C-27.1).

In the by-law referred to in the first paragraph, the regional county municipality may mention the local municipalities that may not exercise the right of withdrawal granted by the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1) as regards the exercise of the powers provided for in this section and in sections 113 to 120. In the case of a local municipality that exercised the right of withdrawal as regards those powers before the coming into force of the by-law, it may also indicate the date on which the withdrawal ends. As of that date, the representative of the local municipality again participates in the deliberations of the council of the regional county municipality that concern the exercise of those powers.

The by-law referred to in the first paragraph is without effect for third persons as long as the regional county municipality is not the owner of the land or has not made an agreement with the owner of the land or, in the case of land in the domain of the State, with the person having authority over the land, allowing it to operate the park.

2005, c. 6, s. 112; 2018, c. 8, s. 263.

113. As of the coming into force of a by-law under section 112, the regional county municipality may make an agreement with a person holding a right of ownership or any other right in an immovable situated in the park concerned.

2005, c. 6, s. 113.

114. The regional county municipality may take any non-regulatory measure relating to regional parks. However, a regional county municipality may only assign a power to the extent set out in sections 116 and 117.

2005, c. 6, s. 114.

115. As regards a regional park, the regional county municipality may adopt by-laws on any matter relating to

- (1) park administration and operation;
- (2) the protection and conservation of nature;
- (3) user safety;

- (4) the use or parking of vehicles;
- (5) the possession or keeping of animals;
- (6) the posting of information;
- (7) the operation of businesses;
- (8) recreational activities; and

(9) any use of a public road not covered by the regulatory powers conferred on it by the Highway Safety Code (chapter C-24.2).

2005, c. 6, s. 115.

116. The regional county municipality may establish or operate a sleeping-accommodation, catering or commercial establishment or a parking lot in a regional park.

The regional county municipality may entrust a person with the operation of an establishment or parking lot referred to in the first paragraph.

A contract under the second paragraph may also stipulate that the person must finance any work carried out under the contract. In that case, the Municipal Works Act (chapter T-14) does not apply.

2005, c. 6, s. 116; 2005, c. 50, s. 117.

117. The regional county municipality may entrust a person with the operation of its regional park.

It may also entrust that person with the exercise of the power under section 113.

A contract under the first paragraph may also stipulate that the person must finance the work carried out under the contract. In that case, the Municipal Works Act (chapter T-14) does not apply.

2005, c. 6, s. 117; 2005, c. 50, s. 117.

118. If the person referred to in section 117 is a non-profit body, the regional county municipality may stand surety for it. However, it must obtain the authorization of the Minister to stand surety for an obligation of \$50,000 or more.

Before giving the authorization, the Minister may order the regional county municipality to submit the decision authorizing the surety to the approval of the persons qualified to vote in the local municipalities that must contribute to the payment of the expenditures relating to the regional park.

The Act respecting elections and referendums in municipalities (chapter E-2.2) applies, with the necessary modifications, to the approval sought under the second paragraph.

The regional county municipality may also grant subsidies to the person referred to in the first paragraph.

2005, c. 6, s. 118; 2005, c. 50, s. 118.

119. Articles 935 to 936.3 and 938 to 938.4 of the Municipal Code of Québec (chapter C-27.1), on the awarding of contracts, and articles 961.2 to 961.4 of that Code apply to the person referred to in section 117, with the necessary modifications.

The person is deemed to be a regional county municipality for the purposes of a regulation made under article 938.0.1 or 938.1.1 of the Code.

The following modifications are among those applicable for the purposes of the first paragraph: if the person referred to in section 117 does not have a website, the statement and hyperlink required under the second paragraph of article 961.4 of the Municipal Code of Québec must be posted on another website the person determines; the person shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of the regional county municipality.

2005, c. 6, s. 119; 2005, c. 50, s. 119; 2010, c. 1, s. 44; 2010, c. 18, s. 80.

120. The regional county municipality, a local municipality or a metropolitan community may make an agreement with respect to parks in accordance with Section XXV of Chapter II of Title XIV of the Municipal Code of Québec (chapter C-27.1).

2005, c. 6, s. 120.

121. If a local municipality that is considered to be a regional county municipality exercises the power provided for in the first paragraph of section 118, subsection 3 of section 28 of the Cities and Towns Act (chapter C-19) or article 9 of the Municipal Code of Québec (chapter C-27.1) applies, as the case may be.

The first paragraph applies despite the first three paragraphs of section 118.

2005, c. 6, s. 121; 2005, c. 50, s. 120.

DIVISION IV

LOCAL AND REGIONAL DEVELOPMENT

2015, c. 8, s. 220.

122. A regional county municipality may grant technical assistance to a private-sector enterprise by providing it with the services of an economic development agent.

2005, c. 6, s. 122.

123. A regional county municipality may grant assistance to a non-profit body that provides technical support to an enterprise situated in its territory.

2005, c. 6, s. 123.

123.1. A regional county municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

2017, c. 13, s. 145.

124. *(Repealed).*

2005, c. 6, s. 124; 2015, c. 8, s. 221.

125. A regional county municipality may establish an investment fund intended to provide financial support to enterprises in a start-up or developmental phase and give or lend money to such a fund.

The fund must be administered by the regional county municipality or by a non-profit body established for that purpose.

The resolution must indicate the maximum contribution the regional county municipality may make to the fund. The amount it may commit under this section may not exceed \$500,000. The regional county municipality may entrust to a committee it establishes for that purpose, composed of representatives of the

business community and any other civil society stakeholder it deems relevant, the selection of beneficiaries of financial assistance that may be granted in accordance with the rules it determines. The regional county municipality establishes the committee's mode of operation.

2005, c. 6, s. 125; 2017, c. 13, s. 146.

126. A regional county municipality may establish a fund to provide financial support for operations to develop land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas or private land or forest resources.

This fund must be administered by the regional county municipality. The regional county municipality may delegate to a person all or part of the administration of the fund.

In addition to the sums provided for in article 14.16 of the Municipal Code of Québec (chapter C-27.1) and section 29.18 of the Cities and Towns Act (chapter C-19), the fund receives, in particular, the sums resulting from the application of an agreement under which the management of the mining of sand and gravel on land in the domain of the State is transferred to a municipality under article 10.5 of the Municipal Code of Québec or section 29.1.1 of the Cities and Towns Act.

2005, c. 6, s. 126; 2009, c. 26, s. 47; 2010, c. 3, s. 279.

126.1. A regional county municipality may acquire a financial interest in a development fund created in its territory as part of the FIER-Regions or the Support Funds component of the government program known as the Regional Economic Intervention Fund (FIER).

The interest mentioned in the first paragraph may, in particular, be in the form of a loan or an investment made by subscribing to shares of the capital stock or the common stock of a limited partnership formed to administer the fund.

2005, c. 50, s. 121.

126.2. A regional county municipality may take any measure to promote local and regional development within its territory.

To that end, it may, more particularly,

- (1) take any measure to support entrepreneurship, including social economy entrepreneurship; and
- (2) develop and see to the implementation of an action plan to stimulate the economy and create employment, or adopt various entrepreneurship development strategies.

In addition, the regional county municipality may entrust, to a committee it establishes for that purpose and under the conditions and in the manner it determines, the selection of beneficiaries of financial assistance it may grant based on local and regional development measures it has determined. The municipality sets the rules for the committee's composition and mode of operation.

2015, c. 8, s. 222.

126.3. A regional county municipality may enter into agreements with government departments or bodies and, if applicable, other partners concerning its role and responsibilities in relation to the exercise of the powers conferred on it by section 126.2, in particular to implement regional priorities and adapt government activities to regional characteristics.

The regional county municipality administers the funds entrusted to it under the agreements and has all the powers necessary to carry them out.

Such an agreement may, to the extent it stipulates, allow a departure from the Municipal Aid Prohibition Act (chapter I-15). However, the total value of the assistance granted to the same beneficiary may not exceed \$150,000 at any time within a 12-month period, unless the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Economy and Innovation jointly authorize a higher limit.

2015, c. 8, s. 222; 2019, c. 29, s. 1.

126.4. Under an agreement entered into under section 126.3, the Minister of Municipal Affairs, Regions and Land Occupancy may, after consulting the Minister of Economy and Innovation, authorize the regional county municipality to entrust the exercise of its powers under section 126.2 to a non-profit organization.

The delegate organization may be an existing non-profit organization or a non-profit organization that the regional county municipality constitutes for that purpose.

The delegation agreement must contain

- (1) a detailed description of its purpose;
- (2) the terms governing the exercise of the delegated powers;
- (3) a statement regarding the duration of the agreement and, as applicable, the conditions for its renewal;
- (4) a mechanism allowing the regional county municipality to ensure compliance with the Municipal Aid Prohibition Act (chapter I-15) or, as applicable, with the limit imposed by the third paragraph of section 126.3 or the limit authorized under that paragraph; and
- (5) the manner in which the assets and liabilities arising from the implementation of the agreement are to be shared, when the agreement ends.

Sections 477.4 to 477.6 and 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the delegate organization, which is deemed to be a local municipality for the purposes of any regulation made under sections 573.3.0.1 and 573.3.1.1 of that Act.

The following modifications required for the purposes of the fourth paragraph are applicable: if the delegate organization does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 of the Cities and Towns Act must be posted on another website determined by the organization, and the body gives public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of any regional county municipality served by the delegate organization.

2015, c. 8, s. 222; 2019, c. 29, s. 1.

126.5. For the purposes of sections 126.2 to 126.4 and subject to Division IV.3 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), the following are considered regional county municipalities:

- (1) the James Bay Regional Administration; and
- (2) the Cree Nation Government established by the Act respecting the Cree Nation Government (chapter G-1.031), with respect to Category I lands, Category II lands and the persons residing on those lands, as defined in that Act, which exercises those powers taking into account the policy directions, strategies and objectives it determines in consultation with the Cree communities defined in the Act, is not subject to the limit imposed by the third paragraph of section 126.3 and may entrust the exercise of its powers under section 126.2 to a non-profit organization.

The Eeyou Istchee James Bay Regional Government, Ville de Chapais, Ville de Chibougamau, Ville de Label-sur-Quévillon and Ville de Matagami must contribute annually to support the exercise of the powers

conferred by section 126.2 on the James Bay Regional Administration, by paying an amount determined by regulation of the Administration or in accordance with the rules prescribed by such a regulation.

The James Bay Regional Administration and the Cree Nation Government may collaborate to support entrepreneurs in carrying out projects on Category III lands within the meaning of the Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04), subject to approval of those projects by the Eeyou Istchee James Bay Regional Government.

2015, c. 8, s. 222.

TITLE IV

AMENDING PROVISIONS

AGRICULTURAL ABUSES ACT

127. *(Amendment integrated into c. A-2, s. 6).*

2005, c. 6, s. 127.

128. *(Amendment integrated into c. A-2, s. 7).*

2005, c. 6, s. 128.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

129. *(Amendment integrated into c. A-19.1, s. 85).*

2005, c. 6, s. 129.

130. *(Amendment integrated into c. A-19.1, s. 85.0.1).*

2005, c. 6, s. 130.

131. *(Amendment integrated into c. A-19.1, ss. 85.2-85.4).*

2005, c. 6, s. 131.

132. *(Amendment integrated into c. A-19.1, s. 113).*

2005, c. 6, s. 132.

133. *(Amendment integrated into c. A-19.1, s. 119).*

2005, c. 6, s. 133.

134. *(Amendment integrated into c. A-19.1, Chapter V.0.1).*

2005, c. 6, s. 134.

135. *(Amendment integrated into c. A-19.1, s. 188).*

2005, c. 6, s. 135.

MUNICIPAL POWERS

CULTURAL PROPERTY ACT

136. *(Amendment integrated into c. B-4, s. 60).*

2005, c. 6, s. 136.

137. *(Amendment integrated into c. B-4, Division IV.1).*

2005, c. 6, s. 137.

CHARTER OF VILLE DE GATINEAU

138. *(Amendment integrated into c. C-11.1, s. 46).*

2005, c. 6, s. 138.

139. *(Amendment integrated into c. C-11.1, Schedule B).*

2005, c. 6, s. 139.

140. *(Amendment integrated into c. C-11.1, Schedule B).*

2005, c. 6, s. 140.

141. *(Amendment integrated into c. C-11.1, Schedule B).*

2005, c. 6, s. 141.

142. *(Amendment integrated into c. C-11.1, Schedule B).*

2005, c. 6, s. 142.

CHARTER OF VILLE DE LÉVIS

143. *(Amendment integrated into c. C-11.2, s. 74).*

2005, c. 6, s. 143.

144. *(Omitted).*

2005, c. 6, s. 144.

145. *(Amendment integrated into c. C-11.2, s. 82).*

2005, c. 6, s. 145.

146. *(Amendment integrated into c. C-11.2, s. 92).*

2005, c. 6, s. 146.

CHARTER OF VILLE DE LONGUEUIL

147. *(Amendment integrated into c. C-11.3, s. 60.2).*

2005, c. 6, s. 147.

148. *(Amendment integrated into c. C-11.3, s. 61).*

2005, c. 6, s. 148.

149. *(Amendment integrated into c. C-11.3, s. 69).*

2005, c. 6, s. 149.

150. *(Amendment integrated into c. C-11.3, s. 78).*

2005, c. 6, s. 150.

151. *(Amendment integrated into c. C-11.3, Schedule C).*

2005, c. 6, s. 151.

152. *(Amendment integrated into c. C-11.3, Schedule C).*

2005, c. 6, s. 152.

153. *(Amendment integrated into c. C-11.3, Schedule C).*

2005, c. 6, s. 153.

CHARTER OF VILLE DE MONTRÉAL

154. *(Amendment integrated into c. C-11.4, s. 34.1).*

2005, c. 6, s. 154.

155. *(Amendment integrated into c. C-11.4, s. 92).*

2005, c. 6, s. 155.

156. *(Amendment integrated into c. C-11.4, s. 94).*

2005, c. 6, s. 156.

157. *(Amendment integrated into c. C-11.4, s. 105).*

2005, c. 6, s. 157.

158. *(Amendment integrated into c. C-11.4, s. 141).*

2005, c. 6, s. 158.

159. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 159.

160. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 160.

161. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 161.

162. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 162.

163. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 163.

164. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 164.

165. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 165.

166. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 166.

167. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 167.

168. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 168.

169. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 169.

170. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 170.

171. *(Amendment integrated into c. C-11.4, Schedule C).*

2005, c. 6, s. 171.

CHARTER OF VILLE DE QUÉBEC

172. *(Amendment integrated into c. C-11.5, s. 76).*

2005, c. 6, s. 172.

173. *(Amendment integrated into c. C-11.5, s. 81).*

2005, c. 6, s. 173.

174. *(Amendment integrated into c. C-11.5, s. 82).*

2005, c. 6, s. 174.

175. *(Amendment integrated into c. C-11.5, s. 84).*

2005, c. 6, s. 175.

176. *(Amendment integrated into c. C-11.5, s. 85).*

2005, c. 6, s. 176.

177. *(Amendment integrated into c. C-11.5, s. 94).*

2005, c. 6, s. 177.

178. *(Amendment integrated into c. C-11.5, s. 95).*

2005, c. 6, s. 178.

179. *(Amendment integrated into c. C-11.5, s. 111).*

2005, c. 6, s. 179.

180. *(Amendment integrated into c. C-11.5, s. 121).*

2005, c. 6, s. 180.

181. *(Amendment integrated into c. C-11.5, Schedule C).*

2005, c. 6, s. 181.

182. *(Amendment integrated into c. C-11.5, Schedule C).*

2005, c. 6, s. 182.

183. *(Amendment integrated into c. C-11.5, Schedule C).*

2005, c. 6, s. 183.

184. *(Amendment integrated into c. C-11.5, Schedule C).*

2005, c. 6, s. 184.

185. *(Amendment integrated into c. C-11.5, Schedule C).*

2005, c. 6, s. 185.

186. *(Amendment integrated into c. C-11.5, Schedule C).*

2005, c. 6, s. 186.

CITIES AND TOWNS ACT

187. *(Amendment integrated into c. C-19, s. 28).*

2005, c. 6, s. 187.

188. *(Amendment integrated into c. C-19, s. 29.14.1).*

2005, c. 6, s. 188.

189. *(Amendment integrated into c. C-19, s. 29.18).*

2005, c. 6, s. 189.

MUNICIPAL POWERS

190. *(Amendment integrated into c. C-19, s. 71).*

2005, c. 6, s. 190.

191. *(Amendment integrated into c. C-19, s. 465.1).*

2005, c. 6, s. 191.

192. *(Amendment integrated into c. C-19, ss. 468.32-468.32.2).*

2005, c. 6, s. 192.

193. *(Amendment integrated into c. C-19, s. 468.51).*

2005, c. 6, s. 193.

194. *(Omitted).*

2005, c. 6, s. 194.

HIGHWAY SAFETY CODE

195. *(Amendment integrated into c. C-24.2, s. 498).*

2005, c. 6, s. 195.

196. *(Amendment integrated into c. C-24.2, s. 626).*

2005, c. 6, s. 196.

MUNICIPAL CODE OF QUÉBEC

197. *(Amendment integrated into c. C-27.1, aa. 6 and 6.1).*

2005, c. 6, s. 197.

198. *(Amendment integrated into c. C-27.1, a. 9).*

2005, c. 6, s. 198.

199. *(Amendment integrated into c. C-27.1, a. 14.12.1).*

2005, c. 6, s. 199.

200. *(Amendment integrated into c. C-27.1, a. 14.16).*

2005, c. 6, s. 200.

201. *(Amendment integrated into c. C-27.1, a. 14.18).*

2005, c. 6, s. 201.

202. *(Amendment integrated into c. C-27.1, a. 25).*

2005, c. 6, s. 202.

203. *(Amendment integrated into c. C-27.1, a. 207).*

2005, c. 6, s. 203.

204. *(Amendment integrated into c. C-27.1, a. 267.0.1).*

2005, c. 6, s. 204.

205. *(Amendment integrated into c. C-27.1, a. 440).*

2005, c. 6, s. 205.

206. *(Amendment integrated into c. C-27.1, aa. 601-601.2).*

2005, c. 6, s. 206.

207. *(Amendment integrated into c. C-27.1, a. 620).*

2005, c. 6, s. 207.

208. *(Amendment integrated into c. C-27.1, a. 678).*

2005, c. 6, s. 208.

209. *(Amendment integrated into c. C-27.1, a. 678.0.3).*

2005, c. 6, s. 209.

210. *(Amendment integrated into c. C-27.1, a. 711.2).*

2005, c. 6, s. 210.

211. *(Amendment integrated into c. C-27.1, a. 724).*

2005, c. 6, s. 211.

212. *(Amendment integrated into c. C-27.1, a. 934).*

2005, c. 6, s. 212.

213. *(Amendment integrated into c. C-27.1, a. 1103).*

2005, c. 6, s. 213.

214. *(Omitted).*

2005, c. 6, s. 214.

PEDDLERS ACT

215. *(Omitted).*

2005, c. 6, s. 215.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

216. *(Amendment integrated into c. C-37.01, s. 159.19).*

2005, c. 6, s. 216.

MUNICIPAL POWERS

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

217. *(Amendment integrated into c. C-60.1, s. 27).*

2005, c. 6, s. 217.

218. *(Amendment integrated into c. C-60.1, s. 27.3).*

2005, c. 6, s. 218.

219. *(Amendment integrated into c. C-60.1, s. 27.4).*

2005, c. 6, s. 219.

220. *(Amendment integrated into c. C-60.1, s. 28).*

2005, c. 6, s. 220.

JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

221. *(Amendment integrated into c. D-8.2, s. 35).*

2005, c. 6, s. 221.

ACT RESPECTING ADMINISTRATIVE JUSTICE

222. *(Amendment integrated into c. J-3, Schedule II).*

2005, c. 6, s. 222.

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

223. *(Amendment integrated into c. M-14, s. 22.1).*

2005, c. 6, s. 223.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

224. *(Amendment integrated into c. P-41.1, s. 1).*

2005, c. 6, s. 224.

ENVIRONMENT QUALITY ACT

225. *(Omitted).*

2005, c. 6, s. 225.

226. *(Amendment integrated into c. Q-2, s. 124).*

2005, c. 6, s. 226.

MUNICIPAL POWERS

ACT RESPECTING THE RÉGIE DU LOGEMENT

227. *(Amendment integrated into c. R-8.1, s. 35).*

2005, c. 6, s. 227.

WATERCOURSES ACT

228. *(Amendment integrated into c. R-13, s. 69.2).*

2005, c. 6, s. 228.

ACT RESPECTING MUNICIPAL AND PRIVATE ELECTRIC POWER SYSTEMS

229. *(Amendment integrated into c. S-41, s. 2).*

2005, c. 6, s. 229.

230. *(Amendment integrated into c. S-41, s. 3).*

2005, c. 6, s. 230.

231. *(Amendment integrated into c. S-41, s. 5).*

2005, c. 6, s. 231.

232. *(Amendment integrated into c. S-41, s. 7).*

2005, c. 6, s. 232.

233. *(Amendment integrated into c. S-41, s. 12).*

2005, c. 6, s. 233.

234. *(Amendment integrated into c. S-41, s. 13).*

2005, c. 6, s. 234.

235. *(Amendment integrated into c. S-41, s. 15).*

2005, c. 6, s. 235.

FUEL TAX ACT

236. *(Inoperative, 2005, c. 38, s. 396).*

2005, c. 6, s. 236.

TRANSPORT ACT

237. *(Amendment integrated into c. T-12, ss. 48.18-48.43).*

2005, c. 6, s. 237.

MUNICIPAL POWERS

ACT RESPECTING OFF-HIGHWAY VEHICLES

238. *(Amendment integrated into c. V-1.2, s. 8).*

2005, c. 6, s. 238.

ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

239. *(Omitted).*

2005, c. 6, s. 239.

ACT RESPECTING ROADS

240. *(Amendment integrated into c. V-9, s. 2).*

2005, c. 6, s. 240.

241. *(Amendment integrated into c. V-9, s. 3).*

2005, c. 6, s. 241.

242. *(Omitted).*

2005, c. 6, s. 242.

243. *(Omitted).*

2005, c. 6, s. 243.

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

244. *(Amendment integrated into c. E-20.001, s. 19).*

2005, c. 6, s. 244.

TITLE V

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

245. No provision of an Act or an order made under the Act respecting municipal territorial organization (chapter O-9) and governing the powers of a particular municipality, in force on 1 January 2006, may operate to restrict the scope of a power granted by this Act.

2005, c. 6, s. 245.

246. In the Acts and the statutory instruments under them, a reference to a provision repealed or replaced by this Act is a reference to the corresponding provision of this Act.

2005, c. 6, s. 246.

247. Municipal roads that existed on 2 November 1871 may retain the width they had on 17 June 2004, even though that width may be less than required by the law under which those roads were established.

2005, c. 6, s. 247.

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

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

Ownership of the land referred to in the first paragraph is conferred, retroactively to 1 January 2006, on the local municipality having jurisdiction in the territory concerned on 14 December 2006.

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

2006, c. 60, s. 65.

248. Subject to the third paragraph, the by-laws, resolutions, minutes, agreements and other acts that were adopted in accordance with a provision replaced or repealed by this Act remain in force or continue to have effect until they are amended, replaced or repealed or until their purposes are achieved.

Any act referred to in the first paragraph may be amended, replaced or repealed by resolution if the purpose of the act is not a regulatory measure.

The by-laws, minutes and deeds of agreement concerning roads, bridges and watercourses may not be amended or replaced. They may be repealed by resolution.

2005, c. 6, s. 248; 2005, c. 50, s. 123.

249. A local municipality has 24 months as of 1 January 2006 to adopt a by-law relating to a matter referred to in articles 250 to 267 of the Municipal Code of Québec (chapter C-27.1) or section 438 of the Cities and Towns Act (chapter C-19), as they read on 23 May 2005, the substance of which has been preserved in the form of a regulatory power by this Act. In the meantime, those sections continue to have effect.

2005, c. 6, s. 249.

249.1. *(Repealed).*

2005, c. 50, s. 124; 2006, c. 31, s. 124.

250. The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act.

2005, c. 6, s. 250; 2009, c. 26, s. 109.

251. *(Omitted).*

2005, c. 6, s. 251; 2005, c. 50, s. 125.

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 6 of the statutes of 2005, in force on 1 March 2006, is repealed, except section 251, effective from the coming into force of chapter C-47.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 217 to 220, 236 and 237 of chapter 6 of the statutes of 2005, to the extent in force on 1 August 2008, are repealed effective from the coming into force of the updating to 1 August 2008 of chapter C-47.1 of the Revised Statutes.