

1984, chapter 61
**AN ACT TO AMEND THE CHARTER
OF THE CITY OF QUÉBEC**

Bill 216

Introduced by Mr Raymond Brouillet, Member for Chauveau

Introduced 18 October 1983

Passage in principle 8 June 1984

Passage 8 June 1984

Assented to 12 June 1984

Coming into force: 12 June 1984

Act amended:

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





CHAPTER 61

An Act to amend the Charter of the City of Québec

[Assented to 12 June 1984]

Preamble

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1929, c. 95,
s. 4, am.

1. Section 4 of the Charter of the City of Québec (1929, chapter 95), amended by section 1 of chapter 85 of the statutes of 1966-67 and by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act, is amended by replacing the second paragraph by the following paragraphs:

Powers

“The corporation has and shall have perpetual succession, and a common seal, with power to break, change and alter the same at pleasure, and may sue and be sued, implead and be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever; it may acquire for the purposes of its competence movable or immovable property, through purchase, donation, legacy or otherwise and may sell, alienate, exchange, assign and convey the same when it no longer needs them; and finally it may enter into and become a party to contracts; and give and accept any bills, bonds, or other instruments or securities for the payment or securing the payment of any money borrowed or lent, or for the performance of any duty, matter or thing whatsoever, as hereinafter provided.

Gifts

The corporation may also give its movable or immovable property when it no longer needs it; however, in the case of immovable property the authorization of the Minister of Municipal Affairs is required.”

1929, c. 95,
s. 15*f*, added **2.** The said charter is amended by adding, after section 15*e*, the following section:

Pension in-
crease **“15*f*.** From 1 January 1984, every pension paid under section 15*a* or 15*b* shall be increased by 100% for those that have become payable before 31 December 1969 and by 50% for those that have become payable after that date.”

1929, c. 95,
s. 159*a*, am. **3.** Section 159*a* of the said charter, enacted by section 49 of chapter 81 of the statutes of 1965 (1st session), amended by section 3 of chapter 80 of the statutes of 1973 and by section 8 of chapter 42 of the statutes of 1980, is amended by replacing paragraph *c* by the following paragraph:

“(c) adopt by-laws and resolutions respecting the acquisition of immovables, the carrying out of works or transactions involving capital expenditures, order the payment thereof out of the unappropriated general funds or, by by-law, authorize loans or levy taxes to pay for the same;”.

1929, c. 95,
s. 160, am. **4.** Section 160 of the said charter, replaced by section 4 of chapter 85 of the statutes of 1966-67, is amended by replacing the third paragraph by the following paragraph:

Dismissal **“Any** employee of the city appointed by the executive committee may be dismissed by that committee.”

1929, c. 95,
s. 162, am. **5.** Section 162 of the said charter, replaced by section 6 of chapter 68 of the statutes of 1970, is amended by striking out the second paragraph.

1929, c. 95,
s. 173*b*, am. **6.** Section 173*b* of the said charter, enacted by section 8 of chapter 70 of the statutes of 1950-51 and replaced by section 53 of chapter 81 of the statutes of 1965 (1st session), is amended by replacing paragraph *b* by the following paragraph:

“(b) as a mandatary of the executive committee, to exercise authority over every officer or employee of the city, except the auditor; as regards an officer or employee whose functions are provided for by law, the authority of the director general shall be exercised only within the scope of his duties as manager of the human, material and financial resources of the city and may in no case have the effect of hindering the exercise of the functions that are provided by law.”

1929, c. 95,
s. 174, am. **7.** Section 174 of the said charter is amended by replacing the first two paragraphs by the following paragraphs:

Approval
and sig-
nature **“174.** Every by-law, resolution, and contract approved by the council shall be presented by the clerk to the mayor, for approval and

signature, or, in the case of contracts, for signature, to the person designated under subsection 16 of section 185, as soon as possible after the approval.

Signature

If the person designated under subsection 16 of section 185, to whom a document was sent for signature, refuses or fails to sign it within ninety-six hours after the document was sent to him by the clerk, the latter shall, without delay, send the document to the mayor for approval and signature.

Objections

If, within ninety-six hours after a document is sent to him for approval, the mayor refuses to approve and sign it, he shall return it with his objections in writing to the clerk, who shall submit it for reconsideration at the next sitting of the council, as a matter of urgency and privilege."

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

8. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and amended by section 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 and by section 11 of chapter 42 of the statutes of 1980, is amended

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

"(f) every report concerning the exchange or the assignment by emphyteutic lease of an immovable belonging to the city and, in addition, the leasing of its movable and immovable property, when the term of the lease exceeds two years;"

(2) by replacing subsections 9 and 10 by the following subsections:

Budget and
draft by-laws

"(9) After taking into account the estimate of the city's revenue and studying the estimates of expenses submitted by the heads of departments, and their reports and suggestions as presented by the director general, the executive committee shall prepare and submit to the council the budget for the following fiscal year; it shall also prepare and submit to the council the draft by-laws and resolutions imposing taxes, permits and licences to meet the expenses, with due regard for the other revenue of the city.

Automatic
coming into
force

"(10) If, before the thirty-first of December of each year, the council does not adopt the budget and pass the by-laws and resolutions relating thereto submitted by the executive committee, they shall automatically come into force on that date.";

(3) by replacing subsections 13 and 14 by the following subsections:

Contracts of
\$50 000 or
more

“(13) The executive committee may award, without the authorization of the council, any contract the amount whereof does not exceed \$50 000; if the expenditure exceeds \$50 000, the authorization of the council is required; however, section 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) applies to any expenditure over \$5 000 and not over \$50 000.

Joint call for
tenders

“(14) The executive committee is authorized to call for tenders in conjunction with other public bodies.”;

(4) by adding to subsection 16 the following paragraph:

Authorized
signature

“The executive committee, on a motion of its chairman, may authorize, generally or specially, the head of a department or any officer it designates, to sign the contracts or documents of such nature as it may determine, except by-laws and resolutions.”;

(5) by replacing subsection 17 by the following subsection:

Work by day
labour

“(17) The executive committee may, without the consent of the council, cause to be carried out, by day labour, works the cost of which does not exceed \$50 000; nevertheless, the council may authorize the executive committee to cause to be carried out, by day labour, specified works of any kind the cost of which exceeds \$50 000.”;

(6) by replacing subsection 23 by the following subsection:

Issue of per-
mit sus-
pended

“(23) The issue of any permit that is not in compliance with a draft amendment to a zoning, subdivision or building by-law, shall be suspended from the passing by the executive committee of a resolution requiring the competent department to prepare the amendment, except where it has been expressly decided otherwise by the executive committee, for the period between the date of the resolution of the executive committee ordering the preparation of the amendment and the date of the final decision of the council on the new by-law, the period being in no case longer than one hundred and sixty days.”;

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

Sale or
transfer of
property

“(28) The executive committee, on a report of the director general or the head of the department concerned, accompanied with a report of the treasurer as to its value, may give, sell, alienate, assign or transfer, in the manner it determines, any movable or immovable property the value of which does not exceed \$10 000.”

1929, c. 95,
s. 190,
repealed
1929, c. 95,
s. 191,
added

9. Section 190 of the said charter is repealed.

10. The said charter is amended by adding, after the title of Section XXI, the following section:

Acquisition
of equipment

“191. Notwithstanding sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19), the city, with the authorization of the Minister of Municipal Affairs and without being bound to call for tenders, may negotiate a contract for the acquisition of lighting equipment, traffic control devices or signs and their supports, benches, dustbins or other items of street furniture to be erected or placed in the historic district of Québec or in a protected area within the meaning of the Cultural Property Act (R.S.Q., chapter B-4).

Conditions

The Minister, in giving his authorization, may impose conditions, in respect of the contract, the other party to the contract or the manner of selecting him.

Draft
contract

The city shall file with the Minister the draft contract it has negotiated pursuant to the Minister's authorization.

Approval

If the Minister approves the project, the city may make the contract, which requires no further approval.”

1929, c. 95,
s. 244,
added

11. The said charter is amended by adding, after section 243, the following section:

Fixing of
price

“244. The executive committee is authorized to fix the sale price or the rental price of the goods and services furnished by the city.”

1929, c. 95,
s. 250,
added

12. The said charter is amended by adding, after section 249, the following section:

Bad cheques

“250. Whenever a cheque or another order for payment is remitted to the city and is refused by a financial institution on which the instrument is drawn, administration costs may be charged by the city to the debtor, at a rate fixed by the executive committee.”

1929, c. 95,
s. 265, am.

13. Section 265 of the said charter, amended by section 452 of chapter 72 of the statutes of 1979, is amended by replacing the second paragraph by the following paragraphs:

Registration
of privilege
not required

“The privilege need not be registered; in respect of immovables, it concerns only those on which or with regard to which the assessments, taxes, rates or any other municipal dues have been imposed; in respect of movables and movable property, the privilege applies only to the movables and property possessed by the debtor or located within the city limits, except where the debtor has transferred them out of the city limits.

Privilege on
immovable

Where payable by the owner, any special tax, compensation, charge, cost, expense or other expenditure incurred by the city for the supply of metered water, by contract or otherwise, or for the supply of special

and additional services of garbage removal, is privileged on the immovables in respect of which the services are supplied, as real estate taxes, and are recoverable in the same manner.”

1929, c. 95,
s. 272a, am.

14. Section 272a of the said charter, enacted by section 3 of chapter 87 of the statutes of 1968, is amended by adding the following paragraph:

School tax
collected by
the city

“Notwithstanding any contrary provision of a general law or special Act, the school taxes owing to the Commission des écoles catholiques de Québec shall be collected and recovered by the city; the maturity and collection dates, the terms and conditions for the recovery and collection of the taxes, the collection costs and the rate or amount of the deduction to be made to make up for losses from non recovery, shall be fixed by the council, after an agreement has been made with the Commission; failing an agreement, they shall be fixed by the Commission municipale du Québec.”

1929, c. 95,
s. 286, am.

15. Section 286 of the said charter, replaced by section 21 of chapter 68 of the statutes of 1970 and amended by section 11 of chapter 22 of the statutes of 1979, is amended

(1) by replacing the word “twentieth” in the second line by the word “thirty-first”;

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

“(d) a reserve equal to at least one-half of one per cent of the assessment for the year, against loss in the collection of assessments;”.

1929, c. 95,
s. 287, am.

16. Section 287 of the said charter, replaced by section 12 of chapter 65 of the statutes of 1953-54 and amended by section 9 of chapter 97 of the statutes of 1974 and by section 12 of chapter 22 of the statutes of 1979, is amended by replacing the first, second and third paragraphs by the following paragraphs:

Imposition of
taxes

“287. The council, before the thirty-first of December of each year, must impose, over and above the other revenues of the city, a tax sufficient to meet the expenses provided for by the budget for the following fiscal year.

Restriction

The council or a committee may in no case authorize expenditure or the payment of a debt for an amount greater than that provided in the budget, or that cannot be paid out of a surplus of receipts over expenses that have been the object of an availability certificate issued by the treasurer and deposited before the council, and it is forbidden, under the penalties enacted by this charter, for the treasurer, the auditor, the mayor or any member of the council to authorize, permit or make such payment.

Special tax In a case where, during the fiscal year, an appropriation is exceeded or an unforeseen debt must be paid, such payment may also be effected provided it is authorized by the council, which at the same time levies a special tax to meet it. Such tax must be added to the nearest assessment roll, and collected at the same time."

1929, c. 95,
s. 288,
replaced **17.** Section 288 of the said charter, replaced by section 13 of chapter 22 of the statutes of 1979, is replaced by the following section:

Time limit **"288.** If the sums which should be voted and the taxes which should be imposed in conformity with sections 286 and 287, respectively, have not been voted or imposed as the case may be before the thirty-first of December, they may be voted or imposed after that date, and the necessary by-laws may also be passed after that day."

1929, c. 95,
s. 289, am. **18.** Section 289 of the said charter, enacted by section 16 of chapter 42 of the statutes of 1980, is amended by adding the following paragraph:

Surplus "The council may also apply, for the purposes it determines, after the end of a fiscal year but before the summary of receipts and expenses for that year has been prepared by the treasurer in conformity with section 287, any surplus of receipts over expenses of the terminated fiscal year that has been the object of an availability certificate issued by the treasurer and deposited before the council."

1929, c. 95,
ss. 304-308,
replaced **19.** Sections 304 to 308 of the said charter, enacted by section 20 of chapter 42 of the statutes of 1982, are replaced by the following sections:

Subsidy for
renovation **"304.** The council may, by by-law, on such conditions and in such sectors of the city as it may determine, adopt a plan of action or a revitalization program providing, in particular, that the city grant a subsidy for the construction, reconstruction, renovation, conversion, restoration, extension, relocation, clearing, equipping, transformation or demolition of any immovable.

Amount The amount of the subsidy may in no case exceed seventy-five per cent of the actual cost of the work.

Subsidy for
renovation **"305.** The council may, by resolution, authorize payment of a subsidy to the owner of an immovable partly or totally destroyed by fire, dilapidated, abandoned or vacant, who wishes to undertake the renovation, restoration, transformation or reconstruction of that immovable. The maximum amount of the subsidy shall in no case exceed the actual cost of the work.

Applicability **"306.** Sections 304 and 305 apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

Classes of
immovables **“307.** For the purposes of section 304, the council may establish classes in respect of the immovables referred to therein.

Conditions The council may order that the subsidy is granted in respect of only one or several of the classes, and not in respect of all of them. It may prescribe different conditions for different classes.

Sectors The council may further avail itself of the first two paragraphs in different manners according to the sectors of the city it determines under section 304.”

1929, c. 95,
s. 325,
replaced **20.** Section 325 of the said charter, replaced by section 22 of chapter 42 of the statutes of 1980, is replaced by the following section:

Signature of
the mayor **“325.** A facsimile of the signature of the mayor may be engraved, lithographed or printed on notes, debentures or bonds and the facsimile has the same effect as if the signature itself was affixed thereto.

Signature of
the treasurer A facsimile of the signature of the treasurer may be engraved, lithographed or printed on the coupons attached to the debentures or bonds issued by the city, and the facsimile has the same effect as if the signature itself was affixed thereto.”

1929, c. 95,
s. 333, am. **21.** Section 333 of the said charter, replaced by section 22 of chapter 42 of the statutes of 1980, is amended by adding the following paragraph:

“(e) to make loans to any person or body to whom or which the city is authorized to make loans.”

1929, c. 95,
s. 336, am. **22.** Section 336 of the said charter is amended

(1) by adding to paragraph 31 the following paragraphs:

Sectors of
the city “No by-law made under this paragraph may apply in any sector of the city except the sector determined by the council. The prescriptions of the by-law may differ according to the sectors of the city and the classes of animals determined by the council.

Precedence
of by-law Any by-law made under this paragraph has precedence over any inconsistent provision of this Act or of the Agricultural Abuses Act (R.S.Q., chapter A-2);”;

(2) by adding, after paragraph 31, the following paragraph:

Animals **“31a.** To regulate the movement of all or certain animals and all or certain animal-drawn vehicles in the streets, lanes, public places and parks of the city, and prescribe that all or certain animals and all or

certain animal-drawn vehicles be registered in the manner approved by the executive committee;”;

(3) by replacing paragraphs 42, 42*a* and 42*b* by the following paragraphs:

By-laws

“42. To make by-laws to

(1) prohibit any project for the construction, alteration, extension or addition of buildings except with a building permit;

(2) prohibit any plan to change the use or destination of an immovable and any operation referred to in subparagraph 10 or 11 of paragraph 42*a* except with an authorization certificate;

(3) prohibit the occupancy of any immovable newly erected or altered or any immovable the destination or use of which has been changed without a certificate of occupancy;

(4) prohibit any cadastral operation except with a subdivision permit;

(5) prescribe the plans and documents that must be furnished by the applicant with his application for a permit or certificate;

(6) establish a tariff of fees for the issue of permits and certificates or any category thereof according to the kind of structure or use intended;

(7) designate a municipal officer responsible for issuing permits and certificates;

(8) fix higher minimum fines where the offender who has failed to obtain any permit prescribed under this paragraph is a person, a partnership, a corporation or a cooperative having as its main occupation the carrying out of works requiring a building permit;

(9) prohibit or suspend the erection or demolition of any structure or the carrying out of works or the use of buildings that are not in conformity with the by-laws and order, if necessary, the demolition of any structure erected in contravention of the by-laws;

(10) issue the certificates of occupancy referred to in subparagraph 3 for dwelling units or rooms intended for residential occupancy having a height of less than 2.40 metres or a total window glass area in any room of less than ten per cent of the area of the room or that do not meet the requirements of the applicable building codes or by-law, provided that, in the opinion of the Commission d’urbanisme et de conservation de Québec, the dwelling units or rooms are designed so as to safeguard the health and safety of the occupants.

This subparagraph does not apply to the immovables erected or converted after 25 May 1984 nor to any part of an immovable converted or added after that date, if the immovables are public buildings within the meaning of the Public Buildings Safety Act (R.S.Q., chapter S-3);

Zoning
by-law

“42a. To adopt a zoning by-law for all or part of its territory. The by-law may include provisions applicable to one or more of the following matters:

(1) for regulatory purposes, classifying structures and uses, and under a plan forming an integral part of the by-law, dividing the territory of the municipality into zones;

(2) determining, for each zone, the authorized and the prohibited structures and uses, including public buildings and uses;

(3) determining the space to be kept free between structures or between structures and different uses on contiguous lots situated in contiguous zones, and the use and development of such free space;

(4) determining, for each zone, the dimensions and size of structures, the floor area and ground surface of structures; the total floor area of a building in relation to the total area of the lot; the length, width and area of the space to be kept free between structures on a given parcel of land, the use and development of the free space, and the occupation density of land; the space that must be kept free between structures and the street lines and property lines; the distance at which buildings must be set back; the architecture, symmetry and exterior appearance of structures; the mode of grouping a complex of structures on a parcel of land, and the wall cladding material of structures;

(5) determining for each zone, the proportion of the land that may be occupied by any structure or for any use;

(6) determining the level of elevation or depression of a parcel of land in relation to that of thoroughfares;

(7) determining and regulating the place where vehicles may have access to a parcel of land;

(8) prescribing, for each zone or use, or combined uses, the space which, for every parcel of land, must be reserved and laid out for the parking, loading and unloading of vehicles or for the parking of vehicles used by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), who use wheel chairs, and the lay out of such space; and determining the standards for parking inside or outside buildings;

(9) regulating or restricting, for each zone, the dividing or subdividing of dwellings;

(10) regulating or prohibiting, for each zone, land excavation, the moving of soil, the planting and felling of trees and any excavation or landfill work; and compelling every proprietor to make a lawn or plant shrubs or trees on his property;

(11) regulating or restricting, for each zone, the moving, use, repair or demolition of any structure; requiring, for moving any structure, the deposit of security for an amount provisionally estimated to be sufficient to compensate any expenditure or damage which may be incurred by the municipality by reason of the moving; in the case of a demolition, subject to sections 412.1 to 412.26 of the Cities and Towns Act (R.S.Q., chapter C-19), the authorization certificate may be refused until the plans for reutilization of the land have been furnished together with a guarantee of execution of the plans not exceeding the value of the immovables entered on the roll;

(12) regulating or restricting, for each zone, the location, height and upkeep of fences, low walls, hedges, shrubs and trees;

(13) regulating or prohibiting, for each zone, all construction or certain works, taking into account the topography of the land, the proximity of a watercourse or lake or the flood, falling earth or landslide hazards or any other hazard, any prohibition under this subparagraph being general or affecting only certain categories of immovables as determined by the council;

(14) regulating or prohibiting, for each zone, the presence and installation of mobile homes and trailers;

(15) regulating the derogatory structures and uses protected by vested rights

(a) by requiring that any derogatory use protected by vested rights cease wherever the use has been abandoned, terminated or interrupted for any period determined by the council and which must be reasonable taking into account the nature of the use, which may, however, in no case, be shorter than six months;

(b) by specifying that no derogatory use or structure protected by vested rights may be replaced by another derogatory use or structure;

(c) by prohibiting the extension or alteration of any derogatory use or structure protected by vested rights, or determining the conditions on which any derogatory use or structure protected by vested rights may be extended or altered;

(16) regulating, for each zone, the special conditions applicable to the erection of structures or the initiating of uses on any lot which derogate from the subdivision by-law and which are protected by vested rights;

(17) authorizing, for each zone, groups of structures and uses within a determined classification and provide for specific applicable provisions;

(18) within certain zones where residential and non-residential uses are permitted, regulating, restricting or prohibiting the change from a residential use to a non-residential use otherwise permitted in the zone; and

(19) determining, for each zone, the uses authorized in any part of a structure;

Building
by-law

“42*b*. To make a building by-law for the whole or part of its territory. The building by-law may include provisions on one or more of the following matters:

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

(2) prescribing strenght, 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, to be made in conformity with the by-laws in force at the time of the reconstruction or restoration;

(4) the council may exact in the building by-law that the whole or part of a building code already in existence constitutes the whole or part of the by-law. It may provide that any amendment made to the code or the pertinent part of it after the coming into force of the by-law 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-law and forms part thereof;

Subdivision
by-law

“42*c*. To adopt a subdivision by-law for the whole or part of its territory. The subdivision by-law may include provisions on one or more of the following matters:

(1) determining, for each zone referred to in the zoning by-law, the area and dimensions of the lots or parcels of land, based on the

categories of structures and uses, and determining whether a thoroughfare is public or private;

(2) prescribing the manner in which public or private streets and lanes must be laid out, the distance to be kept between them and their width, in relation to the topography of the land and the use for which they are intended;

(3) prescribing, when cadastral operations are effected, the minimum area and the minimum dimensions of lots, taking into account the nature of the soil, the proximity of public works, the presence or, as the case may be, the absence of sanitary facilities or water and sewer system;

(4) regulating or prohibiting, for each zone, any cadastral operation, taking into account the topography of the land, the proximity of a watercourse or lake or flood, falling earth and landslide hazards or any other hazard, any prohibition under this subparagraph being general or affecting only certain categories of immovables determined in the by-law;

(5) prohibiting any cadastral operation or a category thereof in respect of streets, lanes, paths for pedestrians or public places and their location, which do not meet the standards governing area requirements prescribed in the subdivision by-law and the location of the thoroughfares shown in the planning program of the city and compel the owners of the planned streets, lanes and paths for pedestrians to indicate, in the manner prescribed by the council, that they are private thoroughfares;

(6) requiring, as a precondition to the approval of a plan concerning a cadastral operation, either that the owner undertakes to convey or that he conveys to the city the land occupied by those thoroughfares, or a category thereof, shown on the plan that are destined to be public thoroughfares;

(7) requiring, as a precondition to the approval of a plan concerning a cadastral operation, that the servitudes, whether existing or required for the passage of power lines or communication installations, be indicated in an annexed plan showing the lots that are the subject of the operation;

(8) requiring, as a precondition to the approval of a plan concerning a cadastral operation, in all or part of its territory, that a plan for the parcelling out of land involving an area larger than the land contemplated in the plan and owned by the person applying for the approval, be submitted;

(9) requiring, as a precondition to the approval of a plan concerning a cadastral operation, that the proprietor pays the unpaid municipal

taxes that are exigible in respect of the immovables comprised in the plan;

Historic district

“42*d.* To prescribe, subject to the Cultural Property Act (R.S.Q., chapter B-4), in the historic district of Québec or any adjacent zone determined by by-law of the council, the maximum floor or land area that may be used for any use or several uses defined by by-law and prohibit the use for such purposes of any floor or land area greater than the maximum area prescribed by by-law;

Parking units

“42*e.* (1) To exempt, by resolution, the owner of any building already erected, or any person proposing to erect a building for which parking units must be provided and maintained, from the obligation to provide and maintain parking units, to such extent as the council may determine in each case;

(2) The resolution must provide that the exemption is granted upon compensatory payment of a sum established in accordance with a computing formula prescribed under subparagraph 4;

(3) The sums collected in application of subparagraph 2 are accounted for in view of using them to establish or erect public parking garages or parking lots or to improve pedestrians traffic or public transportation;

(4) To determine, by resolution, the formulas for computing the compensation; the formulas may differ according to the categories of units or the types of uses to be adopted in the proposed buildings;

(5) In the case of a compensation not effected in cash, the clerk shall deposit in the registry office of the registration division of Québec a certified copy of the resolution granting exemption for the immovable referred to in such resolution; the registration shall be made by deposit and mention of it shall be made in the index of immovables;

Charge

The registration constitutes, up to the amount of compensation fixed in the resolution, a charge against the immovable, assimilated to the real estate tax and privileged at the same rank;

Construction standards

“42*f.* To prescribe, by by-law, special standards for the erection of buildings or the lay out of the land where the building or land is intended to be occupied or used, in whole or in part, by a category of persons determined by by-law on the basis of age; to prescribe, by by-law, that the building or land erected or laid out in accordance with such standards may be occupied or used only by the persons of that category;

Exemption

“42*g.* To authorize, by by-law, notwithstanding any provision of a zoning, subdivision or building by-law, for a period of not over five years, in such sectors of the city and on such conditions as it may

determine, the exercise of a use in respect of an immovable or part of an immovable even if the use is not authorized by the by-laws in force or if the immovable or any part thereof does not meet the requirements of the by-laws in force, taking into account the use being made thereof;

Leasing of
parking
spaces

“42*h*. To prohibit the leasing of the parking spaces which are prescribed by by-law for the use of the occupants of the immovable, to persons other than those occupants;”;

(4) by replacing paragraph 43*b* by the following paragraph:

Awnings

“43*b*. To regulate or prohibit, in all or part of the city, the permanent or temporary erection or installation, the alteration, upkeep and maintenance of awnings, baldaquinos, canopies, valances, marquees and shelters and their supports or any construction or structure wholly or partly made of canvas or any other flexible or semi-rigid material.

Re-
quirements

To compel, by by-law, every owner who erects, installs or alters such a construction or structure in contravention of the by-laws, to render it conform or remove it and, failing which, authorize the city to remove the construction or structure at the expenses of the owner and dispose of it.

Alteration
and removal

To compel, by by-law, the owner of any construction or structure erected or installed in accordance with the by-laws in force at the time of their erection or installation, but having become derogatory following the adoption of by-laws concerning such constructions or structures to bring them into conformity or remove them, without indemnity, within the time limit fixed by the council. In no case may the time limit be shorter than four years nor longer than seven years after the date of the coming into force of the by-law declaring the construction or structure derogatory. In no case, however, may the by-law order that the construction or structure be brought into conformity or removed before 1 January 1988.

Notice

To prescribe that any construction or structure which has not been rendered conformable or removed within the time limit fixed may be removed by the city, without indemnity, after a written notice of two months has been sent to the owner.

Removal ex-
penses

To enact that the removal expenses incurred by the city constitute a charge against the property of the same rank as real estate taxes and recoverable in the same manner.

“owner”

For the purposes of this paragraph, the word “owner” includes the proprietor who is the possessor or occupant of any immovable where the construction or structure is located;”;

(5) by adding, after paragraph 44, the following paragraph:

Paving and
landscaping

“44*a*. To require the owner, tenant or occupant of land used as parking area in parts of the city contemplated in assistance programs for district restoration, improvement or renovation, to pave the parking area or landscape it if not less than twenty-five per cent of the cost incurred for the paving or landscaping work is provided by assistance programs; to order that where the owner, tenant or occupant of the land refuses or fails to carry out the work, the city be allowed to do so and recover the cost thereof, less the subsidies granted under the assistance programs, which constitutes a charge against the property of the same rank as real estate taxes and recoverable in the same manner;”;

(6) by replacing the first paragraph of paragraph 45 by the following paragraph:

Fire preven-
tion
equipment

“45. To require the owner, tenant, possessor or occupant, under any title, of any building or a category of buildings, to provide such building with heat or smoke detectors, alarm systems, automatic sprinklers, extinguishers, fire-hoses or any other fire warning, fire extinguishing and fire fighting apparatus or device and any fire safety equipment or device; to grant a subsidy, in the sectors of the city it determines or for certain categories of buildings, to defray the installation costs of such devices or equipment in accordance with the conditions established by by-law; the subsidy may be uniform or different for the various sectors of the city, for the various categories of buildings or a combination of the criteria on which the distinctions are based;”;

(7) by adding, after paragraph 45, the following paragraph:

Health and
safety

“45*a*. To require the owner, tenant, possessor or occupant, under any title, of any immovable or any category of immovables, to provide the immovable with any construction item, device, mechanism, alarm system, apparatus or equipment to safeguard or preserve the safety of the property or the health and safety of persons, or to prevent crime.

Maintenance

To require the owner, tenant, possessor or occupant, under any title, of any immovable provided with the said construction items, devices, mechanisms, apparatus or equipment, to keep them in good working order at all times.

Subsidies

To grant a subsidy, in such sectors of the city as it may determine or for certain categories of buildings, to defray the installation costs of such apparatus, device, mechanism or equipment in accordance with the conditions determined by by-law; the subsidy may be uniform or different for the various sectors of the city, for the various categories of buildings or a combination of the criteria on which the distinctions are based;”;

(8) by adding, after paragraph 49*b*, the following paragraph:

Vermin

“49c. To require, by by-law, whenever the city ascertains the presence of rats, mice or noxious insects in a building, that the owner or occupant have, upon the order and as directed by the competent department, someone proceed with the fumigation of the premises or with any other operation to exterminate the vermin and disinfect the premises within the time prescribed, and report thereon to the department; to authorize, by by-law, the head of the department to satisfy himself that the operations comply with the directives; and to prescribe that, where the operations do not comply with the directives or if the owner refuses or fails to comply, the city shall itself have someone proceed with the operations at the expense of the owner of the building. All costs thus incurred by the city constitute against the building contemplated a charge of the same rank as real estate taxes and recoverable in the same manner;”;

(9) by adding, after paragraph 66, the following paragraph:

Licences and permits

“67. To prescribe conditions for issuing licences and permits and limit the number thereof except with respect to permits issued pursuant to a by-law enacted under paragraph 42;”;

(10) by adding, after paragraph 74, the following paragraph:

Posting

“74a. (1) To authorize or regulate the posting and sale of bills, placards or advertisement;

(2) To prescribe the requirements respecting the places where it is permitted or prohibited to post them or have them posted or to maintained them posted;

(3) To require that specific mention be made thereon of the persons who executed them or for whom they were posted, maintained, sold or executed;

(4) To order, where the by-law has not been complied with, that they be removed and that the premises be restored to their former condition within a specified time limit or that at the expiry of that time the city itself be authorized to restore the premises to their former condition;”;

(11) by repealing the first paragraph of paragraph 96a;

(12) by replacing paragraph 118 by the following paragraph:

Alarm systems

“118. To regulate or prohibit alarm systems, certain categories of alarm systems or the alarm systems or certain categories of alarm systems installed in certain categories of buildings or establishments; to require a permit on such conditions as are fixed by the council; to impose a fine or require the reimbursement of the costs it has incurred

in cases of any defect, malfunctioning or unnecessary release of such systems; to determine the cases in which alarm systems are released unnecessarily;”;

(13) by adding, at the end of paragraph 185, the following paragraph:

Agreement “The city is also authorized to enter into agreements with any person or body to authorize such person or body to apply a by-law or part of a by-law made under this paragraph. For that purpose, the persons or bodies with whom the city enters into agreement, and their employees, where such is the case, are deemed to be municipal officers;”;

(14) by replacing paragraph 204 by the following paragraph:

Cadastral operations “204. The council, by by-law, may authorize the executive committee to require, as a precondition to the approval of a plan concerning a cadastral operation, except, however, cancellations or corrections, whether or not provision is made for street layouts, that the owner cede to the city, for the purpose of establishing parks or playgrounds, an area of land not exceeding ten per cent of the land comprised in the plan, with or without gradation taking account of the area of the land contemplated, and situated at a place which, in the opinion of the executive committee, is suitable for the establishment of parks or playgrounds.

Land re-quired for parks and playgrounds The executive committee may be authorized by the by-law to exact from the owner, instead of the cession of that area, the payment of a sum not exceeding ten per cent of the value mentioned in the assessment roll of the land comprised in the plan with or without gradation, taking account of the area of the land contemplated, notwithstanding section 214 or 217 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), multiplied by the factor fixed for the roll by the Minister under the said Act, or to require that the owner make his contribution partly in land and partly in money. The proceeds of such payment must be placed in a special fund which shall be used only for the purchase of land intended for establishing and developing parks and playgrounds. The city may, however, if the land is no longer required for establishing parks or playgrounds, use it for other purposes or dispose of it for valuable consideration, and the proceeds thereof must be kept in the special fund.

Cession of land The executive committee is authorized to approve, in the place and stead of the cession of land or the payment mentioned above, the cession of land, elsewhere in the city, of an equivalent area or value.

Unpaid taxes The council, by by-law, may also require as a prior condition to the approval of a plan concerning a cadastral operation, except

cancellations or corrections, that the owner pay any unpaid municipal or school tax that is exigible, in respect of the land or buildings, as the case may be, included in the plan;”;

(15) by replacing paragraph 208 by the following paragraph:

Games
arcades

“208. To license, regulate or prohibit, in specific zones, pin-ball machines, billiards, pool, pigeon-hole tables, bowling alleys, bagatelle boards, shooting galleries, electronic games and electronic games arcades, used or operated for commercial purposes or in a manner accessory to commercial use;”;

(16) by adding, after paragraph 208, the following paragraphs:

Street artists

“209. To regulate the activities of painters or portrait artists doing business in the streets of the city, in particular, to impose rules of conduct and discipline in their respect, to require them to obtain licences or permits, as the case may be, to limit the number of licences and permits and fix the cost thereof, to prescribe as a condition for obtaining a permit that they be members of an association recognized by the city; to determine the places where they may carry on their activities, to prescribe the areas they may occupy and prescribe the process or methods that may be used for producing the works offered for sale and the maximum number of copies of a single work; to allow the city to enter into agreements with any person or body to authorize the person or body to apply all or part of any municipal by-law concerning painters or portrait artists;

Sex shops

“210. To regulate shops where articles of an erotic character are sold or offered for sale;

Massage
parlours

“211. To regulate massage parlours;

Erotic
objects

“212. To regulate the display of erotic objects and printed matter, more particularly for the purpose of protecting the youth.”

1929, c. 95,
s. 337*a*,
added

23. The said charter is amended by adding, after section 337, the following section:

Provisions
applicable to
the han-
dicapped

“**337*a*.** To prescribe, by by-law, the regulatory provisions which are applicable or not applicable to persons who are restricted in the performance of normal activities and who significantly and persistently suffer from a mental or physical deficiency or who regularly use an orthosis or a prosthesis or any other means to palliate their handicap.”

1929, c. 95,
s. 358,
replaced

24. Section 358 of the said charter, enacted by section 24 of chapter 42 of the statutes of 1980, is replaced by the following section:

Public
stables

“358. The city is authorized to build, maintain and administer one or more public stables, itself or with the collaboration of any person or body, with the right to regulate the use thereof. It may further prohibit the keeping of horses in such places in the city as it may determine and require the owners or keepers of horses to stable their animals in any public stable built for that purpose.”

1929, c. 95,
s. 361*a*,
361*f*, added

25. The said charter is amended by adding, after section 361, the following sections:

Waste and
garbage

“361*a*. Subject to the powers of the Communauté urbaine de Québec, the city may regulate the keeping, deposit, storage, collection, elimination and disposal of waste and garbage, and prescribe the sorting thereof for collection purposes.

Immunities
in
offices

“361*b*. The city may assign any number of inspectors it considers necessary to the control of the regulation on waste and garbage and, by by-law, define their duties and powers. In the performance of their duties, the inspectors are authorized to inspect any immovable.”

1929, c. 95,
s. 383*a*,
repealed

26. Section 383*a* of the said charter, enacted by section 10 of chapter 72 of the statutes of 1941, is repealed.

1929, c. 95,
s. 389,
replaced

27. Section 389 of the said charter is replaced by the following section:

Authenticity
of copies

“389. All copies of any by-law, resolution, order of the council or of the committee, and all copies of the compilation of those documents, certified by the city clerk, are deemed authentic until proof to the contrary.”

1929, c. 95,
s. 410*a*,
added

28. The said charter is amended by adding, after section 410, the following section:

Resisting
special
officer

“410*a*. Whoever abuses, threatens, assaults, strikes or resists any special officer or incites any person to assault, strike or resist any special officer in the performance of the duties imposed upon him by this charter, any other Act or by any by-law of the city shall incur, on conviction, for each offence, a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding two months, or both the fine and the imprisonment.”

1929, c. 95,
s. 453,
replaced

29. Section 453 of the said charter, amended by section 7 of chapter 96 of the statutes of 1960-61, is replaced by the following section:

Imposition of
a reserve

“453. (1) No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date of the resolution of the executive committee requiring the competent

department to prepare the documents necessary for the imposition of a reserve, for the period between the date of the resolution of the executive committee requiring the preparation of the documents and the date of registration of the notice of imposition of the reserve; in no case may the period exceed one hundred and sixty days.

Expropria-
tion
documents

No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date of the resolution of the executive committee requiring the competent department to prepare the documents necessary for expropriation, for the period between the date of the resolution of the executive committee requiring the preparation of the documents and the date on which the notice of expropriation is served; in no case may the period exceed one year.

Indemnity

However, for the purposes of the first and second paragraphs, the Expropriation Tribunal may grant an indemnity in the manner provided for in Title III of the Expropriation Act (R.S.Q., chapter E-24).

Acquisition
of im-
movables

(2) The city is authorized to acquire by agreement or by expropriation any immovable, part of an immovable or any servitude or immovable real right it may require for municipal purposes.

Ex-
propriation

The city may also order the expropriation of immovables located in any zone where urban redevelopment is required by the sanitary conditions or the state of maintenance of the immovables."

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

30. Section 453a of the said charter, enacted by section 10 of chapter 80 of the statutes of 1973 and amended by section 32 of chapter 42 of the statutes of 1980, is amended by replacing the second paragraph by the following paragraph:

Real estate
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 and to hold, lease and administer them. It may also equip the immovables and install therein the necessary public services."

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

31. Section 453b of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980, is amended by striking out the fifth paragraph.

1929, c. 95,
s. 453c,
replaced

32. Section 453c of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980, is replaced by the following section:

Residential,
industrial
and
commercial
buildings

"453c. The city is authorized to promote the construction of residential, industrial or commercial buildings and acquire, renovate, restore, construct, sell, lease or administer residential, industrial or commercial immovables.

Non-profit
corporation

The city is authorized to apply for the incorporation of a non-profit corporation to promote the construction of the immovables contemplated in the first paragraph.”

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

33. Section 453f of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980, is amended by adding, at the end, the following paragraphs:

Subsidies
and loans

“The city may grant loans to the corporations formed under sections 453b, 453c and 453d to allow them to carry out their functions. It may also, for the same purposes, grant subsidies to those bodies, remit the loans granted before 12 June 1984 or secure the obligations contracted by those bodies. For those purposes, the city may appropriate a determined sum out of its annual budget, appropriate any subsidy received or borrow by way of an issue of bonds or otherwise.

Agent of the
city

The corporations formed under sections 453b, 453c and 453d are agents of the city and the latter may, by resolution of the council, entrust them with specific mandates. No corporation to which a mandate is entrusted by the city may exceed its mandate or engage in activities not contemplated in its mandate except with the specific authorization of the council. Every act or deed performed without such an authorization is null and void.”

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

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

(1) by replacing subsection 4 by the following subsection:

Notice

“(4) On receiving the application, the executive committee shall order the clerk to send by registered or certified mail a notice to every ratepayer having a place of business in the district and entered on the roll of rental values, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.”;

(2) by replacing the word “personnes” by the word “contribuables” in the first line of the French text of subsection 11 and of subsection 12;

(3) by adding, after subsection 12, the following subsection:

Ratepayer

“(12a) For the purposes of keeping the register and holding the poll, every person having a place of business in the district is deemed to be a ratepayer although his name is not on the roll of rental values. When the register is open or when the poll is held, the person must, however, establish to the satisfaction of the clerk that he has a place of business, and that he should be entered as a ratepayer on the roll of rental values.”;

(4) by replacing subsections 29, 30 and 31 by the following subsections:

Period of
assessment

“(29) The assessments shall be ordered on the ratepayers having a place of business during the fiscal year for which the budget is deposited. A ratepayer who begins or ceases to occupy a place of business during a year shall pay the assessment in proportion of his period of occupancy. Any occupation beginning or ceasing after the first day of the month is deemed to begin or to cease on the first day of the following month.

Acquisition
of a place of
business

“(30) A ratepayer who acquires a place of business in the district of an association during a fiscal year becomes a member and, in the case of an existing place of business, succeeds, subject to subsection 29 as regards the assessment, to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

New
member

“(31) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business. The new member succeeds, subject to subsection 29 as regards the assessment, to the rights and obligations of the preceding ratepayer even if he has not given the notice prescribed by this subsection.”

1929, c. 95,
s. 457,
replaced

35. Section 457 of the said charter is replaced by the following section:

Expenditure
of \$50 000
or more

“**457.** When the city has the necessary sums at its disposal, the acquisition of immovables, the carrying out of works or any operation entailing capital expenditure may be decided and ordered by resolution of the executive committee if the expenditure does not exceed \$50 000, or of the council if the expenditure exceeds that amount.”

1929, c. 95,
s. 489c,
added

36. The said charter is amended by adding, after section 489b, the following section:

Liability in-
surance

“**489c.** The city may take out a liability insurance for the benefit of its officers and employees. It may also take out group insurance covering their salaries in cases of accidents occurring in the performance of their duties.

Participation

While the members of the council remain in office, they are authorized to participate in the liability insurance and group insurances covering their salaries on the same conditions as those applicable to the officers and employees.

Qualification
to hold office
unaffected

No person may be declared disqualified from holding municipal office for the sole reason that, as a member of the council, he is covered by an insurance taken out by the city under this section.”

1929, c. 95,
s. 539, am.

37. Section 539 of the said charter, replaced by section 29 of chapter 85 of the statutes of 1966-67 and amended by section 16 of chapter 97 of the statutes of 1974 and by section 1 of chapter 86 of the statutes of 1975, is amended

(1) by replacing the figure “\$10,000” in the third, fourth and fifth paragraphs by the figure “\$50 000”;

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

Internal
management

“The commission may, by resolution, adopt rules of procedure and of internal management, establish an executive committee and give it such powers as it may determine. The resolution becomes effective only after it has been approved by the council.”

1929, c. 95,
ss. 544,
544.1, added

38. The said charter is amended by adding, after section 543, the following sections:

Special
events

“**544.** For the duration of any special event that may affect the peace, good order, comfort, welfare and safety of the city or of its citizens, the council may, by resolution, suspend the application of any by-law, part of a by-law or any order, or enact special provisional norms in matters that it may regulate, in such sectors and on such conditions as it may determine.

Rights un-
affected

The exercise of a right while the application of a by-law, part of a by-law or an order is suspended or while provisional norms are in force shall not create acquired rights or affect existing rights.

Coming into
force

The suspension or the provisional norms shall come into force on the day of publication in a French newspaper of the city of a notice specifying the object thereof and the date on which the suspension or the norms have been ordered.

Time limit

“**544.1** In no case may the power provided for in section 544 be exercised after 30 September 1984.”

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

39. Section 545 of the said charter, enacted by section 17 of chapter 97 of the statutes of 1974 and amended by section 85 of chapter 7 of the statutes of 1978 and by section 40 of chapter 42 of the statutes of 1980, is amended by replacing the first two paragraphs by the following paragraphs:

Municipal
garages

“**545.** The city may build, acquire or otherwise establish, operate and manage garages for the parking or storing of motor vehicles, off-street parking lots and parking lots under streets, lanes, parks and public squares, and allow public use of them or offer them for rent, exclusively to certain persons.

Traffic regulation

It may regulate or prohibit the traffic and the parking of vehicles at such places as it may determine in the streets, lanes and public squares or on any public or private grounds it owns, may use or possesses, including those situated outside its territorial limits used for its water-works department as well as in its garages or parking lots open to the public. The by-law may fix the rates payable and the manner of collecting the amounts so fixed for the parking of vehicles in certain of those places. The city may also restrict parking to certain categories of vehicles."

1929, c. 95,
ss. 545c,
545d, added

40. The said charter is amended by adding, after section 545b, the following sections:

Unlawful parking

"545c. The city may make by-laws to prohibit the drivers of vehicles from parking or leaving their vehicles on private residential property without the authorization of the owner or occupant of the land, or on a lot owned by the city or any of its bodies, mandataries or agents wherever public parking is not authorized; the city may provide for the towing and impounding of the vehicles at the expense of their owners and require the prior lodging of an information on the offence by the owner or occupant of the lot or his representative.

Regulated parking

"545d. The city is authorized to order, by by-law, that at the time of a snow removal operation, the head of the police department or any other officer determined in the by-law be authorized to prohibit parking on certain streets or parts of streets. For that purpose, the city shall, before the beginning of the operations and within the time limit prescribed by by-law, erect signs to that effect on the street.

Towing

Where parking is prohibited, every constable may have the vehicles parked in contravention of the prohibition towed or moved to any place he determines even to other streets or to another place on the same street.

Fine and cost

The city may fix, by by-law, the tariff for the cost incurred for moving or towing the parked vehicles. Where a vehicle is moved to another street or to another place on the same street, the fine prescribed for the offence is increased by the prescribed amount of the cost of removal or towing.

Towing cost

The moving or towing cost is added to the penalty prescribed for the offence against the by-law and is entered on the infraction ticket."

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

41. Section 546a of the said charter, replaced by section 48 of chapter 68 of the statutes of 1970 and amended by section 18 of chapter 97 of the statutes of 1974, is amended by replacing subsection 6 by the following subsections:

Security re-
quired

“(6) Where the peace officer has reasonable ground to believe that the offender will elude justice, he may require from the offender security for an amount equal to the amount of the prescribed minimum fine.

Vehicle im-
pounded

If the offender refuses or is unable to furnish the security, the peace officer may have the vehicle impounded until a judge or the court, on a motion of the offender or of the peace officer, authorizes it to be returned with or without security. The motion is heard and decided by preference.

Possession
of vehicle
resumed

However, as soon as the amount of the minimum fine provided for the alleged infraction and that of the costs incurred, including the costs for towing and impounding the vehicle, are paid, the offender is authorized to resume possession of his vehicle.

Security sent
to the clerk

The security must be sent to the clerk of the court at the same time as the copy of the notice of summons.

Notice of
summons

“(7) The notice of summons consists in a document prepared in triplicate, signed by the officer who ascertained an offence and who intercepted the vehicle. It must include:

(a) the surname, given name, date of birth and address of the offender,

(b) the nature, date, time and place of the infraction,

(c) the make, model and identification number of the vehicle,

(d) the amount of the minimum fine and, if necessary, the number of demerit points entailed by a conviction,

(e) if need be, the amount of the security furnished by the offender, and

(f) an order summoning the offender to appear before the Municipal Court at the time and on the date indicated on the notice by the officer.”

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

42. Section 546b of the said charter, replaced by section 49 of chapter 68 of the statutes of 1970 and amended by section 19 of chapter 97 of the statutes of 1974, is amended

(1) by replacing the words “Motor Vehicle Bureau” in the last paragraph by the words “Régie de l’assurance automobile du Québec”; and

(2) by adding the following paragraph:

Information
transmitted
electronically

“In any prosecution relating to a proceeding brought before the Municipal Court or any of its judges, for an offence against a city by-

law respecting traffic or the use of a motor vehicle or its accessories, or for any offence against the Highway Safety Code (R.S.Q., chapter C-24.1) or the Transport Act (R.S.Q., chapter T-12) or any regulation made under the said Acts, the filing of a document containing any information transmitted electronically by the Régie de l'assurance automobile du Québec and stating that the prosecuted person is the owner of a vehicle, the number of the registration plate of which is given in the information, notice of summons or summons, is proof of the fact in the absence of proof to the contrary.

Admissibility To be admissible as proof, the document only requires the attestation of an employee of the city to the effect that it emanates from the Régie de l'assurance automobile du Québec."

1929, c. 95,
s. 546*d*,
replaced **43.** Section 546*d* of the said charter, replaced by section 20 of chapter 97 of the statutes of 1974, is replaced by the following section:

Special officer "546*d*. The council, by by-law, may establish the office of special officer for the purposes of section 546*a* in cases of violation of a by-law relating to parking.

Powers and immunity In the performance of their duties and only for the purposes of the first paragraph, such special officers shall enjoy all the powers and immunities of constables or peace officers of the city.

Oath They shall, before entering into office, swear before a judge of the Municipal Court to fulfil the duties of their office well and faithfully.

Duties The council may also, by by-law, entrust the special officers with the duty of ascertaining whether the by-laws other than those concerning traffic, peace, public order, decency and good morals are being complied with."

1929, c. 95,
s. 546*e*,
added **44.** The said charter is amended by adding, after section 546*d*, the following section:

School crossings "546*e*. The executive committee may appoint crossing guards to look after, in the vicinity of schools, parks or playgrounds, the safety of children who must cross the street to reach those places or return home.

Crossing guards The crossing guards appointed shall, in the performance of their duties, be empowered to stop and direct pedestrian and vehicular traffic."

1929, c. 95,
s. 548, am. **45.** Section 548 of the said charter, replaced by section 75 of chapter 81 of the statutes of 1965 (1st session) and amended by section 21 of chapter 97 of the statutes of 1974, is amended by replacing the first paragraph by the following paragraph:

Jurisdiction

“548. The commission shall have jurisdiction over the territory situated within the limits of the city and, in the said territory, no new street may be opened, nor may any cadastral operation be carried out, until a plan showing the location of the new street, its width and direction or the dimensions of the lots formed or modified by the cadastral operation, with the boundaries and limits, has been submitted to the commission for approval. No permit for the building, repair, transformation or demolition of immovables situated in the city may be issued without the prior approval of the commission.”

1929, c. 95,
s. 548a,
added

46. The said charter is amended by adding, after section 548, the following section:

Posters and
bill-boards

“548a. The Commission d’urbanisme et de conservation de Québec has authority over the appearance of posters, bill-boards, signs and their supporting structures, and the appearance of constructions and structures referred to in paragraph 43b of section 336 as well as the impact of their installation on the architectural appearance of the buildings. For that purpose and subject to the Cultural Property Act (R.S.Q., chapter B-4), no permit for the erection, installation or alteration of posters, bill-boards, signs and their supporting structures or the constructions and structures referred to in paragraph 43b of section 336 may be issued without prior approval of the commission, which may refuse to give its approval notwithstanding any by-law concerning the erection, installation, keeping, alteration or maintenance of posters, bill-boards, signs and their supporting structures or the constructions and structures referred to in paragraph 43b of section 336.”

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

47. Section 548e of the said charter, enacted by section 12 of chapter 80 of the statutes of 1973 and amended by section 22 of chapter 54 of the statutes of 1976, is amended by replacing the third paragraph by the following paragraph:

Housing
project

“However, several buildings intended for housing, with use in common of certain recreational areas, parking areas or community equipment forming a single project for the residents, may be erected on the same lot. After work has begun, any subdivision or alienation of any part of the lot is void unless the city has consented thereto by resolution of the executive committee, except, however, subdivisions made in view of the registration of a declaration of co-ownership on the whole project or alienations effected following the registration of the declaration of co-ownership.”

1929, c. 95,
s. 567,
replaced

48. Section 567 of the said charter, replaced by section 20 of chapter 47 of the statutes of 1944, is replaced by the following section:

Deputy
municipal
judge

“567. The Government, on the application of the council, may appoint, for the period it determines, a deputy municipal judge, who must be an advocate registered with the Barreau du Québec, with at least ten years’ standing. The acceptance of the office and the performance of the duties thereof shall not prevent the appointed deputy municipal judge from practising his profession before a court, other than the Municipal Court, notwithstanding any law or regulation to the contrary.

Salary

The salary of the deputy municipal judge is fixed by resolution of the council and paid by the city.”

1929, c. 95,
s. 579,
repealed

49. Section 579 of the said charter is repealed.

1929, c. 95,
s. 590,
repealed

50. Section 590 of the said charter is repealed.

1929, c. 95,
s. 599,
repealed

51. Section 599 of the said charter is repealed.

1929, c. 95,
s. 608b,
added

52. The said charter is amended by adding, after section 608a, the following section:

Offence by
corporation

“608b. The council may provide by by-law that, where the author of an offence against a by-law that it indicates is a corporation, the minimum fine that may be imposed by a judge as a penalty for the offence must be doubled and that the maximum fine may be doubled.”

1929, c. 95,
s. 629,
replaced

53. Section 629 of the said charter, replaced by section 12 of chapter 72 of the statutes of 1941, is replaced by the following section:

Owner
unknown

“629. When the owner of an immovable property situated within the city, and liable by privilege to the city for taxes or assessments, is unknown or uncertain, or cannot be found, the city may apply, by simple petition, to the Municipal Court for the sale of the immovable by the sheriff; for that purpose, articles 798 to 804 of the Code of Civil Procedure apply, *mutatis mutandis*, to the said court, which has all the powers conferred on the Superior Court by the said articles.”

1929, c. 95,
s. 632a,
replaced

54. Section 632a of the said charter, enacted by section 23 of chapter 111 of the statutes of 1935, is replaced by the following section:

Fine

“632a. The council may fix as a penalty for failure to hold a permit or licence required under a by-law, a fine at least equal to the cost of the permit or licence. The council may also, notwithstanding section 394, fix the fine at an amount equal to the cost of the permit or licence, where the cost exceeds \$500.

Permit or li-
cence re-
quired

The imposition of a fine on the offender does not exempt him from the obligation to obtain a permit or licence, as the case may be.”

1929, c. 95,
s. 634, am.

55. Section 634 of the said charter, replaced by section 23 of chapter 97 of the statutes of 1974, is amended by replacing the second paragraph by the following paragraph:

Cancellation
of proceed-
ings in case
of error

“However, in the case of a parking or traffic violation, when, by error, a person has received a ticket, has been sued, has been convicted or has paid an amount, or proceedings have been taken subsequently to the payment of the amount due, on an affidavit to that effect signed personally by the head of the police department or the head of the competent department, or by an officer or assistant authorized in writing to that effect by one of them, respectively, and filed in the Municipal Court, the proceedings, judgments and debts shall be cancelled from the date of such filing and, as the case may be, the court or one of its judges shall certify the cancellation and the head of the competent department shall cancel the account and remit any amount paid. The affidavit issued by a department head or his representative is valid only in the case of a ticket or proceedings arising from a violation ascertained by a member of such department.”

1929, c. 95,
ss. 642a-
642e, added

56. The said charter is amended by adding, after section 642, the following sections:

Offence by
corporation

“**642a.** Whenever an offence against a provision of this charter or of a city by-law is committed by a corporation, an association, a society or a club, even if its corporate name is not registered, its president, manager or agent, and any person who, at the time of the infringement, had the charge, management or supervision of the immovable, premises or vehicle respecting which the offence was committed, is a party to the offence if he ordered, authorized or advised the commission of the offence or tolerated it.

Service of
procedure

“**642b.** Notwithstanding section 588, the service of any document of procedure issued by the Municipal Court, a judge or the clerk of the court shall be made by delivering a copy of the document, by bailiff, to its recipient, wherever he may be found, or to a reasonable person living at his residence or having charge of his place of business.

Service by
mail

Service may also be made by sending a copy of the document of procedure by registered or certified mail together with a reception or delivery notice.

Date of
service

Service is deemed to have been made on the date on which the reception or delivery notice has been signed.

Other means
of service

Whenever service cannot be made in any of such manners, the judge, upon report of the bailiff charged with the delivery or of the clerk of the court, may prescribe any other means of service he deems appropriate.

Proof of capacity

“642c. In any civil or penal action, the allegation that the defendant is the owner, tenant or occupant of an immovable or is a corporation, association, society or club or the president, manager or agent of such an organization, is proof of that capacity in the absence of proof to the contrary.

Annulment of writ

“642d. In addition to his powers under section 633, the Chief Judge of the Municipal Court may, on the substantiated motion of the head of the police department, of the head of the competent department or the clerk of the Municipal Court, authorized by the executive committee,

(1) cancel the uncollected portion of the fine and costs incurred for its recovery and annul the warrant for imprisonment issued therefor when it appears impossible or useless to proceed;

(2) annul any warrant for imprisonment or writ of seizure in execution issued by the clerk or a municipal judge, in connection with a violation of a municipal by-law or an Act of Québec, when it has been impossible to execute the warrant within five years after the date on which it was issued.

Failure to appear

“642e. In any action to claim payment of sums of money owing to the city, if the defendant fails to appear or plead, the judge or the clerk, under the authority of the Chief Judge, may render judgment on an affidavit attesting that the defendant owes the amount claimed to the city.”

1929, c. 95, s. 645, repealed

57. Section 645 of the said charter is repealed.

1929, c. 95, replace-ments

58. The said charter is amended by replacing the word “manager” in sections 159*b*, 173*a* and 173*b*, in paragraphs 15, 21, 22 and 25 of section 185 and in section 539, by the words “director general”.

1929, c. 95, replace-ments

59. The said charter is amended

(1) by replacing the words “in at least two newspapers, one published in the French language and the other in the English language” in paragraph 112 of section 336 by the words “in a newspaper published in the French language”;

(2) by replacing the words “in the French and English languages” in the second paragraph of paragraph 178 of section 336 by the words “in a newspaper published in the French language”;

(3) by striking out the words “in an English language newspaper and” in the second paragraph of section 388*a*.

1929, c. 95, replacements

60. The said charter is amended

(1) by replacing the words “the city engineer” in paragraph 5 of section 336 and in sections 452 and 490 by the words “the head of the competent department”;

(2) by replacing the words “to the city engineer” and the words “of the city engineer” in paragraph 130 of section 336 by the words “to the head of the competent department” and the words “of the head of the competent department”, respectively;

(3) by replacing the words “the city engineer” in sections 352, 353, 354, 415, 432, 445, 454 and 548c by the words “the head of the competent department”;

(4) by replacing the words “to the city engineer” in section 442 by the words “the head of the competent department”;

(5) by replacing the words “the city engineers” in section 448 by the words “the head of the competent department”;

(6) by replacing the word “engineer” in section 415 by the words “department head”.

1948, c. 51,
s. 7,
repealed
Contract
ratified

61. Section 7 of chapter 51 of the statutes of 1948 is repealed.

62. The contract made on 19 November 1976 between the city of Québec and Jean-Marc Papillon, before Paul Larue, notary, under number 5144 of his minutes and registered in the registry office of the registration division of Québec on 13 December 1976 under number 859 118, is hereby ratified.

Contract
ratified

63. The contract made on 23 December 1976 between the city of Québec and Roland Lamonde, before the same notary, under number 5170 of his minutes and registered in the same registry office on 21 April 1977 under number 869 674, is hereby ratified.

Contract
ratified

64. The contract made on 3 August 1976 between the city of Québec and Henrine Clavet, before the same notary, under number 5090 of his minutes and registered in the same registry office on 29 October 1976 under number 855 136, is hereby ratified.

Contract
ratified

65. The contract made on 29 September 1972 between the city of Québec and Simone Mailly, before the same notary, under number 4423 of his minutes and registered in the same registry office on 30 November 1972 under number 735 038, is hereby ratified.

Contract
ratified

66. The contract made on 6 May 1977 between the city of Québec and Armand Jacques, before the same notary, under number 5208 of his minutes and registered in the same registry office on 21 October 1977 under number 891 981, is hereby ratified.

Contract
ratified

67. The contract made on 15 September 1976 between the city of Québec and Germaine DeBlois, before the same notary, under number 5103 of his minutes and registered in the same registry office on 12 November 1976 under number 856 460, is hereby ratified.

Contract
ratified

68. The contract made on 19 August 1977 between the city of Québec and Carméline Fortin, before the same notary, under number 5260 of his minutes and registered in the same registry office on 21 October 1977 under number 891 982, is hereby ratified.

Contract
ratified

69. The contract made on 24 October 1974 between the city of Québec and Gemma Cloutier-Savard, before the same notary, under number 4770 of his minutes and registered in the same registry office on 26 November 1974 under number 794 912, is hereby ratified.

Contract
ratified

70. The contract made on 23 February 1976 between the city of Québec and Paul Andrews, before the same notary, under number 5018 of his minutes and registered in the same registry office on 27 April 1976 under number 835 463, is hereby ratified.

Contract
ratified

71. The contract made on 21 December 1976 between the city of Québec and Napoléon Giroux, before the same notary, under number 5166 of his minutes and registered in the same registry office on 19 April 1977 under number 869 353, is hereby ratified.

Contract
ratified

72. The contract made on 2 March 1976 between the city of Québec and Yvon Gingras, before the same notary, under number 5024 of his minutes and registered in the same registry office on 8 June 1976 under number 839 980, is hereby ratified.

Contract
ratified

73. The contract made on 25 October 1977 between the city of Québec and Raymond Tanguay, before the same notary, under number 5293 of his minutes and registered in the same registry office on 25 July 1978 under number 920 919, is hereby ratified.

Contract
ratified

74. The contract made on 18 December 1974 between the city of Québec and Pauline Cauchon, Paul Cauchon and Lucien Cauchon, before the same notary, under number 4801 of his minutes and registered in the same registry office on 20 February 1975 under number 799 733, is hereby ratified.

Defect
remedied

75. The sole defect of title remedied by sections 62 to 74 consists in the fact that the representatives of the city of Québec signed the deeds in question before the city had obtained all the required approvals or authorizations.

Registration

The city clerk shall register sections 62 to 75 of this Act by deposit, in the registry office of the registration division of Québec. The registrar of the registration division of Québec shall enter, opposite the deeds ratified by sections 62 to 74, the following: “ratified by the legislative provisions registered under number...”.

Development
of Place
Québec

76. No provision of a zoning, subdivision or building by-law passed after 12 June 1984 to allow further development of the business centre known as Place Québec, as it exists on 12 June 1984 by the erection of Phase III which may involve a maximum area of 32515 square meters above level 240.5 of the business centre, and Phase IV which may involve a maximum area of 13935 square meters without any requirement to provide for parking spaces in addition to those existing on 12 June 1984, may be amended before 1 September 2067 to prohibit the carrying out of Phases III and IV described above or to require that more parking spaces be provided in addition to those existing on 12 June 1984.

Traffic plan
during the
summer of
1984

77. The council is authorized to adopt, by resolution, a plan to prevent or cope with the expected traffic or transportation problems that may arise in connection with the events to take place during the summer of 1984, namely those related to the festivities for the 450th anniversary of the arrival of Jacques Cartier in Canada and the visit of the Pope.

Special
measures

The plan may provide for the closing or partial closing of certain streets or parts of streets to all or certain categories of vehicle traffic, the setting up of a system for controlling access to such streets or parts of streets, the establishment of arrival and departure zones for passengers and loading and unloading zones for merchandises, of thoroughfares reserved for pedestrian or bicycle traffic, of criteria of selection for allowing access to such streets or parts of streets to certain categories of persons, subject to section 394, the imposition of fines for infringement of any provision of the plan, and any other measure necessary to prevent or cope with the expected traffic or transportation problems.

Enforcement

The council may also delegate to the person it designates the authority required for the enforcement of the various elements of the plan in such sectors of the city and according to such timetable as the council may determine in relation to crowd estimates, the schedule of activities and typical traffic situations.

Hotel service
aboard a
ship

78. Every person who operates a hotel service aboard a ship berthed or anchored inside the limits of the city of Québec and who offers that service, even on an irregular basis, between 15 June and 15 September 1984, to persons other than the passengers who are making a trip or a cruise aboard that ship, shall pay to the city of Québec,

to stand in lieu of real estate and business taxes, an amount of \$345 for each room offered for rent during all or part of that period.

Payment of
taxes

The amount is exigible on the seventh day following the arrival of the ship inside the city limits and must be paid notwithstanding any contestation. Should the amount due not be paid on such date, the city may cause the property of the debtor to be seized before judgment by way of a writ issued by the Municipal Court.

Exception

79. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

80. This Act comes into force on 12 June 1984.