

NATIONAL ASSEMBLY
Thirty-second Legislature, fourth session

1983, chapter 63
**AN ACT TO AMEND THE CHARTER
OF THE CITY OF SILLERY**

Bill 210

Introduced by Mr Jean-Claude Rivest

First reading: 31 May 1983

Second reading: 21 December 1983

Third reading: 21 December 1983

Assented to: 22 December 1983

Coming into force: 22 December 1983

Act amended:

Charter of the city of Sillery (1947, chapter 90)



CHAPTER 63

An Act to amend the Charter
of the city of Sillery

[Assented to 22 December 1983]

Preamble WHEREAS it is in the interest of the city of Sillery and necessary for the proper administration of its affairs that its charter, chapter 90 of the statutes of 1947, and the Acts amending it, be amended and consolidated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Title **1.** This Act may be cited under the name of “CHARTER OF THE CITY OF SILLERY”.

Corporation **2.** The inhabitants and ratepayers of the territory described in Schedule I and their successors shall continue to form a corporation under the name of “city of Sillery”.

Applicability
of c. C-19 **3.** Subject to this Act, the city is governed by the Cities and Towns Act (R.S.Q., chapter C-19).

Wards **4.** The city of Sillery is composed of six wards, numbered from 1 to 6, the limits of which are determined by by-law of the council and assigned by the same by-law to each of the seats on the council according to a running number.

Council **5.** The municipal council of the city of Sillery is composed of a mayor and six councillors elected in the manner prescribed by the Cities and Towns Act.

c. C-19, s.
415, am. for
the city **6.** Section 415 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city

(1) by adding, after paragraph 4c, the following paragraphs:

Plage des
Foulons

“(d) To lease, purchase, operate, improve and maintain a beach known as Plage des Foulons, on the north shore of the St Lawrence river, within the limits of the city of Sillery, and all accessory services, including the operation of a restaurant and to prescribe, by by-law, a tariff for admission to the beach;

Recreational
purposes

“(e) Notwithstanding any inconsistent provision, the territory described in Schedule II is reserved for private or public recreational purposes and may be used for no other purposes.”;

(2) by adding, after paragraph 11, the following paragraph:

Parking

“(a) To grant, by by-law, to certain groups or categories of persons, the exclusive right to park their vehicles on certain streets on the conditions stated in the by-law;”;

(3) by adding, after paragraph 23, the following paragraph:

Work on
bordering
line

“(a) The city is authorized to make, with the city of Québec, arrangements for the carrying out of work of any kind, including maintenance, snow removal and widening operations, in the public streets or public places situated partly in the city and partly in the city of Québec, or entirely in one or the other but bordering upon the dividing line between them.

Apportion-
ment of
costs

The city is authorized to apportion among its ratepayers their share of the cost of such work, including expropriation and all incidental expenses, in the same manner and with the same effect as if the work had been carried out in its territory; the city may, in particular, apportion the costs of the work in such a manner that at no time would the owners of taxable immovables situated along the streets where the work is carried out be required to assume, for the work, costs greater than if the work had been carried out by or under the full control of the city of Sillery.

Application
to the
Commission

Failing an arrangement, either city may apply to the Commission municipale du Québec to compel the adjoining municipality to carry out or pay the actual cost of the work in the proportion and on the conditions determined by the Commission.”

c. C-19, s.
436,
replaced for
the city

7. Section 436 of the said Act is replaced for the city by the following section:

Distribution
pipe

“**436.** The city shall lay the distribution pipe to the line of the street, and may exact payment of the water rate from the property-owner, even although the latter refuses or neglects to connect such pipe with his house or building.

Water rate

In the case of a lot not built upon, the water rate may be imposed on a strip one hundred feet in depth of the lot fronting on a road, street or avenue, according to the real value of the strip entered on the assessment roll, but the annual amount of the tax shall not exceed four per cent of the real value of the strip, and moreover, in that case, the city shall not be bound to lay the distribution pipes to the line of the street provided the main pipe of the waterworks and sewer system are laid along the road, street or avenue in front of the lot not built upon. Whatever be the value of the strip of land, the annual amount of the tax mentioned above shall not be less than twelve dollars."

c. C-19, s.
571, am. for
the city

8. Section 571 of the said Act is amended for the city by adding, at the end, the following paragraph:

Expropri-
ation of
servitudes

"However, the city may, without such approval, expropriate servitudes on the land of a fabrique or any religious, charitable or educational institution or corporation for the establishment, repair and maintenance of a waterworks and sewer system, except on immovables utilized for worship."

Subsidies to
"Le théâtre
du Bois de
Coulonge"

9. The payment of subsidies in the amounts of \$2 516, \$9 215, \$16 023, \$23 657, \$21 783 and \$30 161, respectively, made during the fiscal years of 1977, 1978, 1979, 1980, 1981 and 1982 by the city to the corporation called "Le Théâtre du Bois de Coulonge Inc." is hereby declared valid.

Validity of
resolution

Resolution number 83-104 passed by the council on 16 May 1983 is also hereby declared valid.

1947, c. 90,
repealed

10. Chapter 90 of the statutes of 1947 and its amendments are repealed. However, no repeal shall affect any acquired right, existing obligation, pending procedure or incurred penalty, or any act performed, decided, ordered or done or which must be done under such Acts and their amendments; in particular, but without restricting the generality of the foregoing, no repeal shall affect any by-law or resolution adopted, decision taken, order given, contract made, acquisition effected, expropriation, franchise or privilege granted or any other act done under the authority of such Acts or their amendments, or the assessment rolls, tax collection rolls or apportionment rolls, or the rights and duties of the officers and employees of the city, who shall continue to exercise their duties until otherwise decided under this Act, or the notes, bonds or other securities or evidences of indebtedness issued by the city, or the amortization funds already constituted or to be constituted. Such rights, obligations, procedures, penalties, deeds, contracts, acquisitions, expropriations and acts shall continue to be governed by the provisions of such Acts and their amendments until amended, replaced or revoked under this Act.

Exception

11. 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

12. This Act comes into force on the day of its sanction.

SCHEDULE I

OFFICIAL DESCRIPTION OF THE BOUNDARIES
OF THE TERRITORY OF THE CITY OF SILLERY

A territory comprising, with reference to the cadastres of the parishes of Saint-Colomb-de-Sillery and Sainte-Foy, the lots or parts of lots and their present and future divisions and the highways, streets, roads, railway rights of way, watercourses or parts thereof, the whole bounded within the limits hereinafter described, to wit: starting from the point of intersection of the southeast side of Saint-Cyrille boulevard and the southwest side of Belvédère avenue, that is, the north corner of lot 222-A-1-A of the cadastre of the parish of Saint-Colomb-de-Sillery; thence, successively, the following lines and boundaries: with reference to the cadastre of the said parish, along the southwest side of Belvédère avenue, the northwest side of Saint-Louis road, the extension of the southwest side of Delaune avenue and the southwest and south sides of the said avenue to the northeast line of lot 228-1; a broken line dividing lot 227 from lots 228-1, 229, 230-5, 230-2, 230-1 and 230-6; the northeast line of lots 230-6, 232-3 and 232-2, the last line extended to the centre line of the St Lawrence river; the centre line of the river upstream to the extension of the southwest line of lot 334-17; the said extension and the said southwest line; the southwest line of lots 373 and 333 to the summit of the cape; the summit of the cape, generally northeasterly, to the southwest line of lot 320-A-8 of the cadastre of the parish of Sainte-Foy; with reference to the said cadastre, the said southwest line extended across the right of way of a railway (lot 379); part of the southwest line of lot 320-A-9, that is, to the southeast line of lot 394; the southeast, southwest, northwest lines and part of the northeast line of the said lot 394 to the northwest line of lot 320-A-9; a broken line limiting on the northwest lots 320-A-9 to 320-A-19 to the southwest line of lot 5 of the cadastre of the parish of Saint-Colomb-de-Sillery; with reference to the said cadastre, the southwest line of the said lot and its extension to the northwest side of Saint-Louis road; the northwest side of the said road northeasterly to the southwest line of lot 2; the southwest line of the said lot; the broken line limiting lot 1-A on the southwest; the southwest line of lot 1 extended to the centre line of former Gomin road; the centre line of that former road northeasterly, the said centre line, coinciding in part with the north line of lots 393, 394 and 395, to its intersection with the extension of the southwest line of lot 127-1-1 of the cadastre of the parish of Sainte-Foy (Painchaud avenue); the extension of the said line southeasterly to the southeast side of Saint-Cyrille boulevard; finally, the southeast side of the said boulevard northeasterly to the starting point.

SCHEDULE II

TERRITORY FORMING A PARK AND A BEACH
(ANSE AU FOULON)

A territory comprising, with reference to the cadastre of the parish of Saint-Colomb-de-Sillery, part of lots 232-2, 260 and 261 and their present and future divisions and bounded as follows: on the northeast by the southwest limit of the property occupied by Imperial Petroleum Company Ltd and its southeasterly extension to the southeast limit of lot 232-2, on the southeast by the southeast limit of lots 232-2, 260 and 261, being the line of natural low tide of the St Lawrence river; on the southwest by the dividing line between lots 261 and 265, on the northwest by the southeast right of way of the land belonging to the Canadian National Railway Company.

A major part of this territory is now occupied by the Club de Tennis Montcalm and the Club de Yacht du Québec.