

1990, chapter 91
**AN ACT TO AMEND THE CHARTER
OF THE CITY OF QUÉBEC**

Bill 254

Introduced by Mr Jean Leclerc, Member for Taschereau

Introduced 22 June 1990

Passage in principle 8 November 1990

Passage 8 November 1990

Assented to 21 November 1990

Coming into force: 21 November 1990, except section 12 which will come into force on the same date as section 1197 of the Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure (1990, chapter 4)

— 1 October 1990: s. 12
G.O., 1990, Part 2, p. 2539

Acts amended:

Charter of the city of Québec (1929, chapter 95)

Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure (1990, chapter 4)





CHAPTER 91

An Act to amend the Charter of the city of Québec

[Assented to 21 November 1990]

Preamble WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1929, c. 95,
s. 4*h*,
added **1.** The Charter of the city of Québec (1929, chapter 95) is amended by inserting, after section 4*g*, the following section:

Public
utility
works **"4*h*.** The city, when carrying out works, may enter into an agreement with a public utility enterprise for the carrying out of works for and at the expense of such enterprise."

1929, c. 95,
s. 17*d*,
added **2.** The said charter is amended by inserting, after section 17*c*, the following section:

Member
performing
special
duties **"17*d*.** For the purposes of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), a member of the council who is a member of the Commission d'urbanisme et de conservation de Québec or the Commission de l'exposition provinciale de Québec is deemed to perform special duties which may entitle him to additional remuneration. The council may, by by-law, fix an additional remuneration for such members even if the members of such bodies who are not members of the council already receive remuneration.

Remunera-
tion and
indemnities Notwithstanding the foregoing, the provisions of the Act respecting the remuneration of elected municipal officers relating to the maximum of the total remuneration and indemnities which any member of a municipal council is entitled to receive take precedence

over the provisions of the by-law passed under section 2 of the said Act.”

1929, c. 95,
ss. 148a
and 148b,
added
Vice-
chairman

3. The said charter is amended by inserting, after section 148, the following sections:

“**148a.** The council may appoint one of its members as vice-chairman to replace the chairman when he is absent or wishes to take part in the deliberations. The vice-chairman, when exercising the duties of chairman of the council, shall assume the same obligations and have the same privileges as the chairman except the right to the additional remuneration provided for in a by-law adopted under the Act respecting the remuneration of elected municipal officers.

Associate
councillors

“**148b.** The mayor may submit to the council for approval a motion concerning the appointment, for a fixed period, of one or two councillors to assist the members of the executive committee as associate councillors. In no case may such a motion be amended. The term of an associate councillor expires at the end of the fixed period or at the same time as his term as a member of the council, unless he is replaced as associate councillor by the council on a motion of the mayor. Associate councillors do not sit on the executive committee.”

1929, c. 95,
s. 149,
replaced

4. Section 149 of the said charter, replaced by section 7 of chapter 42 of the statutes of 1980, is again replaced by the following section:

Quorum

“**149.** A majority of the members of the council constitutes a quorum unless otherwise prescribed.”

1929, c. 95,
s. 157, am.

5. Section 157 of the said charter, replaced by section 48 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the words “shall be absent” in the first and second lines by the words “and the vice-chairman are absent”.

1929, c. 95,
s. 159b,
replaced

6. Section 159b of the said charter, introduced by section 49 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 58 of chapter 61 of the statutes of 1984, is replaced by the following section:

Personnel
Bureau

“**159b.** A body called the Personnel Bureau, consisting of the director general, the head of the personnel department and the head of the department concerned with the case submitted, shall make recommendations to the executive committee as to the engagement, promotion, transfer, reduction in rank, suspension and dismissal of any employee of the city, including the employees of the Commission

de l'exposition provinciale de Québec, but excluding the director general, the heads of departments and their assistants. For the purposes of the Personnel Bureau, the managing director of the Commission de l'exposition provinciale de Québec is regarded as the head of a department.

Transfer of
employees

The executive committee may authorize the Personnel Bureau to transfer or to suspend for a period of less than six days any employee of the city, including the employees of the Commission de l'exposition provinciale de Québec, but excluding the director general, the heads of departments and their assistants."

1929, c. 95,
s. 186, am.

7. Section 186 of the said charter, introduced by section 7 of chapter 80 of the statutes of 1973, is amended by adding, at the end of the first paragraph, the words "It may also prescribe rules of procedure and rules for the internal management of such committees."

1929, c. 95,
ss. 309b
and 309c,
added

8. The said charter is amended by inserting, after section 309a, the following sections:

Granting of
subsidies

"309b. The council may, by by-law, with respect to a subsidy granted pursuant to a by-law adopted under section 304, 306 or 308 or a subsidy granted pursuant to section 305,

(1) stipulate that any change in the destination or mode of occupancy of the immovable within such time, not exceeding ten years, as the council determines, shall entail repayment to the city, in such proportion as the council determines according to the time elapsed, of the subsidy paid in respect of the immovable, or that any permit which may be required for a change of destination or occupancy may be refused until such repayment is made;

(2) stipulate that repayment of the subsidy shall be exigible from any person who is the owner of the immovable at the time of the change of destination or occupancy;

(3) prescribe the formalities necessary to ensure conformity with the requirements stipulated under subparagraphs 1 and 2.

Recipient
of subsidy

The owner who received a subsidy shall, where the by-law includes provisions adopted under subparagraph 2 or 3 of the first paragraph, register a document establishing the restrictions so stipulated to the right of ownership in respect of the immovable. Registration of the document is effected by deposit and the registrar is required to receive it and to make mention of it in the index of immovables.

Rates for
subsidies

"309c. The council may, for the purposes set forth in sections 304 to 308, fix different rates for subsidies or tax credit according as the recipients are non-profit organizations, housing cooperatives or individuals.

Limitations

The council may also limit the availability of subsidies to individuals on the basis of household income and, for that purpose, define the notion of household income and prescribe the modes of evaluation and control of such limitation."

1929, c. 95,
s. 336, am.

9. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, by section 5 of chapter 104 of the statutes of 1931-32, by section 19 of chapter 111 of the statutes of 1935, by section 67 of chapter 102 of the statutes of 1937, by section 12 of chapter 104 of the statutes of 1938, by section 22 of chapter 102 of the statutes of 1939, by section 27 of chapter 74 of the statutes of 1940, by section 12 of chapter 50 of the statutes of 1943, by section 8 of chapter 47 of the statutes of 1944, by section 20 of chapter 71 of the statutes of 1945, by section 17 of chapter 51 of the statutes of 1948, by section 8 of chapter 63 of the statutes of 1951-52, by section 4 of chapter 36 of the statutes of 1952-53, by section 1 of chapter 67 of the statutes of 1955-56, by section 9 of chapter 50 of the statutes of 1957-58, by section 6 of chapter 96 of the statutes of 1960-61, by section 7 of chapter 66 of the statutes of 1963, by section 5 of chapter 69 of the statutes of 1964, by section 2 of chapter 85 of the statutes of 1966-67, by section 38 of chapter 86 of the statutes of 1969, by sections 29, 30 and 31 of chapter 68 of the statutes of 1970, by section 146 of chapter 55 of the statutes of 1972, by section 29 of chapter 75 of the statutes of 1972, by section 8 of chapter 80 of the statutes of 1973, by section 12 of chapter 97 of the statutes of 1974, by section 15 of chapter 54 of the statutes of 1976, by section 457 of chapter 72 of the statutes of 1979, by sections 23, 45 and 51 of chapter 42 of the statutes of 1980, by section 272 of chapter 63 of the statutes of 1982, by section 17 of chapter 64 of the statutes of 1982, by sections 22, 59 and 60 of chapter 61 of the statutes of 1984, by section 140 of chapter 27 of the statutes of 1985, by section 22 of chapter 116 of the statutes of 1986, by section 17 of chapter 88 of the statutes of 1988, by section 1 of chapter 81 of the statutes of 1989 and by sections 1155 to 1168 of chapter 4 of the statutes of 1990, is again amended

(1) in paragraph 12*b*

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

Signs or
bill-boards

"12*b*. To compel the owner of a sign or bill-board which is not or no longer in conformity with any by-law respecting signs or bill-boards

or any amendments thereto to bring it into conformity with such by-laws or amendments or remove it, without indemnity, within the time limits fixed by the council; to fix such time limits according to the various categories of signs or bill-boards it determines or their cost, provided the time limits are not shorter than five years nor longer than ten years from the coming into force of such by-laws or amendments.”;

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

Removal
by city

“To prescribe that signs or bill-boards that have not been brought into conformity with the by-laws or amendments within the time limits fixed may be removed by the city, without indemnity, after a six months’ notice in writing is given to the owner.”;

(c) by striking out the fifth paragraph;

(2) by replacing paragraph 12c by the following paragraph:

Categories
of signs
or bill-
boards

“12c. To define what constitutes a sign or bill-board and determine various categories of signs or bill-boards;”;

(3) by inserting, after paragraph 12c, the following paragraph:

“sign”,
“bill-board”,
“owner”

“12d. For the purposes of paragraphs 12a, 12b and 12c, the words “sign” and “bill-board” include their structures, and the word “owner” includes the proprietor, possessor or occupant of the immovable where a sign, bill-board or poster is put up;”;

(4) by inserting, in paragraph 42a, after subparagraph 23, the following subparagraph:

Antennas

“(24) prescribing, for each zone, with or without exceptions for antennas used for public security purposes, provisions relating to the mode and place of installation and the maintenance, number and height of antennas and other similar devices, outside buildings or certain categories of buildings.

Compliance
by owner of
antennas

Compelling the owner of an antenna which is not or no longer in conformity with any by-law respecting antennas or any amendments thereto to bring it into conformity with such by-laws or amendments or remove it, without indemnity, within the time limits fixed by the council; to fix such time limits according to the various categories of antennas it determines or their cost, provided the time limits are not shorter than one year nor longer than two years from the coming into force of such by-laws or amendments.

Removal
by city

Prescribing that antennas that have not been brought into conformity with the by-laws or amendments within the time limits fixed may be removed by the city, without indemnity, after a ninety-day notice in writing is given to the owner, subject to the city's right to remove them at any time when public security so requires.

Removal
expenses

Ordering that the removal expenses incurred by the city constitute a charge against the property, assimilated to the real estate tax, privileged at the same rank and recoverable in the same manner.”;

(5) by inserting, in paragraph 42c, after subparagraph 8, the following subparagraph:

Approval
of plan

“(8.1) requiring, as a precondition to the approval of a plan concerning a cadastral operation effected for the alienation of a parcel of land in favour of the owner of a contiguous immovable, where the operation does not assign a separate number to the new lot thus formed, the simultaneous deposit of a plan concerning a cadastral operation effected to assign a separate number to the new lot thus formed;”;

(6) by inserting the words “, to prescribe the plans and documents to be submitted by the applicant” after the figure “42i” in the second line of paragraph 42k;

(7) by inserting, after paragraph 49c, the following paragraph:

Distribu-
tion of
advertising
material

“49d. To prohibit anyone from disposing of printed matters or other advertising material in public parks or places in the city and on private land, and prescribe conditions governing the delivery of such printed matters or advertising material to private property; to regulate the distribution of the above and require from every person in charge of distribution that he comply with the prescribed requirements and that he use, for that purpose, reasonable diligence in the supervision of his employees; to require that specific identification of every person in charge of distribution appear on the printed matters or advertising material; require from every person in charge of distribution that he obtain, for such activity, a permit for himself and a permit for each of his employees;”.

1929, c. 95,
s. 449,
repealed

10. Section 449 of the said charter, as amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

1929, c. 95,
s. 548e,
am.

11. Section 548e of the said charter, introduced by section 12 of chapter 80 of the statutes of 1973, amended by section 22 of chapter

54 of the statutes of 1976 and by section 47 of chapter 61 of the statutes of 1984, is again amended by replacing the words "a distinct lot on the official cadastral plan or on a subdivision plan made and deposited in accordance with article 2175 of the Civil Code" at the end of the first paragraph by the words "a single distinct lot on the official plans of the cadastre".

1990, c. 4,
s. 1197, am.

12. Section 1197 of the Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure (1990, chapter 4) is amended by replacing the first line of paragraph 4 by the following:

"(4) by replacing the last two sentences of the fifth paragraph by the following:".

Validity
of by-laws

13. No irregularity or illegality may be invoked against the assessments ordered under by-laws 3009 "Décrétant une cotisation pour la SIDAC — Mail Centre-Ville de Québec pour la période débutant le 11 octobre 1983 et se terminant le 31 décembre 1984", 3010 "Décrétant une cotisation pour la SIDAC du Vieux-Québec pour la période débutant le 29 février 1984 et se terminant le 31 décembre 1984", 3042 "Décrétant une cotisation concernant certaines SIDAC pour l'exercice financier 1985", 3141 "Décrétant une cotisation concernant certaines SIDAC pour l'exercice financier 1986", 3224 "Décrétant une cotisation concernant certaines SIDAC pour l'exercice financier 1987" and 3330 "Décrétant une cotisation à l'endroit des membres de certaines SIDAC pour l'exercice financier 1988" on the grounds that the assessments were ordered in respect of taxpayers having a place of business for activities carried on for profit or not, before the coming into force of paragraph 2 of section 21 of chapter 88 of the statutes of 1988.

Pending
cases

This section does not affect any case pending on 22 June 1990.

Designation
of immov-
ables

14. The designation of the immovables mentioned in the notice of sale of 3 September 1987, a copy of which was deposited in the registration division of Québec on 3 September 1987 under number 11833, and in a deed of adjudication and sale by the deputy sheriff of the district of Québec on 20 October 1987, is deemed and has always been deemed to be the following:

"A parcel of land known and designated as being part of lot 231-B of the cadastre for the parish of Charlesbourg in the registration division of Québec, irregular in shape, bounded northeasterly by lot 231-B-85, southeasterly by lot 231-B-61 (carré le Barbot), southwesterly by part of lot 231-B (Jeanne Harvey), and northwesterly by lot 231-B-16; measuring 12.15 metres

northeasterly, 6.09 metres southeasterly, 17.63 metres southwesterly, 12.14 metres northwesterly. The parcel of land comprises an area of approximately 126.7 square metres, exact measures not guaranteed since no land surveying has been carried out.

An immovable known and designated as being lot 231-B-85 of the same cadastre.

An immovable known and designated as being lots 232-629 and 232-630 of the same cadastre. (Translation)"

Registration Registration of a certified copy of this section is effected by deposit.

Coming
into force **15.** This Act comes into force on 21 November 1990, except section 12 which will come into force on the same date as section 1197 of the Act to amend various legislative provisions respecting the implementation of the Code of Penal Procedure (1990, chapter 4).