

NATIONAL ASSEMBLY  
Thirty-third Legislature, second session

1988, chapter 88  
**AN ACT TO AMEND THE CHARTER  
OF THE CITY OF QUÉBEC**

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**Bill 258**

Introduced by Mr Jean Leclerc, Member for Taschereau

Introduced 15 December 1988

Passage in principle 23 December 1988

Passage 23 December 1988

**Assented to 23 December 1988**

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**Coming into force: 23 December 1988**

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**Acts amended:**

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

Act respecting the city of Québec (1965, 1<sup>st</sup> session, chapter 82)



**Éditeur officiel**  
Québec



## CHAPTER 88

### An Act to amend the Charter of the city of Québec

*[Assented to 23 December 1988]*

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,  
ss. 4f and  
4g, added

**1.** The Charter of the city of Québec (1929, chapter 95) is amended by adding, after section 4e, the following sections:

Agreement  
with agency

**“4f.** The city may, for all the 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.

City's  
participation

**“4g.** 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.”

1929, c. 95,  
s. 17,  
replaced

**2.** Section 17 of the said charter, replaced by section 6 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 replaced by the following section:

Pro-mayor

**“17.** At its first meeting after a general election, the council shall choose a pro-mayor from among its members, for the term it determines.

Duties

The pro-mayor shall have all the duties, authority and privileges of the mayor, except as regards the executive committee, when the

mayor is absent from the city or unable to perform the duties of his office.

**Election** Where a pro-mayor is not elected at the first meeting after a general election or the expiry of the term of the pro-mayor, the election may be conducted at a subsequent meeting.

**Vacancy** In case of a vacancy in the office of pro-mayor, the council shall fill it immediately."

1929, c. 95,  
s. 17c, added **3.** The said charter is amended by adding, after section 17b, the following section:

**Leader of Opposition** "17c. Notwithstanding the Act respecting the remuneration of elected municipal officers (1988, chapter 30), the leader of the Opposition is entitled to receive the minimum additional remuneration established for a member of the executive committee under the said Act. In addition, for the purposes of section 2 of the said Act, the leader of the Opposition is deemed to perform special duties which may occasion additional remuneration.

**Designation** For the purposes of this section, the leader of the Opposition is the councillor designated by the councillors of that political party with the greatest number of elected representatives, other than the political party to which the mayor belongs. If several political parties, other than that to which the mayor belongs, have the same number of elected councillors, the leader of the Opposition is the councillor designated by the councillors of the political party, among those political parties, which obtained the greatest number of votes for the office of mayor and the offices of councillors.

**Notice of designation** Notice of the designation of the leader of the Opposition 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.

**Exclusive office** For the purposes of this Act, the leader of the Opposition may be recognized as performing his duties on a full-time basis.

**Declaration** For this purpose, the leader of the Opposition must file with the clerk a written declaration attesting that he performs his duties as councillor and leader of the Opposition on a full-time basis. If he ceases to perform his duties as councillor and leader of the Opposition on a full-time basis, he must forthwith file with the clerk a written declaration to that effect.

**Tabling of documents** The clerk shall table before the council any document filed with him pursuant to this section at the first sitting after the filing.

**Applicability** The provisions of section 17*b*, adapted as required, apply to the leader of the Opposition."

1929, c. 95,  
s. 21, am. **4.** Section 21 of the said charter, replaced by section 2 of chapter 86 of the statutes of 1969, amended by section 6 of chapter 46 of the statutes of 1985 and by section 833 of chapter 57 of the statutes of 1987, is amended by replacing subparagraph *d* of the first paragraph by the following subparagraph:

"(*d*) any person who has a direct or indirect interest in any undertaking that places his personal interest in conflict with his duties of office.

**Disposal** Where the interest devolves to him by succession or gift, he shall renounce or dispose of it with all possible dispatch;".

1929, c. 95,  
s. 159*a*, am. **5.** Section 159*a* of the said charter, enacted by section 49 of chapter 81 of the statutes of 1965 (1st session), amended by section 2 of chapter 85 of the statutes of 1966-67, by section 3 of chapter 80 of the statutes of 1973, by section 8 of chapter 42 of the statutes of 1980, by section 3 of chapter 61 of the statutes of 1984, by section 5 of chapter 116 of the statutes of 1986 and by section 7 of chapter 33 of the statutes of 1988, is amended by replacing subparagraph *h* of the first paragraph by the following subparagraph:

"(*h*) approve the job evaluation plans and the salary scales relating thereto;".

1929, c. 95,  
s. 168*a*, am. **6.** Section 168*a* of the said charter, enacted by section 195 of chapter 38 of the statutes of 1984, is amended by replacing the figure "176*d*" in the second line of the first paragraph by the figure "181*c*".

1929, c. 95,  
s. 185, am. **7.** Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session), amended by sections 2 and 12 of chapter 85 of the statutes of 1966-67, by section 11 of chapter 68 of the statutes of 1970, by section 6 of chapter 97 of the statutes of 1974, by section 10 of chapter 54 of the statutes of 1976, by section 2 of chapter 22 of the statutes of 1979, by section 11 of chapter 42 of the statutes of 1980, by sections 8 and 58 of chapter 61 of the statutes of 1984 and by section 12 of chapter 116 of the statutes of 1986, is amended

(1) by striking out the word "exclusive" in paragraph *g* of subsection 7;

(2) by replacing paragraph *h* of subsection 7 by the following paragraph:

“(h) the job evaluation plans.”;

(3) by adding, after subsection 11, the following subsection:

“(11a.) The executive committee shall approve the description and classification of each job.”;

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

“(29) The executive committee may grant subsidies not exceeding \$10 000 and contributions the value of which does not exceed that amount.”

1929, c. 95,  
ss. 185d-  
185f, added

**8.** The said charter is amended by inserting, after section 185c, the following sections:

Budget,  
by-laws and  
resolutions

“**185d.** In the year of a general election, the preparation, by the executive committee, of the budget and related draft by-laws and resolutions and their submission to the council in accordance with subsection 9 of section 185, may be effected after the prescribed time limits but not later than the first of March following polling day. In such case, the budget and related by-laws and resolutions must be adopted before the thirty-first of March.

Time  
limit

“**185e.** Where the prescribed time limits referred to in section 185d have expired, the executive committee may allow the treasurer to authorize the payment of day-to-day administration expenses until the thirty-first of March of the year following the year of the general election as if, on the first of January, one third of the budget for the fiscal year of the election year had been adopted.

Coming into  
force

“**185f.** Notwithstanding subsection 10 of section 185, in the case of section 185d, the budget and related by-laws and resolutions that have not been adopted within thirty days after the date on which they are submitted to the council by the executive committee shall automatically come into force on the thirtieth day.”

1929, c. 95,  
s. 191b, am.

**9.** Section 191b of the said charter, enacted by section 13 of chapter 116 of the statutes of 1986, is amended

(1) by replacing the words “beyond the current fiscal year” in the fifth line of the fourth paragraph by the words “for a period exceeding three years”;

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

Report

“Every officer or employee who grants an authorization of expenditures exceeding \$50 000 shall indicate it in a report which he

shall transmit to the council at the first regular sitting held at the expiry of a fifteen-day period after the authorization.”

1929, c. 95,  
s. 245, added **10.** The said charter is amended by inserting, after section 244, the following section:

Organization  
of amuse-  
ment **“245.** The Amusement Tax Act (R.S.Q., chapter D-14) does not apply in the city to any amusement organized by a fabrique, a religious corporation in charge of a parish, a parochial community recreational body, a body accredited by the city for the management of recreational activities or to any institution dedicated to the protection of youth, provided that the organizers receive no remuneration or direct or indirect pecuniary benefit, and that the net profits from such amusement are used entirely for charitable or religious purposes or for the organization and maintenance of community recreational activities without pecuniary gain.

Standards  
for exemp-  
tion The council, by by-law, shall determine the standards which the recreational bodies and institutions must meet to benefit from the exemption.”

1929, c. 95,  
s. 289a, am. **11.** Section 289a of the said charter, enacted by section 16 of chapter 116 of the statutes of 1986 and amended by section 841 of chapter 57 of the statutes of 1987, is amended by replacing the words “of less than”, in the first line of subsection 3, by the words “not exceeding”.

1929, c. 95,  
s. 301, am. **12.** Section 301 of the said charter, replaced by section 19 of chapter 42 of the statutes of 1980, is amended by adding the words “, institution governed by the Savings and Credit Unions Act (R.S.Q., chapter C-4)” after the word “bank” in the second line.

1929, c. 95,  
s. 307,  
replaced **13.** Section 307 of the said charter, replaced by section 139 of chapter 27 of the statutes of 1985, is again replaced by the following section:

Tax credit  
on real  
estate taxes **“307.** The council may, within the scope of a program of improvement or revitalization, order by by-law that the city grant, on the conditions and in the sectors of its territory it determines, a tax credit on the real estate taxes imposed in respect of buildings where qualifying work is being or has been carried out. The tax credit granted shall not exceed the actual cost of the qualifying work and may be spread over more than one fiscal year.”

1929, c. 95,  
s. 311, am. **14.** Section 311 of the said charter, replaced by section 21 of chapter 42 of the statutes of 1980, is amended by adding the words

“, institution governed by the Savings and Credit Unions Act (R.S.Q., chapter C-4)” after the word “bank” in the third line.

1929, c. 95,  
s. 333, am.

**15.** Section 333 of the said charter, enacted by section 22 of chapter 42 of the statutes of 1980 and amended by section 21 of chapter 61 of the statutes of 1984 and by section 206 of chapter 38 of the statutes of 1984, is amended by adding, after paragraph *e*, the following paragraph:

“(f) to finance an expenditure in anticipation of a subsidy relating thereto the payment of which is guaranteed by the Government or any of its ministers or agencies.”

1929, c. 95,  
s. 333a, am.

**16.** Section 333a of the said charter, replaced by section 22 of chapter 42 of the statutes of 1980, is amended by adding, at the end, the following paragraph:

Currency  
exchange  
agreements

“Where the city enters into one or more currency exchange agreements in respect of a loan it has contracted, the loan is deemed to have been made in the currency in which the city is, under the terms of the last exchange agreement entered into, required to make its payment in capital.”

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

**17.** 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 and by section 22 of chapter 116 of the statutes of 1986, is amended

(1) by inserting, after subparagraph *c* of subparagraph 15 of paragraph 42*a*, the following subparagraph:

“(d) for establishments described in subparagraph 21, by requiring that any derogatory use protected by vested rights cease wherever the use or the control of the corporation operating such use is disposed of;”;

(2) by replacing subparagraphs 21 and 22 of paragraph 42*a* by the following subparagraphs:

“(21) regulating the setting-up of establishments

(a) where erotic shows are presented on a frequent or regular basis, whether or not they are presented with a view to increasing the demand for goods or services in the establishment;

(b) where services of an erotic nature are offered;

(c) where the goods offered are mainly of an erotic nature;

“(22) regulating the laying out and use of premises occupied by establishments described in subparagraph 21;

“(23) prescribing, within a zone, the minimum distance between establishments described in subparagraph 21, the maximum floor area that may be used by such establishments and the maximum number of such establishments; prohibiting the use, for purposes of an erotic nature, of any floor area or premises in excess of the maximum floor area or number of establishments allowed or within a lesser distance than the minimum distance prescribed;”;

(3) by inserting, after paragraph 42*h*, the following paragraphs:

Plans of  
construction

“42*i*. To approve, by by-law, for the whole of its territory, plans of construction or alteration or to allow the occupancy of one or more buildings or other works under, above or on any land of an area of at least 8 000 m<sup>2</sup> for an industrial project, 4 000 m<sup>2</sup> for a commercial project, commercial and housing project, industrial and housing project or industrial and commercial project or a project involving all three types of occupancy, and 4 000 m<sup>2</sup> for a housing or commercial and housing project where 80% of the above-ground floor area is to be used for housing purposes.



**Area  
requirements**

The minimum area requirements do not apply in the case of several parcels of land bounded on all sides by streets, a project for the erection of an educational institution, an establishment contemplated in the Act respecting health services and social services (R.S.Q., chapter S-5), a child day care centre or public administration or public service buildings, residential buildings under a municipal or governmental housing program, vacant public buildings and buildings classified or recognized as cultural property, classified as historical monuments or as heritage sites or situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site.

**Departure  
from by-law**

The by-law may authorize a departure from any municipal by-law and subject the said approval to any condition departing from a municipal by-law.

**Modification  
of zoning  
requirement**

When the by-law involves, for a given project, the modification of a zoning requirement applicable to the sector for which it is planned, it is subject to the same procedure for approval by the council as applies to a zoning by-law.

**Approval of  
projects**

This section does not prevent the council from approving projects proposed by owners who joined together to form the area required by this paragraph, if the proposed project is intended to form an architectural complex constituting better urban development than that allowed by the by-law, and if each owner gives the city a written document stating that he has been informed that from the coming into force of the by-law approving the project, any alteration to the construction or occupancy of the building contemplated in the by-law and departing from the by-law will be subject to the approval of the council;

**Performance  
bond**

“42j. Where a construction plan, filed for the purposes of paragraph 42i, includes the construction in phases of buildings or other works, the city may, before approving the plan, require the applicant to deposit a performance bond for such amounts as it considers sufficient to ensure the construction of all the buildings and works shown on the plan, within the period of time established;

**Criteria for  
construction**

“42k. To circumscribe, by by-law, the zones in which the council may exercise its powers under paragraph 42i and to determine, for each zone, the criteria that must be met by the construction or alteration plans and the occupancy of buildings or works that are subject to the approval of the council under that paragraph.

Criteria           The criteria may relate to the implementation and size of a project, its impact on the environment and the uses for which it is designed;”;

(4) by inserting, after paragraph 43c, the following paragraphs:

Cessation  
of operation       “43d. To make a by-law to compel the operator of an establishment described in subparagraph 21 of paragraph 42a the occupancy of which has become a departure from the by-law following the adoption of a by-law respecting the establishment, to cease, without compensation, the operation of that establishment within a period of two years;

Admission  
of minors       “43e. To make a by-law, for the purposes of the protection of youth, to compel the operator of an establishment described in subparagraph 21 of paragraph 42a to refuse admission of minors to his establishment;”.

1929, c. 95,  
s. 336aa,  
added           **18.** The said charter is amended by inserting, after section 336a, the following section:

Emergency  
exits           “**336aa.** Where it is impossible to provide an immovable with two emergency exits leading to the public road in accordance with the Acts, regulations and by-laws in force, the owner of such an immovable may, after serving notice on the city, submit a motion to the Superior Court for the issue of an order requiring the owner of adjoining immovables to grant the persons in his immovable a right of way in case of an emergency or an evacuation drill, and all required accessory real rights to enable him to provide such emergency exits. The Court shall fix the compensation according to the value of the property transferred and the amount of any damage resulting directly from the transfer.

Order           The order provided for in the first paragraph has the same effect as a servitude and shall indicate which land is dominant and which is servient. The order shall take effect upon the registration thereof and, where applicable, the registration of the documents establishing that the amount of the compensation has been paid or deposited in the office of the clerk of the Superior Court.

Registration       Registration shall be effected by deposit at the expense of the owner of the dominant land and recorded in the index of immovables.

Amendment  
of order       The owner of the dominant or servient land may submit a motion to the Superior Court, which it shall serve on the owner of the other land and on the city, for the amendment or revocation of the order if the circumstances so justify. Such order takes effect in the same manner as an order provided for in the first paragraph.”

1929, c. 95,  
s. 453, am.

**19.** Section 453 of the said charter, replaced by section 29 of chapter 61 of the statutes of 1984 and amended by section 3 of chapter 114 of the statutes of 1987, is amended by adding, at the end, the following paragraph:

Acquisition  
of immov-  
ables

“(4) The city may acquire, by agreement or expropriation, any immovable, part of an immovable or servitude or immovable real right for urban development purposes where no rational use of the territory is possible owing to the parcelling out of land, inadequate street and lane networks, the obsolescence or the condition of the buildings, or non-compliance with the by-laws or development program of the territory.”

1929, c. 95,  
s. 453c, am.

**20.** Section 453c of the said charter, replaced by section 32 of chapter 61 of the statutes of 1984 and amended by section 142 of chapter 27 of the statutes of 1985, is amended by replacing the second paragraph by the following paragraphs:

Non-profit  
corporation

“The city is authorized to apply for the incorporation of a non-profit corporation to exercise the powers conferred on the city under the first paragraph. The corporation may also exercise the powers of the corporations referred to in section 453b or 453d.

Acquisition  
or renova-  
tion of im-  
movable

A corporation incorporated under the second paragraph shall submit to the council, for approval, any plan to acquire, renovate, restore or construct an immovable which entails a capital expenditure in excess of \$1 000 000.

Sale of  
immovable

Where a corporation incorporated under the second paragraph intends to sell an immovable it owns, it shall obtain prior approval from the council.

Authority  
to order  
expenditures

A corporation incorporated under the second paragraph has the authority to order any expenditure which does not exceed \$100 000.

Authoriza-  
tion  
required

Any expenditure exceeding \$100 000 requires the authorization of the council.”

1929, c. 95,  
s. 453g, am.

**21.** Section 453g of the said charter, enacted by section 4 of chapter 89 of the statutes of 1982 and amended by section 34 of chapter 61 of the statutes of 1984, is amended

(1) by adding the words “, except the ratepayers benefitting from an exemption under section 236 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1)” after the word “deposited” in the third line of subsection 29;

(2) by replacing subsection 44 by the following subsection:

Place of  
business

“(44) For the purposes of this section, the expression “place of business” includes any premises or establishment entered on the roll of rental values where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, whether or not the activity is carried on for lucrative gain, except an employment or a charge.”

1929, c. 95,  
s. 545a, am.

**22.** Section 545a of the said charter, replaced by section 35 of chapter 116 of the statutes of 1986, is amended by replacing the first paragraph by the following paragraph:

Traffic and  
parking

**“545a.** The council, by-law, may authorize the executive committee to exercise, by resolution, all or part of the powers conferred on the council to regulate or prohibit traffic and parking. A resolution under this section forms part of the by-law under which it is made and shall have effect from the time the appropriate signs are erected in the proper places.”

1929, c. 95,  
s. 548b,  
repealed

**23.** Section 548b of the said charter, enacted by section 4 of chapter 82 of the statutes of 1965 (1st session), is repealed.

1929, c. 95,  
s. 553a,  
added

**24.** The said charter is amended by adding, after section 553, the following section:

Reference  
to statutes

**“553a.** Every reference in this charter to a statute which has been replaced or revised or to any of its provisions is a reference to the corresponding new or revised statute or provision.”

1929, c. 95,  
s. 556a,  
added

**25.** The said charter is amended by adding, after section 556, the following section:

Agreement  
with Public  
Protector

**“556a.** Notwithstanding any provision to the contrary, the city of Québec and the Public Protector are authorized to enter into an agreement to subject the city of Québec to the jurisdiction of the Public Protector.

Agreement

The agreement may, in particular,

(1) provide that the expenses incurred in carrying out the agreement will be borne by the parties in the proportion determined in the agreement;

(2) fix the term of the agreement and stipulate the terms and conditions for its renewal;

(3) contain any other particular necessary for the implementation of the agreement.

Powers  
conferred  
on Public  
Protector

For the purposes of an agreement contemplated by the first paragraph, the Public Protector shall exercise, in respect of the city of Québec, the powers conferred on him by the Public Protector Act (R.S.Q., chapter P-32), adapted as required.”

1929, c. 95,  
s. 566,  
am.

**26.** The second paragraph of section 566 of the said charter, replaced by section 19 of chapter 47 of the statutes of 1944 and amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

1929, c. 95,  
s. 567,  
replaced

**27.** Section 567 of the said charter, replaced by section 48 of chapter 61 of the statutes of 1984, is replaced by the following section:

Deputy  
municipal  
judge

**“567.** The Government, on the application of the council, may designate, for the period it determines, a deputy municipal judge chosen from among the municipal judges appointed under section 606 of the Cities and Towns Act (R.S.Q., chapter C-19).

Conditions of  
employment

The remuneration, conditions of employment and social benefits of the deputy municipal judge shall be established by way of an order of the Government made under section 609 of the Cities and Town Act and shall be borne by the city.”

1965, 1<sup>st</sup> sess.,  
c. 82, s. 2,  
repealed

**28.** Section 2 of chapter 82 of the statutes of 1965 (1st session), amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

1969, c. 86,  
s. 75,  
repealed

**29.** Section 75 of chapter 86 of the statutes of 1969 is repealed.

Applicability  
of s. 21

**30.** Paragraph 2 of section 21 is declaratory but applies neither to a judgment rendered before 15 December 1988 nor to a case pending on the said date.

Exception

Notwithstanding the foregoing, the declaratory effect provided for in the first paragraph applies to a case pending in which the Government, any of its departments or any government agency within the meaning of section 4 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is the complainant, plaintiff or petitioner in first instance.

Coming into  
force

**31.** This Act comes into force on 23 December 1988.