

1981, chapter 38
**AN ACT TO AMEND THE CHARTER
OF THE CITY OF SAINTE-FOY**

Bill No. 241

Introduced by Mr Louis O'Neill

First reading: 16 December 1980

Second reading: 10 March 1981

Third reading: 10 March 1981

Assented to: 11 March 1981

Coming into force: 11 March 1981

Act amended:

Charter of the city of Sainte-Foy (1976, chapter 56)





CHAPTER 38

An Act to amend the Charter of the
city of Sainte-Foy

[Assented to 11 March 1981]

Preamble. WHEREAS it is in the interest of the city of Sainte-Foy that its charter, chapter 56 of the statutes of 1976, be amended;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1976, c. 56,
s. 7, am.

1. Section 7 of the Charter of the city of Sainte-Foy (1976, chapter 56) is amended

(1) by replacing subsection 4 of section 51*b*, enacted by the said section, by the following subsection:

Secretary
of the
commit-
tee.

“(4) The city clerk or the deputy clerk is the secretary of the committee.”;

(2) by replacing paragraph *a* of subsection 7 of section 51*b*, enacted by the said section, by the following paragraph:

“(a) report to the council on any matter of the jurisdiction of the council and submitted to it by the latter, unless otherwise prescribed. If the resolution of the council has been adopted by a majority of the members present of the council, the committee must report to it within thirty days of the adoption of the resolution;”;

(3) by replacing paragraph *b* of subsection 8 of section 51*b*, enacted by the said section, by the following paragraph:

“(b) the annual budget of revenues and expenditures, not later than 1 December each year, including the by-laws imposing taxes, licences, permits and other municipal dues;”;

(4) by replacing the first paragraph of subsection 23 of section 51*b*, enacted by the said section, by the following paragraph:

Appoint-
ments,
suspensions,
dismissals.

“(23) The clerk, the treasurer and the heads of departments and their assistants, except the manager and his assistants, shall be appointed by the council on report of the committee. Such report may be altered or rejected by the majority of all the members of the council. On report of the executive committee, the council may, by the majority vote of all its members, suspend such officers, reduce their salary or dismiss them.”

R.S.Q.,
c. C-19,
s. 65.16,
added for
the city.

2. The Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Sainte-Foy by inserting, after section 65.15, the following section:

Remu-
neration
of the
chairman.

“**65.16** The chairman of the council shall receive as annual remuneration a sum of three thousand dollars, one-third of which is paid as partial compensation for expenses attaching to the office.

Provisions
applicable.

The remuneration is subject to sections 65.11 to 65.13 of the Cities and Towns Act (R.S.Q., chapter C-19).”

1976, c. 56,
s. 9,
replaced.

3. Section 9 of the Charter of the city of Sainte-Foy is replaced by the following section:

R.S.,
c. 193,
s. 64b,
added for
the city.

“**9.** The said Act is amended for the city by adding, after section 64a, the following section:

Annual
pension.

“**64b.** The council, by by-law, may grant to every person who has held office as a member of the council for seven years or more on 31 December 1974, who was a member of the council on that date and ceased to hold that office from that date, an annual pension of one thousand five hundred dollars, payable in equal and consecutive instalments on the first day of each month. The repeal of such a by-law cannot be set up against persons respecting whom it applies or has already applied.

Contribu-
tion.

In order to benefit from such pension payments, the members of the council must pay into the general administration fund a contribution equal to five per cent of their annual remuneration for each of the last five years, or for the period since taking office in the case of those who have held office for less than five years.

Increases.

Such pension shall be increased by five hundred dollars for each year or part of a year during which such person has held the office of mayor and by two hundred dollars for each year or part of a year during which such person has held the office of councillor, but it shall in no case exceed five thousand dollars.

Payment
sus-
pended.

The payment of such pension shall be suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or situation involving remuneration paid by the city.

Computation.

In computing any such period of seven years, a part of a year shall be counted as a full year.

Amalgamated municipalities.

The years of service of a member of the council of an amalgamated municipality also apply."

1976, c. 56, s. 11, am.

4. Section 11 of the said charter is amended by replacing section 108, as replaced by the said section, by the following section:

Appointment of manager.

"108. The council shall appoint the manager and determine his salary, and the terms and conditions of his hiring, by the majority vote of all the members of the council.

Former councillor.

It is prohibited for a former member of the council to hold the office of manager, before the lapse of two years following the end of his mandate.

Suspension or dismissal.

The council alone has the right to suspend the manager, reduce his salary or dismiss him by the majority vote of all the members of the council. The manager may, within eight days, appeal from such decision to the Commission municipale du Québec, which decides finally after investigation.

Assistants.

Upon the recommendation of the manager, the council may appoint an assistant or assistants to him.

Replacement.

When the manager is absent or unable to act, the assistant designated by resolution of the council has the same powers and duties. This section also applies to any assistant."

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

5. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by inserting, after paragraph 23, the following paragraph:

"(23.1) To require the owner, tenant, possessor or occupant, under any title, of any building or a building of any category, to provide such building with heat 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 to defray the installation costs of such devices or equipment in accordance with the conditions established by by-law.

To require the owner, tenant, possessor or occupant, under any title, of any building in which such device or apparatus is installed, to keep the device or apparatus in perfect working order;".

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

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

(1) by adding the following subparagraph to paragraph 9:

“(c) To regulate the construction and use of outdoor or indoor walkways or passageways on or in buildings in the down-town area, to order the opening of such thoroughfares, lanes, paths, walkways or passageways, to order the closing, broadening, extension or any change thereof and to provide for the methods of construction and maintenance of such structures; such a by-law may be passed and put into force only in accordance with a prior agreement made between the city and the owner of the immoveable concerned;”;

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

“(40) To regulate or prohibit the circulation and 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, has use of or possesses and 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;

✓ “(41) The city may regulate or prohibit the parking of vehicles on any parking lot or in any building intended for parking, as determined by by-law after an agreement has been reached with the owner.”

R.S.Q.,
c. C-19,
s. 464,
am. for
the city.

7. Section 464 of the said Act is amended for the city by adding, after paragraph 8, the following paragraph:

“(8.1) Notwithstanding any inconsistent legislative or regulatory provision, the city shall pay to every officer in office before 1 January 1962 who remained in office until 1 January 1981 a pension which, added to the amount of the pension to which the officer is entitled under any of the prescribed plans of the city, amounts to a retirement income equal, for every year of service up to 35 years, to 2% of the average wage of the five best remunerated years of employment from the date the officer concerned reaches the normal retirement age provided in the city's pension plan. When the officer reaches 65 years of age, the pension computed above is reduced by an amount determined in accordance with the pension plans of the city of Sainte-Foy to take into account the pension payable under the Québec Pension Plan.

Should a person retire before the normal retirement age provided in the city's pension plan, the pension provided above is reduced in proportion to the ratio between the completed years of service and the years of service that the officer would otherwise have completed at normal retirement age.”

Territory
of
Université
Laval.

8. The city of Sainte-Foy and Université Laval, by by-law, may enter into an agreement providing that the by-laws of the city pertaining to traffic, parking or public safety apply on all the

territory of Université Laval, including that part of that territory situated in the territory of the city of Sillery, and that the municipal Court of the city of Sainte-Foy has jurisdiction over that territory.

Precedence.

Any agreement thus entered into prevails over any provision of any general law or special Act.

Coming into force.

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