

NATIONAL ASSEMBLY
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AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

Bill 271

Introduced by Mr Jean-Claude Gobé, Member for LaFontaine

Introduced 2 December 1993

Passage in principle 9 March 1994

Passage 9 March 1994

Assented to 10 March 1994

Coming into force: 10 March 1994

Act amended:

Charter of the city of Montréal (1959-60, chapter 102)





CHAPTER 53

An Act to amend the Charter of the city of Montréal

[Assented to 10 March 1994]

Preamble

WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1959-60,
c. 102, a. 9b,
added

1. The charter of the city of Montréal (1959-60, chapter 102) is amended by inserting the following article after article 9a:

Agreement

“9b. The council may make an agreement with the Chamber of Commerce of Metropolitan Montréal, or with any legal person or partnership in which the Chamber of Commerce holds a majority interest, for the purpose of

(1) conveying to it the exclusive right to operate, subject or not to conditions, the streetside parking spaces belonging to the city which are used for a fee;

(2) selling to it or leasing to it, as sole lessee, subject or not to conditions, offstreet parking spaces belonging to the city which are used for a fee; or

(3) conveying to it the exclusive right to collect the fees charged for the use of the parking spaces so sold or leased.

Powers

Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may also

(1) with the authorization of the Minister of Municipal Affairs, guarantee the loan obtained from a third party by the body referred

to in the first paragraph for the purpose of paying for the rights conveyed to it by the city, up to a maximum amount of \$40 000 000; however, in the event that the third party exercises its guarantee, the body shall convey the rights back to the city; the maximum amount is reduced annually according to the repayment of the loan;

(2) give or lend money to that body out of the sums collected under article 610*d* and for the purposes provided for therein.

Parking spaces

The rights conferred under the first paragraph in respect of parking spaces in the public domain are unseizable, except by the city, and inalienable, except in favour of the city.

Parking spaces

Subject to the rights conveyed by the agreement, the city retains in respect of the parking spaces referred to in the first paragraph every power conferred on it by this charter or any other Act, including the power to enforce the by-laws thereunder. Without limiting the generality of the foregoing, the city retains the power to

(1) fix a tariff of fees for the use of the parking spaces that are the subject of the agreement;

(2) impose a fine on any person who parks or stops his vehicle in such a parking space without paying the fixed fee or contrary to any other rule established by by-law, and collect the fine; and

(3) authorize any person to erect, establish or operate garages or parking lots referred to in the fifth paragraph of article 649 and in article 649*a*.

Applicability

Article 732*b* and the first two paragraphs of article 964*f* apply to any body with which the city makes an agreement under the first paragraph.”

1959-60,
c. 102,
a. 10*m*, added

2. The said charter is amended by inserting the following article after article 10*m*:

Powers

“**10*n*.** Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may

(1) participate in as a member, or provide aid to, the Centre d’expertise et de recherche en infrastructures urbaines for the implementation of research and development projects or test projects relating to the rehabilitation and renewal of the infrastructures of the city;

(2) participate as a member, shareholder or sponsor, as the case may be, in bodies or corporations engaged in the distribution and

marketing of the technological processes or innovations designed or developed by the Centre d'expertise et de recherche en infrastructures urbaines.”

1959-60,
c. 102,
a. 107, am.

3. Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1981, by section 68 of chapter 27 of the statutes of 1992 and by section 5 of chapter 82 of the statutes of 1993, is again amended by adding, after subarticle 10, the following subarticle:

Exception

“(11) This article does not apply to a contract for the supply of equipment or materials or the supply of postal, telecommunications or gas distribution or supply services for which a tariff is fixed or approved by the government of Canada or Québec or by a minister or agency thereof, or to a contract for the supply of equipment or materials between the city and another municipality.”

1959-60,
c. 102,
aa. 110.1-
110.56, added

4. The said charter is amended by inserting the following chapters after Chapter IV of Title II:

“CHAPTER IV.1

“BOROUGH COUNCILS

“DIVISION I

“ESTABLISHMENT AND COMPOSITION

Boroughs

“**110.1** The council, by by-law, shall divide the territory of the city into as many boroughs as it determines.

Boroughs

The by-law shall determine the name and territorial limits of each of the boroughs.

Borough
council

“**110.2** A borough council shall be established for each of the boroughs.

Composition

The borough council shall be composed of the city councillors whose electoral districts are within the territorial limits of the borough.

Composition

The council, by by-law, may prescribe, in respect of the borough in which the part of the territory designated by the city as the city centre is situated, that the borough council is to be composed otherwise than as provided in the second paragraph.

City councillor **“110.3** A city councillor may not be a member of more than one borough council except in accordance with a by-law under the third paragraph of article 110.2.

City councillor A city councillor whose electoral district extends over two or more boroughs shall be a member of the council of the borough where the greatest number of electors of his electoral district are registered.

City councillor **“110.4** A city councillor referred to in the second paragraph of article 110.3 may take part in, and vote at, a meeting of a borough council of which he is not a member where a matter of direct concern to his district is being discussed.

Meetings **“110.5** A member of the executive committee may take part in the meetings of any borough council; however, he is entitled to vote only at meetings of the borough council of which he is a member pursuant to article 110.2 or 110.3 or at meetings at which he may vote pursuant to article 110.4.

Chairman and vice-chairman **“110.6** The council shall appoint a chairman and a vice-chairman, on the recommendation of the mayor, for each of the borough councils.

“DIVISION II

“MEETINGS

Meeting **“110.7** The meetings of a borough council shall be called at the request of the executive committee. A meeting shall be held at least 6 times a year.

Public notice **“110.8** Every meeting of a borough council shall be preceded by a public notice specifying the place, date and time it is to be held and the matters to be discussed.

Notice The notice shall be given at least 2 clear juridical days before the meeting.

Agenda **“110.9** The agenda for the meeting of a borough council shall be drawn up by the executive committee and deposited in the clerk's office at least 3 days before the date of the meeting and a copy thereof shall be sent to each member of the borough council at the same time as a notice of meeting served in accordance with article 114, adapted as required.

Agenda The agenda shall contain a detailed enumeration of the matters to be submitted to the borough council.

Agenda **“110.10** All matters placed on the agenda must be within the competence of a borough council.

Meetings **“110.11** The meetings of a borough council are public and shall be held within the borough. Article 116, adapted as required, applies to such meetings.

Chairman **“110.12** A meeting of a borough council shall be presided over by the chairman of the borough council or if he is absent or unable to act or refuses to act, by the vice-chairman. The person presiding over the meeting shall maintain order and decorum. He may, in the case of a disturbance, order the suspension or adjournment of the sitting. He may also have any person causing a disturbance during a sitting removed from the premises.

Chairman The person presiding over the meeting may take part in the discussions and vote on any issue that is put to a vote.

Question period **“110.13** Every meeting of a borough council shall include a period during which the persons present may address questions directly to the members of the borough council.

By-law The city council, by by-law, may fix the length of the question period, the stage of the meeting at which it is to be held and the procedure to be followed to ask a question. The by-law may also provide for a period during which written questions may be considered and for the procedure to be followed to submit a written question.

Petitions **“110.14** Every meeting of a borough council shall also include a period during which the persons present may make petitions concerning the administration of the city.

Quorum **“110.15** A majority of the members of a borough council, including the chairman or vice-chairman, constitutes a quorum of the council.

Agenda **“110.16** The matters on the agenda shall be disposed of by a majority of the members of the borough council present at the meeting.

Internal management rules **“110.17** The city council, by by-law, may make the internal management rules applicable to borough councils.

Secretary **“110.18** The clerk of the city shall designate a secretary for each borough council from among the employees of the city.

Secretary The secretary of a borough council shall prepare the meetings and attend them by virtue of his office; he shall draw up the minutes of meetings and certify their authenticity.

“DIVISION III

“POWERS AND FUNCTIONS

Powers and functions “**110.19** A borough council has the powers and functions conferred on it in accordance with the provisions of this Act.

Recommendations “**110.20** A borough council shall make recommendations to the executive committee within the time prescribed by the latter on any matter enumerated below that relates directly to its territory:

(1) a draft zoning by-law;

(2) a draft by-law under article 612*a*;

(3) a proposal for the laying out and operation of a parking lot under article 649*a*;

(4) a draft by-law authorizing the construction or alteration of a building under subparagraph *d* or *dd* of paragraph 2 of article 524, except where the authorization is for the purposes of providing assistance to persons in need of help, protection or lodging;

(5) a proposed traffic plan.

Report Where any such matter is not submitted to a borough council, the executive committee shall present a report at the next meeting of the city council, explaining its decision.

Public consultation In the case of a draft by-law referred to in subparagraph 1 or 2 of the first paragraph, the borough council may recommend that the public be consulted on the matter.

Decision or report “**110.21** In addition to the provisions of article 110.20, the executive committee may, before making a decision in an area within its exclusive competence or before submitting a report to the city council, request that the borough council make a recommendation to it within the time it prescribes if the decision or report relates directly to the territory of the borough.

Decision or report A request under the first paragraph may pertain to a class of decisions or reports.

Delegation “**110.22** The executive committee may delegate to the borough councils, without restriction or subject to the conditions it determines,

the task of making recommendations to the city council on any matter enumerated below that relates directly to their territory:

(1) a draft by-law to close a street, lane or public place under paragraph 1 of article 522;

(2) a draft by-law or resolution to transfer lands acquired for the purposes of streets or lanes from the public domain to the private domain of the city under paragraph 1*a* of article 522;

(3) a draft by-law to change the name of a street, lane or public place under paragraph 6 of article 522.

Recommen-
dations

“110.23 The borough council concerned shall make recommendations to the executive committee on any petition made under article 110.14. The borough council may recommend

(1) that the petition be referred to the competent department, to the city councillor for the district concerned or to the executive committee;

(2) that the petition be granted; or

(3) that the petition be rejected.

Recommen-
dations

“110.24 The borough council shall also make recommendations to the executive committee on any matter concerning the borough.

Decision

“110.25 Subject to the second paragraph of article 110.20, the executive committee may not make a decision concerning any matter which is enumerated in the first paragraph of article 110.20 or in respect of which the advice of the borough council has been requested pursuant to article 110.21, until the borough council has made its recommendation.

Decision

However, if at the expiry of the time prescribed under article 110.20 or 110.21 the borough council has not made its recommendation, the executive committee may make a decision concerning the matter in respect of which the advice of the borough council has been requested.

Delegation
of powers

“110.26 The executive committee may delegate to the borough councils, without restriction or subject to the conditions it determines, the exercise of its powers in respect of any matter enumerated below that relates directly to their territory:

(1) the assignment of a name to a street, lane or public place under paragraph *e* of article 106;

(2) the proposed alteration or demolition of a residential building pursuant to a by-law under paragraph 18 of article 524.

Delegation of responsibilities

“110.27 The executive committee may delegate to the borough councils, without restriction or subject to the conditions it determines, its responsibilities regarding city programs or plans of action in the areas of leisure activities, cultural activities, road maintenance and parks.

“DIVISION IV

“SPECIAL PROVISION

Communications

“110.28 All communications between a borough council and the various departments of the city shall be through the secretary general.

“CHAPTER IV.2

“PERMANENT COMMITTEES OF THE COUNCIL

“DIVISION I

“ESTABLISHMENT AND COMPOSITION

Establishment

“110.29 The following permanent committees of the council are hereby established:

- (1) the administration and service quality committee;
- (2) the planning and housing committee;
- (3) the environment and public works committee;
- (4) the economic development committee; and
- (5) the culture, leisure and community development committee.

Composition

“110.30 Each committee shall be composed of not fewer than 5 members including a chairman and a vice-chairman.

Committee members

The committee members shall be appointed by the council, on the recommendation of the mayor, from among the council members who are not members of the executive committee.

Chairman and vice-chairman

“110.31 The council shall appoint a chairman and a vice-chairman, on the recommendation of the mayor, from among the members of each committee.

Members “**110.32** The council may replace a member of a committee where the member has failed to attend three consecutive meetings of the committee.

Members “**110.33** With the authorization of the committee, members of the council who are not members of that committee may take part in its deliberations but without being entitled to vote.

Quorum The presence of a council member who is not a member of the committee is not taken into account for quorum purposes.

Term of office “**110.34** The term of office of a committee member is 2 years. It may be renewed.

Term of office However, upon ceasing to be a member of the council, a person also ceases to be a member of a committee.

Resignation “**110.35** The term of office of a resigning committee member ends on the date the clerk of the city receives a notice to that effect signed by the member. The notice of resignation shall be presented to the council at its first ensuing regular meeting.

Resignation “**110.36** In the case provided for in article 110.35, the committee member shall remain in office until a successor is appointed.

Secretary “**110.37** The clerk of the city shall designate a secretary for each committee from among the employees of the city.

Secretary The secretary of a committee shall prepare the meetings and attend them by virtue of his office; he shall draw up the minutes of meetings and certify their authenticity.

“DIVISION II

“MEETINGS

Meetings “**110.38** The meetings of a committee are public.

Meetings “**110.39** The meetings of a committee shall be called by the secretary, at the request of the chairman or, if the chairman is absent or unable to act or refuses to act, at the request of the vice-chairman or of a majority of the committee members. The notice of meeting shall be sent to each member of the committee at least 2 clear juridical days before the meeting and shall state the place, date, time and purpose of the meeting.

Meetings A committee shall meet at least 3 times a year.

- Public notice **“110.40** Every meeting of a committee shall be preceded by a public notice specifying the place, date, time and purpose of the meeting.
- Notice The notice shall be given at least 2 clear juridical days before the meeting.
- Meetings **“110.41** A committee may not meet at the same time as the council, the executive committee or a borough council on which a committee member sits.
- Question period **“110.42** Every meeting of a committee shall include a period during which the persons present may address questions directly to the members of the committee.
- By-law The council, by by-law, may fix the length of the question period, the stage of the meeting at which it is to be held and the procedure to be followed to ask a question. The by-law may also provide for a period during which written questions may be considered and for the procedure to be followed to submit a written question.
- Quorum **“110.43** A majority of the members of a committee, including the chairman or vice-chairman, constitutes a quorum of the committee.
- Matters submitted for consideration **“110.44** The matters submitted for consideration at a meeting or sitting of a committee shall be disposed of by a majority of the members present.
- Chairman **“110.45** A meeting of a committee shall be presided over by the chairman or if he is absent, by the vice-chairman.
- Chairman The person presiding over the meeting shall maintain order and decorum. He may, in the case of a disturbance, order the suspension or adjournment of the sitting. He may also have any person causing a disturbance during a sitting removed from the premises.
- Chairman The person presiding over the meeting may take part in the discussions and vote on any issue that is put to a vote.
- Representations **“110.46** During a meeting, interested persons may make representations to the committee.
- Internal management rules **“110.47** The city council, by by-law, may make the internal management rules applicable to a committee.

“DIVISION III

“POWERS AND FUNCTIONS

Functions **“110.48** The function of a committee is to examine any matter within its competence that is part of its program of activities provided for in article 110.51. It shall make the recommendations it deems appropriate to the council concerning such matters.

Functions **“110.49** It is also the function of a committee to consult the public, at the request of the council on the recommendation of the executive committee and within the time prescribed by the council, regarding the following matters within its field of competence:

(1) policy proposals and general policy proposals of the city;

(2) draft by-laws of general application with the exception of draft financial by-laws, of draft by-laws under subparagraph *d* or *dd* of paragraph 2 of article 524 and of a draft by-law referred to in article 110.20;

(3) any other matter submitted to the committee by the council on the recommendation of the executive committee.

Report Where it is the recommendation of the executive committee not to submit such a matter to a committee, the executive committee shall present a report at the next meeting of the city council, explaining its decision.

Budget **“110.50** At the request of the council on the recommendation of the executive committee, a committee shall examine, within the time prescribed by the council, the budget estimates of municipal departments and paramunicipal corporations, as proposed by the executive committee.

Activities **“110.51** Each year, every committee shall prepare its program of activities and submit it to the council for approval. In the course of the year, a committee may propose changes to its program of activities to the council. The council shall approve the program or any proposed change thereto with or without amendments.

Summary of activities Every committee shall also submit annually to the council a summary of its activities during the preceding year.

Report **“110.52** Every committee shall render an account of its work and of its decisions and recommendations in a report signed by the chairman and secretary.

Report **“110.53** The report of a committee shall be presented at a meeting of the council. The report shall then be transmitted by the council to the executive committee.

Report **“110.54** No later than at the second regular meeting of the council following the presentation of the report of a committee, the executive committee shall return the report to the council with its own comments and recommendations.

Draft by-law **“110.55** Where it is the recommendation of the executive committee to pass a draft by-law without amendment, the council may pass it forthwith provided that it is on the agenda for that sitting.

“DIVISION IV

“SPECIAL PROVISION

Communica- **“110.56** All communications between a committee and the tions various departments of the city shall be through the secretary general.”

1959-60,
c. 102,
a. 179a,
repealed

5. Article 179a of the said charter, enacted by section 23 of chapter 111 of the statutes of 1987 and amended by section 2 of chapter 89 of the statutes of 1990, is repealed.

1959-60,
c. 102,
a. 892, am.

6. Article 892 of the said charter, amended by section 473 of chapter 72 of the statutes of 1979, by section 16 of chapter 59 of the statutes of 1983, by section 43 of chapter 111 of the statutes of 1987 and by section 41 of chapter 82 of the statutes of 1993, is again amended by replacing the first sentence of the second paragraph by the following: “The executive committee shall determine a tariff of costs applicable to sales under this division. The tariff may provide for a uniform rate for all immovables, or rates that vary according to classes of immovables determined by by-law of the council, or rates that are fixed or variable according to classes of immovables determined by by-law of the council, or any combination thereof. However, the rate established by the tariff may not, for any one immovable, exceed 5 % of the capital amount of the unpaid debt.”

1959-60,
c. 102,
a. 1105, am.

7. Article 1105 of the said charter, replaced by section 33 of chapter 18 of the statutes of 1978 and amended by section 9 of chapter 82 of the statutes of 1991, is again amended

(1) by inserting the words “and an associate chief judge” after the word “judge” in the first paragraph;

(2) by inserting the words “and the associate chief judge” after the word “judge” in the second paragraph;

(3) by replacing the word “his” in the second paragraph by the word “their”;

(4) by replacing the third and fourth paragraphs by the following paragraphs:

Chief judge
and associ-
ate chief
judge

“The chief judge and the associate chief judge shall remain in office until they are replaced, notwithstanding the expiration of their term of office.

Powers

The chief judge shall exercise, as regards municipal judges and the Municipal Court, all the powers vested, under the Courts of Justice Act (R.S.Q., chapter T-16), in the chief judge of the Court of Québec as regards that court and judges thereof.

Duties

The associate chief judge shall advise and assist the chief judge in the performance of his duties.

Associate
chief judge

Where the chief judge is absent or unable to act, the associate chief judge shall perform the duties of the chief judge. He shall do so, notwithstanding the fact that his own term of office may have expired, until the chief judge resumes his duties or is replaced.”

1959-60,
c. 102,
a. 1106, am.

8. Article 1106 of the said charter, replaced by section 34 of chapter 18 of the statutes of 1978, is amended

(1) by replacing the words “the Sessions of the Peace” in the first paragraph by the word “Québec”;

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

Additional
salary

“The chief judge and the associate chief judge are also entitled to the additional salary attached to the office of chief judge and associate chief judge of the Court of Québec.

Salary

A judge who held the office of chief judge or associate chief judge for at least 7 years is entitled to receive, until his salary as a judge is equal to the amount of salary and additional remuneration he was receiving when he ceased to hold such office, the difference between that amount and his salary.”

Exception

9. Section 1 does not affect contracts in force on 10 March 1994 whereby the city entrusted the operation of a parking lot to a third party.

Coming into
force

10. This Act comes into force on 10 March 1994.