

1989, chapter 80

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

Bill 264

Introduced by Mr Cosmo Maciocia, Member for Viger

Introduced 6 June 1989

Passage in principle 22 June 1989

Passage 22 June 1989

Assented to 22 June 1989

Coming into force: 22 June 1989

Acts amended:

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

Act to amend the charter of the city of Montréal (1988, chapter 86)

Act to amend the charter of the city of Montréal (1988, chapter 87)





CHAPTER 80

An Act to amend the charter of the city of Montréal

[Assented to 22 June 1989]

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,
aa. 10g-10j,
added

1. The charter of the city of Montréal (1959-60, chapter 102) is amended by adding, after article 10f, the following articles:

Agreement

“10g. The city may, for all purposes within its competence and, in particular, for the purpose of promoting the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with an agency representing or administering Canadian or foreign local or regional communities.

Association

“10h. The city may join any association or group of persons or agencies representing or administering Canadian or foreign local or regional communities and participate in its activities.

Apartheid

“10i. The city is authorized to refuse to deal with any person or enterprise having an interest in South Africa of a type defined by resolution of the council, and to exclude such a person or enterprise from public tenders, for as long as the Gouvernement du Québec maintains, as part of Canadian policy, restrictions on trade with and tourism in that country because of its policy of apartheid.

Publication
of resolution

Prior to application of the first paragraph, the resolution of the council must be published once in a French-language daily newspaper distributed in the territory of the city.

Nuclear
weapons

"10j. The city is authorized to refuse to deal with any person or enterprise holding an interest of a type defined by resolution of the council in the manufacture, storage or transportation of nuclear weaponry or specific nuclear weapon components or in research in that field, and to exclude such a person or enterprise from public tenders.

Publication
of resolution

Prior to application of the first paragraph, the resolution of the council must be published once in a French-language daily newspaper distributed in the territory of the city.

Interpreta-
tion

For the purposes of this article, the expressions "nuclear weaponry" and "nuclear weapon" mean atom or thermonuclear bombs as well as missiles or other devices specifically destined to carry such bombs."

1959-60,
c. 102, a. 59,
am.

2. Article 59 of the said charter, amended by section 7 of chapter 97 of the statutes of 1960-61 and by section 845 of chapter 57 of the statutes of 1987, is again amended by replacing the first three paragraphs by the following paragraphs:

Acting
mayor

"59. At its first meeting after a general election, the council shall choose from among its members an acting mayor for the term it determines.

Election

Where an acting mayor is not elected at the first meeting after a general election or the expiry of the term of the acting mayor, the election may be conducted at a subsequent meeting.

Vacancy

In the case of a vacancy in the office of acting mayor, the council shall fill it immediately."

1959-60,
c. 102,
a. 66a,
repealed

3. Article 66a of the said charter, enacted by section 5 of chapter 77 of the statutes of 1977 and amended by section 93 of chapter 16 of the statutes of 1980, is repealed.

1959-60,
c. 102, a. 76,
am.

4. Article 76 of the said charter, amended by section 10 of chapter 97 of the statutes of 1960-61, by section 6 of chapter 59 of the statutes of 1962, by section 12 of chapter 70 of the statutes of 1963 (1st session), by section 4 of chapter 84 of the statutes of 1965 (1st session), by section 4 of chapter 96 of the statutes of 1971, by section 7 of chapter 77 of the statutes of 1977, by section 4 of chapter 40 of the statutes of 1980, by section 95 of chapter 16 of the statutes of 1980, by section 3 of chapter 111 of the statutes of 1987 and by section 42 of chapter 30 of the statutes of 1988, is again amended

(1) by replacing the words "sixty dollars is made from the indemnity to which a councillor is entitled" in the first paragraph by

the words “an amount fixed by by-law of the council is made from the remuneration of a councillor”;

(2) by replacing the word “indemnity” in the second paragraph by the word “remuneration”;

(3) by striking out the third paragraph;

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

Committee
or
commission

“The first and second paragraphs shall also apply in the case of a committee or commission established by the council the meetings of which a councillor is required to attend pursuant to a by-law of the council. The amount fixed in the by-law provided for in the first paragraph may vary according to whether or not the councillor receives additional remuneration for the duties involved. The officer designated by the by-law shall give to every councillor, at the latter's request, a certificate establishing his attendance at the meetings.

Restriction

The amount fixed by a by-law under the first and fifth paragraphs shall in no case exceed one per cent of the basic annual remuneration of a councillor.”

1959-60,
c. 102,
a. 76a,
added
Additional
remunera-
tion

5. The said charter is amended by inserting, after article 76, the following article:

“76a. In addition to the basic remuneration provided for by law, the council may, by by-law, fix additional remuneration for the duties of leader of the Opposition and for the duties of leader of the Majority that are performed by council members within the city.

Applicable
provisions

The provisions of the Act respecting the remuneration of elected municipal officers (1988, chapter 30) shall apply in respect of the additional remuneration so fixed as if the duties of leader of the Opposition and leader of the Majority were special duties within the meaning of the said Act.

Leader
of the
Majority

The leader of the Majority is the councillor designated by the political party with the greatest number of councillors.

Leader
of the
Opposition

The leader of the Opposition is the councillor designated by the political party with the second largest number of councillors; if several political parties are in that situation, the leader of the Opposition is the councillor designated by the party which obtained the greatest number of votes.

Notice of
designation

For each of the designations provided for in the third and fourth paragraphs, a notice shall be submitted to the council by a councillor

of the political party having made the designation, and the designation may be amended at any time.”

1959-60,
c. 102,
a. 97a,
am.

6. Article 97a of the said charter, enacted by section 7 of chapter 96 of the statutes of 1971 and amended by section 1 of chapter 41 of the statutes of 1980 and by section 6 of chapter 111 of the statutes of 1987, is again amended by replacing the word “certain” in the second paragraph by the words “contracts, deeds or”.

1959-60,
c. 102,
a. 106,
am.

7. Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), by section 10 of chapter 96 of the statutes of 1971, by section 14 of chapter 77 of the statutes of 1977, by section 2 of chapter 41 of the statutes of 1980, by section 3 of chapter 71 of the statutes of 1982, by section 211 of chapter 38 of the statutes of 1984, by section 8 of chapter 111 of the statutes of 1987 and by section 8 of chapter 87 of the statutes of 1988, is again amended by striking out paragraph *i*.

1959-60,
c. 102,
a. 464a,
am.

8. Article 464a of the said charter, amended by section 19 of chapter 96 of the statutes of 1971, by section 44 of chapter 77 of the statutes of 1977, by section 8 of chapter 40 of the statutes of 1980 and by section 1 of chapter 86 of the statutes of 1988, is again amended by replacing the words “a by-law respecting the demolition, or the defacement of buildings or the alteration of residential buildings involving a reduction of the number or area of the dwelling-units, or noise control, or a by-law relating to waste management” in the first paragraph by the words “by-laws concerning noise control, waste management, deterioration of buildings due to lack of maintenance, abuse or acts of defacement, or the alteration of residential buildings involving a reduction of the number or area of the dwelling-units”.

1959-60,
c. 102,
a. 464b,
added

9. The said charter is amended by inserting, after article 464a, the following article:

Unautho-
rized
demolition

“464b. In the case of demolition of an immovable carried out without an authorization or contrary to the conditions of an authorization, the offender shall be liable to a fine of not less than \$5 000 nor more than \$50 000.

Remedy

This article shall not prevent the city from requiring total or partial reconstruction of the building so demolished or deprive it of any other remedy provided for by law.

Interpreta-
tion

For the purposes of this article, a building is entirely demolished if at least 50 per cent of the building has been destroyed by demolition, not including the foundations.”

1959-60,
c. 102,
a. 520,
am.

10. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-61, by section 8 of chapter 71 of the statutes of 1964, by section 21 of chapter 84 of the statutes of 1965 (1st session), by section 5 of chapter 90 of the statutes of 1968, by section 4 of chapter 91 of the statutes of 1969, by section 205 of chapter 19 of the statutes of 1971, by section 20 of chapter 96 of the statutes of 1971, by section 57 of chapter 77 of the statutes of 1973, by sections 45 and 183 of chapter 77 of the statutes of 1977, by section 23 of chapter 64 of the statutes of 1982, by section 1 of chapter 59 of the statutes of 1983, by section 145 of chapter 27 of the statutes of 1985, by section 26 of chapter 111 of the statutes of 1987 and by section 11 of chapter 87 of the statutes of 1988, is again amended

(1) by inserting, after paragraph 36, the following paragraph:

Nuclear
weaponry
and
components

“36.1 Prohibit the manufacture and storage of nuclear weaponry within the meaning of article 10j and prohibit the manufacture of specific nuclear weapon components;”;

(2) by inserting, after paragraph 73, the following paragraph:

Printed
advertising
material

“73.1 Prohibit the depositing of folders, brochures, leaflets, printed material, handbills, advertisements or other advertising material on private land and prescribe the conditions on which such material may be delivered there; regulate the distribution of such material and compel those responsible for the distribution of such material to respect the regulatory requirements and exercise reasonable diligence in respect of their principals for that purpose; require that specific identification of the distributors appear on the material; compel the distributors and their principals to obtain a permit for the purposes of such activity;”.

1959-60,
c. 102,
a. 522,
am.

11. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, by section 54 of chapter 59 of the statutes of 1962, by section 19 of chapter 70 of the statutes of 1963 (1st session), by section 9 of chapter 71 of the statutes of 1964, by section 23 of chapter 86 of the statutes of 1966-67, by section 47 of chapter 77 of the statutes of 1977, by section 16 of chapter 22 of the statutes of 1979, by section 20 of chapter 71 of the statutes of 1982 and by section 6 of chapter 117 of the statutes of 1986, is again amended by striking out the words “and distributing” in paragraph 22.

1959-60,
c. 102,
a. 524,
am.

12. Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-67, by section 7 of chapter 90 of the statutes of 1968,

by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of chapter 77 of the statutes of 1977, by section 82 of chapter 7 of the statutes of 1978, by section 10 of chapter 40 of the statutes of 1980, by section 21 of chapter 71 of the statutes of 1982, by section 670 of chapter 91 of the statutes of 1986, by section 2 of chapter 86 of the statutes of 1988 and by section 12 of chapter 87 of the statutes of 1988, is again amended

(1) by replacing the heading preceding it by the following heading:

“CONSTRUCTION AND OCCUPATION OF LAND AND BUILDINGS”;

(2) by inserting the words “symmetry, exterior appearance,” after the word “layout,” in paragraph 1;

(3) by inserting the words “and according to the types of structures and establishments” after the words “according to the location” in subparagraph *b* of paragraph 2;

(4) by replacing subparagraph *e* of paragraph 2 by the following subparagraph:

Telecom-
munications
or power
transmission
network

“(e) Notwithstanding any zoning by-law and subject to the conditions it prescribes in each case, give individual and non-transferable authorizations for the construction or alteration of structures or installations for the purposes of a telecommunications or power transmission network;”;

(5) by inserting, after paragraph 5, the following paragraph:

Articles
displayed
outside
buildings

“5.1 Prohibit or authorize the exhibition, display and sale outside buildings of effects, articles or merchandise which it may specify, according to the conditions it may determine in respect of various types of structures and establishments;”;

(6) by replacing the words “of any modification to cadastral plans” in paragraph 6 by the words “, by the head of the department which it designates, of a cadastral operation”;

(7) by replacing paragraph 13 by the following paragraph:

Antennas

“13. Stipulate requirements respecting the mode and place of installation, maintenance, number and height of antennas and other similar apparatus outside of buildings;”.

1959-60,
c. 102,
a. 524k,
added

13. The said charter is amended by inserting, after article 524j, the following article:

Dish
antennas

“524k. Dish antennas and antennas for cellular telephones installed before the coming into force of a by-law made under paragraph 13 of article 524 must be brought into conformity with the requirements of the by-law not later than one year after its coming into force.

Removal

On the expiry of that period, the city may remove antennas not in conformity, after a notice of 90 days to the owner, subject to its right to remove them at any time where public safety so requires.”

1959-60,
c. 102,
a. 610a,
am.

14. Article 610a of the said charter, enacted by section 30 of chapter 97 of the statutes of 1960-61, is amended

(1) by replacing the words “project of subdivision or redivision” in the first paragraph by the words “cadastral operation project”;

(2) by replacing the words “The executive committee shall refuse to approve such project” in the second paragraph by the words “Such project shall not be approved”;

(3) by replacing the words “such project by the executive committee” in the third paragraph by the words “the project”;

(4) by replacing the words “project of subdivision or redivision” in the fourth paragraph by the words “cadastral operation project”.

1959-60,
c. 102,
a. 610b,
replaced

15. Article 610b of the said charter, enacted by section 21 of chapter 70 of the statutes of 1963 (1st session) and replaced by section 61 of chapter 77 of the statutes of 1977, is again replaced by the following article:

Cession of
land for
parks

“610b. The council, by by-law, may require as a precondition to the approval of a cadastral operation plan occasioning the parcelling out of a lot or the identification of part of a lot, whether it provides for streets or not, that the owner cede to the city, for park or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the executive committee or of the officer designated for such purpose, is suitable for the establishment of parks or playgrounds; or that the owner, instead of ceding such area of land, pay a sum not exceeding ten per cent of the actual value of the land comprised in the plan, notwithstanding section 214 or 217 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1). The proceeds of such payment must be paid into a special fund which may be used only for the purchase of lands intended for the establishment or development

of parks and playgrounds and the lands ceded to the city under this article can only be used for parks and playgrounds. The city may however dispose, for a consideration, of lands it has acquired under this article if they are no longer required for the purpose of establishing parks or playgrounds, and the proceeds must be paid into the special fund.

Total or
partial
exemption

The by-law may provide for cases of total or partial exemption from the cession and payment provided for in the first paragraph, in particular, where the cession or payment was already made at the time of a previous cadastral operation in respect of the lot or where the cadastral operation is rendered necessary by the act of a third person or the city itself."

1959-60,
c. 102,
a. 612,
am.

16. Article 612 of the said charter, amended by section 27 of chapter 84 of the statutes of 1965 (1st session), by section 30 of chapter 86 of the statutes of 1966-67, by section 11 of chapter 90 of the statutes of 1968, by section 28 of chapter 96 of the statutes of 1971, by section 6 of chapter 76 of the statutes of 1972, by section 17 of chapter 22 of the statutes of 1979 and by section 31 of chapter 71 of the statutes of 1982, is again amended by replacing the words "subdivision plan made and deposited in conformity with article 2175" in subparagraph *a* of the first paragraph by the words "plan made and deposited in conformity with articles 2174*a*, 2174*b* and 2175".

1959-60,
c. 102,
a. 807*b*,
added

17. The said charter is amended by inserting, after article 807*a*, the following article:

Amusement
tax exemp-
tion

"807*b*. The Amusement Tax Act (R.S.Q., chapter D-14) does not apply in the city to an amusement organized by a community organization accredited by the city, provided the organizers receive no direct or indirect remuneration or pecuniary benefit and the net profit derived from such an amusement is applied in its entirety to the pursuit the objects of the organization.

Conditions

The council shall, by by-law, determine criteria for accreditation and set out the conditions according to which an organization accredited under this article may be exempted from the application of the said Act."

1959-60,
c. 102,
a. 965,
replaced

18. Article 965 of the said charter, amended by section 475 of chapter 72 of the statutes of 1979, is replaced by the following article:

Agreement
with Greater
Montreal
Central
Market
Company

"965. The executive committee may, by resolution, make with the Greater Montreal Central Market Company Limited any agreement respecting the immovables or parts of immovables ceded by the city to that corporation according to law, and in particular for

the purpose of enabling a third person to acquire and operate the immovables or allowing the operation of the immovables for any purpose, even a purpose unrelated to the operations of a central agricultural products market.”

Pension **19.** The city shall pay an annual pension of \$52 403.79 to Mr. Jean Drapeau, ex-mayor of the city of Montréal, from 1 January 1987.

Adjustment The pension shall be adjusted every year from 1 January 1990, at the rate corresponding to the percentage of increase in the pension index determined by the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) which exceeds 3 per cent.

Death of beneficiary On the death of the beneficiary, the city shall pay to his widow, for life, an annual pension equal to 60 per cent of the pension he was receiving.

Payment The pension is unassignable and unseizable, and it is payable in equal instalments on the first of each month. The first instalment and the payment of the amount of the adjustments shall be made not later than the first day of the third month after the month of coming into force of this Act.

Validity of certain by-laws **20.** The by-laws of the city of Montréal imposing various taxes and bearing numbers 6586, 6859, 7246, 7580 and 7981 cannot be declared invalid on the grounds that they do not mention the tax assessment basis or the persons subject to the payment of the taxes.

Restriction This section shall not affect a judgment rendered before 9 March 1989 or a suit pending on that date.

Disbursements and judicial fees As far as proceedings rendered null by this section are concerned, the disbursements and judicial fees shall be paid by the city, except for the additional fee provided for in section 42 of the Tariff of judicial fees of advocates (R.R.Q., chapter B-1, r. 13) made under the Act respecting the Barreau du Québec (R.S.Q., chapter B-1).

Winter Cities Showcase **21.** The city may, for the purposes of the international conference of mayors of northern cities and the exhibition designated as the “WINTER CITIES SHOWCASE” to be held in 1992, authorize, organize or coordinate various activities, delegate all or part of those tasks to a non-profit corporation and subsidize the corporation for that purpose.

1988, c. 86, s. 7, French text, am. **22.** The French text of section 7 of the Act to amend the charter of the city of Montréal (1988, chapter 86) is amended by replacing the figure “528d” by the figure “528d,”.

1988, c. 87,
s. 30,
English
text, am.

23. The English text of section 30 of the Act to amend the charter of the city of Montréal (1988, chapter 87) is amended by replacing the words “urban renewal,” by the words “, urban renewal”.

1988, c. 87,
s. 52, am.

24. Section 52 of the said Act is amended by replacing the figure “51” by the figure “47”.

Effect

25. Section 22 has effect from 17 June 1988.

Effect

Sections 23 and 24 have effect from 23 December 1988.

Coming into
force

26. This Act comes into force on 22 June 1989.