

1986, chapter 116

AN ACT TO AMEND THE CHARTER OF THE CITY OF QUÉBEC

Bill 271

Introduced by Mr Jean Leclerc, Member for Taschereau

Introduced 10 December 1986

Passage in principle 19 December 1986

Passage 19 December 1986

Assented to 19 December 1986

Coming into force: 19 December 1986

Act amended:

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



CHAPTER 116

An Act to amend the Charter of the city of Québec

[Assented to 19 December 1986]

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1929, c. 95,
s. 1, am. **1.** Section 1 of the Charter of the city of Québec, amended by section 10 of chapter 102 of the statutes of 1939, by section 3 of chapter 72 of the statutes of 1949, by section 2 of chapter 85 of the statutes of 1966-67, by section 1 of chapter 68 of the statutes of 1970, by section 447 of chapter 72 of the statutes of 1979 and by section 1 of chapter 46 of the statutes of 1985, is amended by adding, after subparagraph *r* of the first paragraph, the following subparagraph:

“département” “(s) The word “*département*”, wherever it occurs in the French version of this charter, means “*un service*”.”

1929, c. 95,
s. 4, am. **2.** Section 4 of the said charter, amended by section 1 of chapter 85 of the statutes of 1966-67, by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), by section 194 of chapter 38 and section 1 of chapter 61 of the statutes of 1984 and by section 134 of chapter 27 of the statutes of 1985, is amended

(1) by adding, after subparagraph 2 of the second paragraph, the following subparagraph:

“(2.1) lease movable or immovable property or transfer the use thereof gratuitously;”;

(2) by replacing subparagraph 4 by the following subparagraph:

“(4) transfer, without compensation, any of its property that is no longer needed, in which case the procedure provided in subparagraph 3 applies; in the case of immovable property, the approval of the Minister of Municipal Affairs is required except in the case of a transfer by gratuitous title of a servitude to a public utility company, to Her Majesty or to a municipal corporation;”.

1929, c. 95,
s. 15,
repealed

3. Section 15 of the said charter, replaced by section 1 of chapter 89 of the statutes of 1982, is repealed.

1929, c. 95,
ss. 17a -
17c, added

4. The said charter is amended by adding, after section 17, the following sections:

Member
and vice-
chairman of
executive
committee

“**17a.** Notwithstanding section 65.11 of the Cities and Towns Act, a member of the executive committee, other than the mayor and the vice-chairman of the executive committee, who, with the mayor’s authorization, performs his duties on a full-time basis may, as such, receive as additional annual remuneration and allowance an amount equal to the annual amount payable to a councillor. The vice-chairman of the executive committee who, with the mayor’s authorization, performs his duties on a full-time basis, may, as such, receive as additional annual remuneration and allowance an amount equal to seventy-five per cent of the annual amount payable to a councillor.

Filing of
statement
and mayor’s
authoriza-
tion

If the vice-chairman or a member of the executive committee wishes to avail himself of this section he shall file with the clerk a written statement accompanied with the mayor’s authorization attesting that he performs his duties as councillor and as member of the executive committee on a full-time basis. The vice-chairman or the member of the executive committee shall be entitled to the additional remuneration determined under this section from the filing of the documents with the clerk.

Filing of
statement

If the vice-chairman or a member of the executive committee ceases to perform his duties as councillor and member of the executive committee on a full-time basis, he shall file forthwith with the clerk a written statement to that effect. If the mayor withdraws his authorization as regards the full-time performance of duties by a member

or the vice-chairman of the executive committee, he shall file forthwith a written statement to that effect with the clerk. In the abovementioned cases, the member or the vice-chairman of the executive committee shall cease to be entitled to the additional remuneration determined under this section from the filing of the document with the clerk.

Clerk The clerk shall file with the council every document filed with him under this section at the first sitting following the filing.

Exclusive office “**17b.** In no case may a member of the executive committee who performs his duties on a full-time basis lease his services or work for any person other than the city and he shall devote his time exclusively to the duties of his office.

Exception Notwithstanding the preceding paragraph, the member may, with the authorization of the council, hold an office, with or without remuneration, on the council, the board of directors or the executive committee of a public or parapublic body or a non-profit organization having charitable, scientific, cultural, artistic, social or sports purposes.

Chairman of council “**17c.** Notwithstanding section 65.11 of the Cities and Towns Act, the chairman of the council shall, as such, receive as additional annual remuneration and allowance an amount equal to forty-five per cent of the annual amount payable to a councillor.”

1929, c. 95,
s. 159a, am. **5.** Section 159a 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 and by section 3 of chapter 61 of the statutes of 1984, is amended

(1) by striking out the second and third paragraphs of paragraph *h*;

(2) by replacing paragraph *i* by the following paragraph:

“(i) make agreements with any person, partnership or corporation to entrust, in whole or in part, the management and operation, in its name, of the parking lots or parking buildings which it owns or has the use of, the Mail Centre-Ville and the immovables situated on lot 4823 of the official cadastre of the city of Québec, Saint-Pierre ward, registration division of Québec;”;

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

Departments “The council shall, by by-law, set up the following departments: legal matters, police, fire prevention, town-planning and personnel.”

1929, c. 95,
s. 160, am.

6. Section 160 of the said charter, replaced by section 4 of chapter 85 of the statutes of 1966-67 and amended by section 4 of chapter 61 of the statutes of 1984, is amended by adding, at the end of the third paragraph, the words "The executive committee may also suspend those employees for such period as it may determine and impose disciplinary measures on them."

1929, c. 95,
s. 162b,
replaced

7. Section 162b of the said charter, replaced by section 5 of chapter 80 of the statutes of 1973, is again replaced by the following section:

Approval

"**162b.** No by-law passed under section 162a shall have effect unless it is approved by the Commission municipale du Québec; it shall also be subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17). Notwithstanding the said Act, the actuarial deficiency existing on 31 December 1986 must be made up before 31 December 2045 in the manner set out below.

City's
contribution

The contribution the city is required to pay in 1987 shall be determined in such a manner that with the contributions provided below for the years 1988 to 2045, it allows the actuarial deficiency existing on 31 December 1986 to be made up.

Contribu-
tions for
1988 and
1989

For each of the years 1988 and 1989, the contribution shall be equal to the amount of the contribution for the preceding year increased by eight per cent.

Contribu-
tions for
1990-1996

For each of the years 1990 to 1996, the contribution shall be equal to the amount of the contribution for the preceding year increased by ten per cent.

Contribu-
tions for
1997-2036

For each of the years 1997 to 2036, the contribution shall be equal to the amount of the contribution for the preceding year increased by six per cent.

Contribu-
tions for
2037-2045

For each of the years 2037 to 2045, the contribution shall be equal to the amount of the contribution determined for the year 2036.

Revision of
contribu-
tions

The contributions referred to above shall be revised at each actuarial valuation of the plan submitted to the Régie des rentes du Québec under the General Regulation respecting supplemental pension plans (R.R.Q., chapter R-17, r. 1) in order that the balance of the deficiency be amortized over the remaining amortization period. For that purpose, the contributions referred to above shall be increased or reduced, as of the date of each valuation of the actuarial deficiency, by a percentage equal to the increase or reduction of the actuarial deficiency foreseen for that date at the time of the last valuation in relation to the actual actuarial deficiency as of that date.

Contributions to pension plan

For the period extending from 1 January 1987 to 31 December 2010, the total amount of the annual contributions of the city to its pension plan, including those determined pursuant to this section, must not be less than fifteen percent of the total payroll of the participants."

1929, c. 95, s. 165, am.

8. Section 165 of the said charter, replaced by section 30 of chapter 86 of the statutes of 1969, is amended by replacing the first paragraph by the following paragraph:

Minutes of executive committee

"165. The minutes of the votes and proceedings of the executive committee shall be drawn up and transcribed in a book kept for such purpose by the city clerk. They shall be signed by the chairman of the executive committee and by the city clerk."

1929, c. 95, s. 173a, am.

9. Section 173a of the said charter, replaced by section 52 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, by section 7 of chapter 68 of the statutes of 1970, by section 10 of chapter 42 of the statutes of 1980 and by section 58 of chapter 61 of the statutes of 1984, is again amended by adding at the end of the third paragraph the following sentence: "He may, however, with the authorization of the council, hold an office, with or without remuneration, on the council, the board of directors or the executive committee of a public or parapublic body or a non-profit organization having charitable, scientific, cultural, artistic, social or sports purposes."

1929, c. 95, Div. XVIII, Heading, replaced

10. The heading of Division XVIII of the said charter is replaced by the following heading:

"AUDITORS, THEIR APPOINTMENT AND DUTIES".

1929, c. 95, ss. 176a-176g, 178, 179, 180, 181, replaced

11. Sections 176a to 176g of the said charter, enacted by section 196 of chapter 38 of the statutes of 1984, section 178, sections 179 and 181 amended by section 2 of chapter 85 of the statutes of 1966-67 and section 180 replaced by section 32 of chapter 86 of the statutes of 1969 and amended by section 197 of chapter 38 of the statutes of 1984 are replaced by the following sections:

Permanent auditor

"177. The permanent auditor shall, before acting as such, take, before the city clerk, the oath of office appearing in Schedule I.

Vacancy

If the office of permanent auditor becomes vacant it shall be filled by the council at its next sitting.

Responsibility

"178. The permanent auditor is directly responsible to the council.

Duties “**178a.** The permanent auditor shall audit the accounts and transactions of the city in accordance with the generally accepted public accounting auditing standards and shall perform all the other duties imposed on him by law, regulation or by-law.

Audit The audit shall include, to the extent considered appropriate by the permanent auditor, financial auditing, verification as to the conformity of the operations with the Acts, regulations and by-laws in force and, if the council so requests, value-for-money auditing. In no case may such audit question the policies and objectives of the city's programs.

Time limit “**178b.** Not later than 31 August each year, the permanent auditor shall remit to the executive committee the results of his audit for the fiscal year ending on the preceding 31 December, and mention every fact or irregularity that he has noticed which, in his opinion, deserves to be pointed out, particularly cases where he has found that

(1) accounts have not been kept in a faithful and satisfactory manner;

(2) account of all public moneys has not been given;

(3) the applied rules and procedures are not adequate to ensure efficient control of the regular assessment, collection and apportionment of revenue;

(4) sums of money have been spent for purposes other than those for which they had been voted;

(5) expenses have been made without authorization.

Tabling The executive committee shall table before the council the results of such audit at the first meeting held following the expiry of thirty days from its receipt.

Report “**178c.** The auditor shall report to the council on his audit of the financial statements and of the statement fixing the aggregate taxation rate. In his report, which must be transmitted to the treasurer not later than the 31st of March following the end of a fiscal year, the auditor shall state, among other things, whether

(1) the financial statements are a faithful reflection of the financial situation of the city as at 31 December and of its operating results for the year ending on that date;

(2) the aggregate taxation rate was fixed in accordance with the regulation made under section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Statement
under oath

“178d. The permanent auditor shall, in his report under section 178c, state under oath whether or not the treasurer has complied with the requirements of this charter with respect to the sinking-fund.

Records

“178e. The permanent auditor may consult the records, documents and registers respecting all the accounts and transactions of the city.

Availability
of
information

He may also require from any officer or employee of the city, any information, report or explanation he deems necessary for the performance of his duties.

Inquiry

“178f. The permanent auditor shall make an inquiry and report each time the executive committee or the council makes a request therefor on any matter within its competence.

Information

“178g. The permanent auditor may inform the director general, the department heads and the executive committee of the facts discovered during his audit.

Powers and
duties

“178h. The permanent auditor shall have the same duties and exercise the same powers in respect of the bodies, corporations or persons whose audit he has a duty to perform.

Immunity

The city must keep the permanent auditor clear of any claim or conviction exercised or executed against him, in capital, interest and costs, and of all advocate's or expert's fees incumbent on him, in all cases where such claim, conviction or costs result from the exercise of his function or the performance of his duties in accordance with the law, the regulations or by-laws.

Immunity

“179. No civil action may be instituted by reason or in consequence of the publication, according to law, of a report of the permanent auditor or the publication in good faith of an extract or abstract of such a report.

Permanent
auditor

“179a. In no case may the following persons act as permanent auditor:

(1) a member of the council of a municipal corporation listed in Schedule A, B or D of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(2) the associate of a person mentioned in paragraph 1;

(3) a person who has, directly or indirectly, personally or through his associate, any interest or is entitled to a commission in or under a contract with the city, or who derives any benefit therefrom.

Audit
committee

“180. The council shall form an audit committee composed of not less than three councillors. The mandate of the committee is determined by resolution of the council.

External
auditor

“181. During the period extending from 1 December to 15 April, the council shall, on a report of the executive committee, appoint an external auditor for the fiscal year beginning during that period. If, on 15 April, the appointment has not been made, the external auditor appointed for the preceding fiscal year shall remain in office.

External
auditor

The clerk shall inform the Minister of Municipal Affairs, each year, of the name of the external auditor for the current fiscal year, as soon as it is known.

Vacancy

“181a. If the office of the external auditor becomes vacant before the expiry of his term, the council shall fill the vacancy at its next sitting.

Duties

“181b. The external auditor shall, for the fiscal year for which he was appointed, audit the financial statements, verify the statement fixing the aggregate taxation rate and examine any other document the Minister of Municipal Affairs determines by regulation published in the *Gazette officielle du Québec*.

Report

The external auditor shall make a report of his audit to the council. In his report, he shall state, in particular, whether

(1) the financial statements faithfully represent the financial position of the city on 31 December and the results of its operations for the fiscal year ending on that date;

(2) the aggregate taxation rate was fixed in accordance with the regulation made under section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Treasurer

“181c. The external auditor shall transmit his report to the treasurer not later than 31 March following the expiry of the fiscal year for which he was appointed.

Audit and
report

“181d. The council or the executive committee may require any other audit it considers necessary and require a report.

External
auditor

“181e. In no case may the following persons act as external auditor:

(1) a member of the council of a municipal corporation listed in Schedule A, B or D of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(2) an officer or employee of the city;

(3) the associate of a person mentioned in paragraph 1 or 2;

(4) a person who, during the fiscal year for which the audit is carried out, directly or indirectly, personally or through his associate, has any interest or is entitled to a commission in or under a contract with the city, or who derives any benefit therefrom, unless his connection with the contract arises from the practice of his profession.

External
auditor

“181f. The external auditor may be an individual or a firm. He may entrust his employees with his work, but his responsibility is then the same as if he had performed all the work personally.”

1929, c. 95,
s. 185, am.

12. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and 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 136 of chapter 27 of the statutes of 1985, is amended

(1) by replacing paragraph *d* of subsection 7 by the following paragraph:

“(d) every application for a transfer of funds or appropriations already voted, from one item of the budget to another or, if the transfer exceeds fifty thousand dollars, from one budget plan to another;”;

(2) by adding, to subsection 11, the following paragraph:

Rules on
transfer of
funds

“The executive committee may set up rules for transfers of funds or appropriations already voted within a budget plan, from a budget plan to another if the transfers are equal to or under fifty thousand dollars, and transfers from the contingent fund. The rules may provide that the transfers may be authorized by the executive committee, the director general or the head of a department.”;

(3) by adding, after subsection 13, the following subsection:

Contract “(13a.) The executive committee may grant, without the authorization of the council, a contract for the connection of an automatic fire sprinkler system to the city’s water conduit.”

1929, c. 95,
s. 191b,
added **13.** The said charter is amended by adding, after section 191a, the following section:

Delegation
of powers “**191b.** The council may, by by-law, delegate to any officer or employee of the city the power to authorize expenditures and enter into contracts in the name of the city.

By-law Such a by-law shall indicate

- (1) the sphere of competence to which the delegation applies;
- (2) the maximum amount of expenditures that may be authorized by the officer or employee;
- (3) the other conditions of the delegation.

Rules on
awarding of
contracts The rules governing the awarding of contracts by the city, adapted as required, apply to a contract awarded under this section. Where the authorization of the Minister of Municipal Affairs is required for the awarding of a contract to a person other than the person who submitted the lowest tender, only the executive committee may request the authorization from the Minister.

Validity To be valid, an authorization of expenditures granted under a delegation shall be the subject of a certificate from the treasurer indicating that sufficient appropriations have been provided for that purpose, and shall not entail any financial commitment on the part of the city beyond the current fiscal year.

Report Every officer or employee granting an authorization of expenditures shall make a report to the council or to the executive committee within fifteen days if the amount of expenditures is less than fifty thousand dollars.

Delegation
of powers The executive committee may also, in the matters within its competence, make a delegation of its powers for the same purposes. In such case, the foregoing paragraphs apply, adapted as required.”

1929, c. 95,
s. 266a,
repealed **14.** Section 266a of the said charter, replaced by section 453 of chapter 72 of the statutes of 1979, is repealed.

1929, c. 95,
s. 274, am. **15.** Section 274 of the said charter, replaced by section 50 of chapter 102 of the statutes of 1937 and amended by section 2 of

chapter 85 of the statutes of 1966-67, is amended by adding the following paragraph:

Collocation

“In the event of the sale of the immovable or movables subject to the taxes, the subrogation does not prevent the city from being collocated by preference over the subrogated party for taxes due and payable after the subrogation.”

1929, c. 95,
s. 289a,
added

16. The said charter is amended by adding, after section 289, the following section:

“working
fund”

“289a. (1) The council may set up a fund called the “working fund”, or increase the amount of that fund, to place at the disposal of the city the sums it may need for any municipal purposes. For that purpose, the council shall pass a by-law

(a) to allocate to the working fund the accumulated surplus of its general fund or any part thereof,

(b) to allocate thereto the revenue from a special tax provided for that purpose in the budget, or

(c) to carry out both operations.

Amount of
fund or
increase

In the case of paragraph *b*, the amount of the fund or of any increase shall be equal to the revenue from the special tax as and when it is collected. In the case of paragraph *c*, the rule applies to that part of the fund or of any increase that derives from the revenue from the special tax.

Certified
copy

When a by-law is passed under this subsection, the clerk shall send a certified copy thereof to the Minister of Municipal Affairs.

Maximum
amount of
fund

(2) The amount of the fund shall not exceed ten per cent of the appropriations for the current fiscal year of the municipality. If, however, the amount of the fund exceeds the percentage provided because the budget of a subsequent fiscal year provides for lesser appropriations than the budget used to determine that amount, the amount may remain unchanged.

Expenses

(3) For any expense of less than fifty thousand dollars, the council or the executive committee may, by resolution, borrow from the fund the sums the city may need for capital expenditures. The resolution authorizing the loan shall indicate the term for repayment, which shall not exceed five years. The council may also, before the revenues are collected, borrow from the working fund; in such a case, the term for repayment shall not exceed twelve months. Each year, the council shall

provide, out of its general fund, an amount sufficient to repay the amount borrowed from the working fund.

Investment (4) The liquid assets of the fund must be invested in accordance with section 301.

Interest (5) The interest on the assets of the working fund shall be appropriated as ordinary revenues for the fiscal year in which it is earned.

Disqualification (6) Any member of the council who knowingly authorizes, by his vote or otherwise,

(a) the setting up or funding of a working fund or any borrowing from such a fund, for an amount exceeding the amount approved, or

(b) the investment of the sums belonging to the fund otherwise than as prescribed in subsection 4,

may be declared disqualified from holding any municipal office for two years and held personally liable toward the city for any loss or damage suffered by the city.

Joint and several liability The liability referred to in the first paragraph is joint and several and it is applicable to every officer or employee of the municipality who knowingly is a party to the illegal act.

Proceedings Proceedings for declaration of disqualification shall be taken in accordance with articles 838 to 843 of the Code of Civil Procedure; proceedings for recovery of loss or damage shall be taken by ordinary action. The proceedings may be brought by any ratepayer."

1929, c. 95, s. 304, am. **17.** Section 304 of the said charter, replaced by section 138 of chapter 27 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

Program of improvement or revitalization **"304.** The council may, by by-law, adopt a program of improvement or revitalization for all or part of the territory of the city. The program may provide, in particular, that the city grant, on the conditions determined by the council, a subsidy for the carrying out of work."

1929, c. 95, s. 307a, added **18.** The said charter is amended by adding, after section 307, the following section:

Tax credit **"307a.** The council may order, by by-law, that the city grant, on the conditions and in the sectors of the city it determines, a tax credit on the real estate tax imposed in respect of lots that are not served

by the waterworks or sewer system. The tax credit shall not exceed twenty per cent of the real estate tax.”

1929, c. 95,
s. 313,
added

19. The said charter is amended by adding, after section 312*a*, the following section:

Social and
recreational
club

“313. The city is authorized to provide, even free of charge, premises, goods and services and make grants to any organization which manages a social and recreational club for the employees of the city.”

1929, c. 95,
s. 325, am.

20. Section 325 of the said charter, replaced by section 20 of chapter 61 of the statutes of 1984, is amended by replacing the second paragraph by the following paragraph:

Facsimile

“A facsimile of the signature of the treasurer may be engraved, lithographed or printed on the coupons attached to the notes, debentures, bonds or other securities issued by the city, and, with the authorization of the council, on the notes, debentures, bonds or other securities themselves, and the facsimile has the same effect as if the signature itself was affixed thereto.”

1929, c. 95,
s. 330, am.

21. Section 330 of the said charter, replaced by section 22 of chapter 42 of the statutes of 1980, is amended by replacing the word “manager”, in the third line, by the words “director general”.

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

22. Section 336 of the said charter is amended

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

Use of
pavements,
etc.

“7. To regulate the use of pavements, sidewalks, curbstones, crossings and gutters, and to regulate, permit on payment of a licence or prohibit the placing on the streets, on or above sidewalks, alleys or public places, of awnings, porticoes, canopies, or traps or other openings in sidewalks;”;

(2) by adding, after paragraph 19, the following paragraph:

Drinking
water
treatment
systems

“19*a*. To regulate or prohibit drinking water treatment systems, certain categories of them, or drinking water treatment systems or certain categories of them installed in certain categories of buildings or establishments; to require a licence on the conditions determined by the council; to require, according to terms and conditions determined by the council, any person having a drinking water treatment system in operation on the day of the coming into force of a by-law passed under this paragraph to notify thereof any person designated by the council;”;

(3) by replacing paragraph 21 by the following paragraph:

Issue of
licences,
etc.

“21. To fix the amount, terms and manner of issuing licences and permits, provided that no licence or permit is issued for a period longer than one year;”;

(4) by replacing the first three lines of paragraph 42*a* by the following:

Zoning
by-law

“42*a*. To pass a zoning by-law for the whole or part of its territory whereby the powers of the council may consist in”;

(5) by adding, at the end of paragraph 42*a*, the following subparagraphs:

“(20) prescribing the maximum number of employees who are not domiciled or who are not resident in the city who may be permitted to work in a dwelling where, according to a zoning by-law, a person may carry on his professional activity in his residence;

“(21) regulating the setting up or operation of establishments where erotic shows by persons present in the establishment are presented on a frequent or regular basis;

“(22) prescribing, within a zone, the maximum floor area that may be used by establishments where erotic shows by persons present in the establishment are presented on a frequent or regular basis, or the maximum number of such establishments within a zone; prohibiting the use, for that purpose, of any floor area or establishment in excess of the maximum floor area or number of establishments prescribed by the by-laws;”;

(6) by replacing paragraph 42*b* by the following paragraph:

Building by-
laws

“42*b*. To adopt building by-laws for the whole or part of its territory whereby the council may

(1) determine the building materials to be used and the manner of assembling them;

(2) prescribe strength, salubrity and safety or isolation standards for every structure;

(3) order that the reconstruction or restoration of any building destroyed or having become unsafe or having lost at least half of its value as entered on the assessment roll by reason of fire or for any other cause, be made in conformity with the by-laws in force at the time of the reconstruction or restoration;

(4) provide in the building by-laws that the whole or part of a building code already in existence constitutes the whole or part of the by-laws. The building by-laws may provide that any amendment made to the code or the pertinent part of it after the coming into force of the by-laws is also part of the latter, without requiring the council to pass a by-law to order the application of each amendment made. The amendment comes into force in the municipality on the date determined by resolution of the council. The clerk shall publish a notice of the making of the resolution in a French newspaper published in the city. The code or its applicable part is annexed to the by-laws and forms part thereof;";

(7) by replacing the first three lines of paragraph 42c by the following:

Subdivision
by-law

"42c. To adopt a subdivision by-law for the whole or part of its territory whereby the powers of the council may consist in";

(8) by replacing the word "five", in the second line of paragraph 42g, by the word "ten";

(9) by striking out paragraph 81;

(10) by striking out the words "upon the payment of a maximum sum of one hundred dollars", at the end of the first sentence of paragraph 83, and the words " , the price whereof shall not exceed twenty-five dollars," in the second sentence of paragraph 83;

(11) by replacing paragraph 116 by the following paragraph:

Lost
licences or
permits

"116. To prescribe in what manner and in consideration of what sum the licences or permits are replaced in cases where persons to whom they have been issued declare that they have lost them;";

(12) by replacing the fourth paragraph of paragraph 154 by the following paragraph:

Tax rate

"The rate of the tax levied may be uniform throughout the city or different in the various sectors determined by by-law, but a uniform rate must be applied throughout each sector even though several kinds of services are supplied therein.";

(13) by striking out paragraphs 161 and 163;

(14) by replacing the words "an annual special tax not exceeding two dollars", in paragraph 167, by the words " , annually, a licence";

(15) by replacing the words "special tax not exceeding two dollars per day", in paragraph 187, by the word "licence";

(16) by striking out the words “not exceeding five hundred dollars”, in the first paragraph of paragraph 189;

(17) by replacing paragraph 190 by the following paragraph:

Auction sale “190. To impose a licence on any person who holds an auction sale;”;

(18) by striking out paragraph 191;

(19) by striking out, in paragraph 193,

(a) the words and figure “but the price of the licence shall not exceed \$50.00 whatever the number of mechanisms contained in one slot-machine or mechanical game”, in the sixth paragraph;

(b) the seventh paragraph;

(c) the words and figure “, which shall not exceed \$50.00”, in the ninth paragraph;

(d) the words and figure “not exceeding \$15.00”, in the tenth paragraph;

(20) by striking out the words “not exceeding fifty cents”, in the first paragraph of paragraph 197.

1929, c. 95,
s. 338, am.

23. Section 338 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the words “city engineer” in the fifth line of the fourth paragraph by the words “head of the competent department”.

1929, c. 95,
s. 354, am.

24. Section 354 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is again amended by replacing the word “engineer” in the sixteenth line by the words “head of the competent department”.

1929, c. 95,
s. 383a,
added

25. The said charter is amended by adding, after section 383, the following section:

Cultural or
historical
heritage

“383a. The city may preserve and enhance movable and immovable property forming part or having formed part of the cultural or historical heritage of the city. For that purpose, the city may acquire, maintain, lease, administer and manage any movable or immovable property.

Cultural and
historical
heritage

The city may also create a cultural and historical city heritage preservation fund, pay a determined amount into the fund, out of the annual budget, or any gift made to the city for the preservation of the cultural and historical heritage of the city.

Proceeds of
alienation

The proceeds of the alienation of property acquired out of the moneys of the special fund shall be paid into the fund. The city may also pay into the fund any other revenues from the leasing or management of property acquired out of the moneys of the fund.

Preservation
fund

Any amount of money paid into the fund shall be used exclusively for the preservation of the cultural or historical heritage of the city."

1929, c. 95,
s. 417, am.

26. Section 417 of the said charter, replaced by section 33 of chapter 68 of the statutes of 1970, is amended by replacing the words "director of public works or the engineer" in the fifth and sixth lines of the second paragraph by the words "head of the competent department".

1929, c. 95,
s. 443, am.

27. Section 443 of the said charter, replaced by section 16 of chapter 78 of the statutes of 1947 and amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the words "city engineer" in the second line of the first paragraph by the words "head of the competent department".

1929, c. 95,
s. 448, am.

28. Section 448 of the said charter, amended by section 3 of chapter 82 of the statutes of 1965 (1st session), by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is amended by striking out the third paragraph.

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

29. Section 453a of the said charter, replaced by section 32 of chapter 42 of the statutes of 1980, amended by section 30 of chapter 61 of the statutes of 1984 and by section 209 of chapter 38 of the statutes of 1984, is amended by replacing the second paragraph by the following paragraph:

Real estate
or housing
reserve

"The city is authorized to establish a real estate or housing reserve, transfer to it the immovables acquired under the first paragraph and those that are no longer needed for the purposes for which they had originally been acquired, including the immovables acquired within the scope of the programs established under Divisions III, V and VI of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8). It may hold, lease, administer and equip the immovables and install therein the necessary public services."

1929, c. 95,
s. 457, am.

30. Section 457 of the said charter, replaced by section 35 of chapter 61 of the statutes of 1984, is amended by inserting the words “out of its general funds not otherwise appropriated or out of a subsidy of the Government or any of its ministers or bodies already paid or the payment of which is ensured or out of those two sources of financing” after the word “disposal” in the first line.

1929, c. 95,
s. 495a,
added

31. The said charter is amended by adding, after section 495, the following section:

Tunnel

“495a. Notwithstanding any provision to the contrary, the city may dig at a depth of more than eight metres under any land a tunnel for its sewer and waterwork conduits. From the beginning of the work, the city becomes, subject to any action for damages, without formality or indemnity,

(1) the owner of the volume occupied by the tunnel;

(2) the owner of the volume occupied within a radius of two metres around the inner concrete wall of the tunnel.

Notification

At the beginning of the work, the city shall notify the owner of the land of the carrying on of the work and of the content of this section and give him a provisional plan of the site and the proposed horizontal projection of the tunnel. When the work is carried on in the territory of another municipal corporation, the city shall give the same notice and plans to that municipal corporation. In the year following the end of the work, the city shall file in its records a copy of the plan certified by the director of the department concerned showing the horizontal projection of the tunnel. It shall register the plan by filing two copies in the office of the registration division where the immovable affected is located and the registrar shall make an entry for each lot or part of a lot affected in the index of immovables.”

1929, c. 95,
s. 503c,
added

32. The said charter is amended by adding, after section 503b, the following section:

Sailboard

“503c. No person may use a sailboard on the Saint-Charles river above the waterworks dam of the city or on lake Saint-Charles, except riparian owners, the members of the Huron Indian band of Lorette and their respective guests who shall enjoy the same rights in that respect as those granted under sections 503 and 503b in respect of the use of non-motorized boats.”

1929, c. 95,
s. 520a,
added

33. The said charter is amended by adding, after section 520, the following section:

Waste
water

“520a. The city may, by by-law, prescribe the volume and composition of waste water that may be discharged in sewers by property-owners, tenants or occupants of immovables or of certain classes of immovables and determine the tariff to be paid by the property-owners, tenants or occupants who, by reason of the volume or composition of the waste water discharged by them in the sewers, cause an increase in the costs of waste water treatment.

Waste
water

The city is authorized to make by-laws providing for the placing of devices to regulate, determine and measure the volume and composition of the waste water discharged from any immovable contemplated by the by-law made pursuant to the first paragraph, to authorize city employees to enter, at any reasonable time, any immovable or premises to check the volume and composition of the waste water discharged into the sewers by the property-owner, tenant or occupant of such immovable and to install or maintain the measuring devices mentioned above.

Contribution

The city may impose on any property-owner, tenant or occupant of an immovable contemplated by the by-law passed under the first paragraph an additional contribution for an amount determined by the city to compensate for the increase in the costs of waste water treatment resulting from the volume or composition of the waste water discharged by him into the sewers.

Contribution

The additional contribution is privileged and recoverable in the same manner as a personal tax unless it is a charge upon the property-owner in which case, it constitutes a charge against the property ranking equally with the real estate tax and recoverable in the same manner.

Identifica-
tion

The inspector shall, on request, identify himself and show a certificate of his capacity.”

1929, c. 95,
s. 523, am.

34. Section 523 of the said charter is amended by striking out the words “an amount not exceeding five dollars per annum”, in the second and third lines of paragraph 7.

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

35. Section 545a of the said charter, enacted by section 41 of chapter 42 of the statutes of 1980, is replaced by the following section:

Powers

“545a. The city, by a resolution of the executive committee, may exercise the powers mentioned in the second and third paragraphs of section 545. It may also, in the same manner, prohibit certain vehicles, during the periods of the year as it may determine, from using the streets, lanes or public places of the city or any part thereof. A resolution under

this section shall have effect from such time the appropriate signs are erected in the proper places.

Penalty

For each violation of such resolution, the council may, by by-law, impose the penalty provided in section 394, which becomes applicable from such time as the signs referred to in the first paragraph are erected."

1929, c. 95,
s. 545*d*, am.

36. Section 545*d* of the said charter, enacted by section 40 of chapter 61 of the statutes of 1984, is amended by striking out the third and fourth paragraphs.

1929, c. 95,
s. 546, am.

37. Section 546 of the said charter, replaced by section 31 of chapter 74 of the statutes of 1940, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 36 of chapter 75 of the statutes of 1972, by section 56 of chapter 42 of the statutes of 1980 and by section 6 of chapter 89 of the statutes of 1982, is amended by adding, at the end of the first paragraph, the following: "The by-laws shall have effect from such time as the appropriate signs are erected in the proper places."

1929, c. 95,
s. 546*a*, am.

38. Section 546*a* of the said charter, replaced by section 18 of chapter 97 of the statutes of 1974 and amended by section 41 of chapter 61 of the statutes of 1984, is again amended by replacing subsection 5 by the following subsection:

Payment of
towing or
removing
costs

"(5) In all cases where it is provided under or pursuant to this charter that a vehicle may be removed or towed away, the owner may recover his vehicle only upon payment of the storage costs at the current rate and, where the towing or removing costs have not been added to the amount of the fine under section 546*f*, upon payment of those costs."

1929, c. 95,
s. 546*d*, am.

39. Section 546*d* of the said charter, replaced by section 43 of chapter 61 of the statutes of 1984, is amended by replacing the first paragraph by the following paragraph:

Special
officer

"**546*d*.** The council, by by-law, may create the function of special officer for the purposes of sections 545*d* and 546*a* in cases of violation of a provision relating to parking contained in this charter or passed thereunder."

1929, c. 95,
s. 546*f*,
added

40. The said charter is amended by adding, after section 546*e*, the following section:

Tariff of
costs

"**546*f*.** The city, by by-law, may establish a tariff of costs for the removal or towing of vehicles parked in contravention of a provision

of or under this charter. In all cases where it is provided that a vehicle may be removed or towed away for a violation relating to parking, the amount prescribed for the removal or towing costs may be added to the fine provided for the violation. The increased amount of the fine shall be indicated on the ticket."

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

41. Section 548c of the said charter, enacted by section 4 of chapter 82 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is repealed.

1929, c. 95,
s. 601,
replaced

42. Section 601 of the said charter, amended by section 14 of chapter 80 of the statutes of 1973, is replaced by the following section:

Form of
writs, etc.

"601. Every summons, order, writ or warrant issued by the said court, shall be in the name of Her Majesty, Her Heirs or Successors and bear the signature of the judge or the clerk of the court.

Signature

The signature of the judge or clerk may be affixed by any means approved by by-law of the council.

Signature

Warrants of arrest and search warrants shall bear the handwritten signature of the judge."

1929, c. 95,
Sched. I,
replaced

43. Schedule I to the said charter is replaced by the schedule appended hereto.

Life annuity

44. Notwithstanding any general law or special Act, the city of Québec and the Commission de transport de la Communauté urbaine de Québec shall pay, from 1 July 1986, a life annuity to Mr Léonce Bouchard. Should Mr. Bouchard die before 30 June 2001, the annuity shall be payable to his heirs until the said date. The amount of the annuity payable yearly by the city is \$1 504.29 and that payable yearly by the Commission de transport de la Communauté urbaine de Québec is \$3 653.96.

By-law
validated

45. No irregularity or illegality may be invoked against by-law 3102 "Établissant un programme de crédits aux débiteurs de taxes foncières imposées à l'égard de bâtiments situés sur les sites commerciaux des artères commerciales et du Centre-Ville de Québec", passed by the council of the city of Québec on 29 July 1985, on the grounds that at the time the by-law passed second reading, section 309 of the Charter of the city of Québec had been amended by the Act to amend various legislation respecting municipalities (1985, chapter 27). This section does not affect a case pending or a decision or judgment already rendered.

- Collection **46.** The city of Québec and the Commission de l'exposition provinciale de Québec are authorized to waive collection of the amounts due to them from 15 May 1986, for whatever reason, by Corporation Québec 1534-1984 and the treasurer is authorized to debit the amounts from the reserve account for collection losses.
- Declaratory amendment **47.** The amendment made to section 160 of the Charter of the city of Québec by section 6 is declaratory. However, it does not affect judgments already rendered or cases pending on 29 March 1986.
- Effect **48.** Sections 17*a*, 17*b* and 17*c* of the Charter of the city of Québec, enacted by section 4, have effect from 1 January 1986.
- Retroactive effect The statement of a member or of the vice-chairman of the executive committee respecting the performance of their duties on a full-time basis and the mayor's authorization in that respect provided for in section 17*a* of the Charter of the city of Québec may have a retroactive effect to 1 January 1986.
- Coming into force **49.** This Act comes into force on 19 December 1986.

SCHEDULE I

(In connection with section 177)

OATH TAKEN BY THE PERMANENT AUDITOR

I, A. B., having been appointed permanent auditor for the city of Québec, swear (*or solemnly affirm*) that I will discharge the duties of my office to the best of my judgment and ability.

So help me God.
(for the oath only)