

NATIONAL ASSEMBLY
Thirty-second Legislature, fourth session

1983, chapter 68

AN ACT TO AMEND THE CHARTER OF THE CITY OF SAINT-LÉONARD

Bill 265

Introduced by Mr Patrice Laplante, Member for Bourassa

First reading: 11 Mars 1982

Second reading: 22 June 1983

Third reading: 22 June 1983

Assented to: 23 June 1983

Coming into force: 23 June 1983

Act amended: None



CHAPTER 68

An Act to amend the charter of the city of Saint-Léonard

[Assented to 23 June 1983]

Preamble WHEREAS it is in the interest of the city of Saint-Léonard that its charter, chapter 105 of the statutes of 1915 and the Acts amending it, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-19,
s. 89.1,
added for
the city

1. The Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Saint-Léonard by inserting, after section 89, the following section:

Destruction
of records

“89.1 The council, by resolution, may authorize the destruction of records closed for more than five years relating to offences against the Acts of Québec, the municipal by-laws or any other legislation in force in the territory of the city.”

c. C-19,
s. 412, am.
for the city

2. Section 412 of the said Act is amended for the city by replacing paragraph 17 by the following paragraph:

Animals

“(17) To regulate or prohibit the keeping of animals or certain categories of animals and limit the number of such animals a person may keep on or in his immovable; to require from the owner or keeper of such animals a licence; to prevent the straying of such animals and authorize their elimination in a summary manner or the impounding and sale thereof for the benefit of the city or of any society or person the city may designate; to require the owner or keeper of such animals to remove their excrements both on public and private property and determine the manner of disposing thereof; to compel him to keep at all times the implements required therefor; to enable the city to make agreements with any person or body authorizing such person or body

to collect the cost of animal licences and apply any municipal by-law respecting animals; for that purpose, the persons or agencies with whom or with which the council has made an agreement and, where such is the case, their employees, are deemed to be municipal officers;”.

c. C-19,
s. 415, am.
for the city

3. Section 415 of the said Act is amended for the city

(1) by replacing paragraph 31 by the following paragraph:

Bicycle

“(31) To oblige every bicycle owner to obtain from the corporation an annual licence not exceeding two dollars and to prescribe the obligation of having this licence attached to the vehicle in a permanent manner; the city may conclude agreements with any person to authorize that person to issue and collect the fees for bicycle licences. This provision does not apply to motorcycles;”;

(2) by adding, after paragraph 39, the following paragraphs:

Traffic
and parking

“(40) To regulate or prohibit the traffic or parking of vehicles on such places or public squares as it determines or on any public or private land belonging to it or of which it has the use or possession other than a street or lane or in parking garages or areas accessible to the public. The by-law may establish a tariff of the prices exigible and the manner of collecting the amounts fixed for the parking of vehicles in certain of those places;

Parking

“(41) To regulate or prohibit the parking of vehicles on any land or in any building intended for parking determined by by-law after making an agreement with the owner.”

c. C-19,
s. 460, am.
for the city

4. Section 460 of the said Act is amended for the city by adding, after paragraph 23, the following paragraphs:

Sex shops

“(24) To regulate shops where articles of an erotic character are sold or offered for sale;

Massage
parlours

“(25) To regulate massage parlours.”

c. C-19,
s. 461,
replaced
for the city

5. Section 461 of the said Act is replaced for the city by the following section:

Sale of
unclaimed
objects

“**461.** The corporation may cause to be sold at auction, by a bailiff, without any judicial proceedings and after the notices required for the sale of movables under writ of execution, the objects, movable effects or other movable property in its possession which are unclaimed within two months and which have been abandoned or are the proceeds of theft or have been seized or confiscated by its police officers or are left by dead persons for whose burial the corporation had to provide.

Sale of
abandoned
vehicules

It may likewise, by onerous title, by agreement, by auction or by public tender, dispose of the motor vehicles manufactured more than seven years previously, left in its hands, abandoned or found and unclaimed after a period of thirty days; the period is ten days for a vehicle without a motor or fit only for scrap.

Liability

If such property be claimed after the sale, the corporation shall be liable only for the proceeds of the sale, after deducting the cost of the sale and other expenses which it may have incurred.

Destruction

If they cannot be sold because they have no merchantable value or by reason of the illegality of their possession or use, they may be destroyed after publication of similar notices, *mutatis mutandis*, and if they are claimed after destruction, the corporation shall not be liable for the payment or any indemnity of compensation."

c. C-19,
s. 463, am.
for the city

6. Section 463 of the said Act is amended for the city by adding, after paragraph 4, the following paragraph:

Littering

"(5) To require any person who litters public property to do the necessary cleaning and order that, in case of contravention, such a person shall pay, in addition to the fine, the cost of the cleaning effected by the city."

c. C-19,
s. 536, am.
for the
city

7. Section 536 of the said Act is amended for the city by adding the following paragraph:

Increase
of bid

"However, with the previous authorization of the Commission municipale du Québec, the municipality may increase its bid up to the amount of the municipal assessment."

c. C-19,
s. 617.1,
added for
the city

8. The said Act is amended for the city by adding, after section 617, the following section:

Adjournment

"**617.1** In the absence of the judge of the Municipal Court, the clerk of the Court may adjourn any case appearing on the roll of the Court, in accordance with the law; for that purpose, the clerk is deemed to be a justice of the peace.

Signature

Every time the signature of the clerk or deputy-clerk of the Municipal Court is legally required, his name may be engraved, lithographed or printed. However, warrants of arrest or search warrants must bear the handwritten signature of the judge."

Acquisition
of
immovables

9. The city is authorized to acquire by agreement or expropriation any immovable the acquisition of which is considered appropriate

for land bank or housing purposes and for works related to such purposes, and any immovable that is obsolete or the occupancy of which is harmful.

Territory The city may exercise the powers provided for in the first paragraph, within its territory.

Exception This section does not apply to the acquisition of immovables for industrial purposes.

Administration of immovables The city is authorized to hold, lease and administer the immovables acquired under the first paragraph. It may equip such immovables and instal the necessary public services there; it may also demolish or restore the buildings and other structures erected thereon or construct thereon new buildings for purposes of housing, leisure activities, recreation and other related purposes.

Powers The city is authorized to exercise the powers provided for in the fifth paragraph on the immovables it already owns.

Alienation It may alienate them on the conditions it determines with the approval of the Commission municipale du Québec, provided the price of alienation is sufficient to cover all the expenses for the immovable concerned, including the expenses incurred for restoration, demolition or construction, as the case may be.

Alienation The city may alienate, gratuitously or for a price less than the price contemplated in this section, such an immovable or building in favour of the Government, any of its agencies, a school corporation or the municipal housing bureau or any other non-profit agency; in the last case, the authorization of the Commission municipale du Québec is required.

Sale The city may, by resolution, sell at a price approved by the Commission municipale du Québec, to a corporation created under the eleventh paragraph, any immovable that it has acquired under this section or that it already owns.

Loans and subsidies The city may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the necessary sums and apply for the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under the eleventh paragraph.

Non-profit corporation On an application by the city, the Government may issue, on such conditions as it may determine, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as

its object the acquisition of housing for persons or families of other than low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that section 10 confers on the city.

Letters
patent

The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members or its sole member and directors.

Publication

Notice of the issuance of the letters patent must be published in the *Gazette officielle du Québec*.

Supplemen-
tary letters
patent

On an application by the corporation formed under this section, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in the twelfth paragraph. Notice of the issue of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

Powers of a
corporation

A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatary of the city and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21).

Report

Not later than 31 March each year, the corporation contemplated in this section must make a report of its activities for its preceding fiscal year to the city council; that report must also contain all the information that the city council may prescribe.

Information

Furthermore, the corporation must, at all times, furnish to the city council any information it requires on its operations.

Develop-
ment of the
city centre

10. In order to permit the rational development of the centre of the city, the city is, in the territory described in the schedule, authorized

(a) to acquire, by agreement or expropriation, the immovables necessary to achieve that purpose;

(b) to sell all or part of such immovables by auction, public tender or agreement, with the approval of the Commission municipale du Québec, for residential, community, commercial, public or governmental purposes, at a price not lower than the cost of acquisition, including services and related expenses and costs;

(c) to demolish or restore any buildings or other works erected thereon or to build thereon any new building or complex for public market, amusement, cultural, community, residential, commercial, public or governmental purposes or for parking or garage purposes;

(d) to rent such immovables by emphyteutic lease or otherwise, with the approval of the Commission municipale du Québec, for residential, community, commercial, public or governmental purposes, at a price sufficient to cover the annual expenses in connection with such immovables or for the amortization and interest on the purchase price, the cost of services, relevant expenses or costs related thereto, and municipal or school taxes. The proceeds of such sales or leases must be used to pay the obligations entered into by the city for that purpose.

(e) to exercise the powers provided in paragraphs c and d in respect of immovables situated in the territory described in the schedule and of which it is already the owner.

By-law
declared
valid

11. By-law No. 999 of the city made on 14 April 1970 and in force on 18 April 1970 is declared valid and irrebuttable and the parcels of land described therein are subject to the Industrial Funds Act (R.S.Q., chapter F-4).

Ratification

12. Every acquisition or sale of land made pursuant to by-law No. 999 of the city is ratified and is deemed to have been made in accordance with the Industrial Funds Act.

Validity of
by-laws and
resolutions

13. No by-law, resolution and no deed performed by the municipality of Saint-Léonard may be disputed on the ground that the municipality has not complied with section 2 of the Act to amend the charter of the town of St. Léonard de Port Maurice and to ratify by-law No. 51 of the said town (1916, 2nd session, chapter 83).

1915,
c. 105, s. 8,
repealed
1915,
c. 105, s. 9,
repealed
1915,
c. 105, s. 11,
repealed
1916, c. 83,
s. 2 (2nd
sess.),
repealed

14. Section 8 of chapter 105 of the statutes of 1915 is repealed.

15. Section 9 of chapter 105 of the statutes of 1915 is repealed.

16. Section 11 of chapter 105 of the statutes of 1915 is repealed.

17. Section 2 of chapter 83 of the statutes of 1916 (2nd session) is repealed.

1940,
c. 105, s. 1,
repealed
1940,
c. 105, s. 3,
repealed
1957-58,
c. 104, s. 1,
repealed
1957-58,
c. 104, s. 2,
repealed
1962, c. 83,
s. 2,
repealed

18. Section 1 of chapter 105 of the statutes of 1940 is repealed.

19. Section 3 of chapter 105 of the statutes of 1940 is repealed.

20. Section 1 of chapter 104 of the statutes of 1957-58 is repealed.

21. Section 2 of chapter 104 of the statutes of 1957-58 is repealed.

22. Section 2 of chapter 83 of the statutes of 1962 is repealed.

Coming
into force

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

SCHEDULE

CITY CENTRE

A territory comprising with reference to the cadastre of the parish of Sault-au-Récollet, the lots or parts thereof and their subdivisions together with the roads, streets, avenues, boulevards or public roads, the whole comprised within the perimeters hereinafter described, namely: starting at the point of intersection of the extension of the centre line of Pré Laurin street and of the centre line of Robert boulevard; thence, easterly along the centre line of Robert boulevard to its meeting with the southerly extension of the east limit of Marquis street; the said extension and the said east limit northerly to the south limit of Renty street; easterly along the said south limit and its extension across Lacordaire boulevard to the dividing line between lots 395 and 396; the said dividing line southeasterly to the southeast limit of lot 396-134 (lane); the said southeast limit northeasterly to the southwest limit of Aimé Renaud street; southeasterly along the said southwest limit to the centre line of Jarry street; southwesterly along the centre line of Jarry street to the centre line of Lacordaire boulevard; the said centre line northerly to the extension of the centre line of Des Galets street; the said extension and the centre line of Des Galets street to the centre line of Jean-Nicolet street; the latter centre line northwesterly to the extension of the centre line of Pré Laurin street; finally, the said extension and the centre line of Pré Laurin street extended into Robert boulevard to the starting point.