



CHAPTER 40

An Act to amend the Charter of the city of Montréal

[Assented to 15 April 1980]

Preamble. WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-1960, be amended;

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

1959-1960,
c. 102,
a. 35,
repealed.

1. Division 2 of Chapter IV of Title I and article 35 of the charter of the city of Montréal (1959-1960, c. 102), amended by section 1 of chapter 59 of the statutes of 1962, section 1 of chapter 96 of the statutes of 1971 and by section 2 of chapter 77 of the statutes of 1973, are repealed.

1959-1960,
c. 102,
a. 54,
replaced.

2. Article 54 of the said charter, replaced by section 3 of chapter 77 of the statutes of 1973, is again replaced by the following article:

Composi-
tion.

“54. The council of the city shall consist of the mayor and one councillor for each electoral division.”

1959-1960,
c. 102,
a. 55,
repealed.

3. Article 55 of the said charter, replaced by section 4 of chapter 59 of the statutes of 1962 and amended by section 4 of chapter 77 of the statutes of 1973, is repealed.

1959-1960,
c. 102,
a. 76, am.

4. Article 76 of the said charter, amended by section 10 of chapter 97 of the statutes of 1960-1961, section 6 of chapter 59 of the statutes of 1962, section 12 of chapter 70 of the statutes of 1963 (1st session), section 4 of chapter 84 of the statutes of 1965 (1st session), section 4 of chapter 96 of the statutes of 1971 and by section 7 of chapter 77 of the statutes of 1977, is again amended by adding the following paragraph:

Acting-
mayor.

“The acting-mayor is entitled to an additional indemnity of four hundred dollars for each term of office plus a sum of two hundred dollars for travel expenses and other expenditures.”

1959-1960,
c. 102,
a. 98,
replaced.

5. Article 98 of the said charter, replaced by section 8 of chapter 96 of the statutes of 1971, is again replaced by the following article:

Contracts
submitted
to council.

“**98.** The executive committee must submit to the council every draft contract entailing an expenditure of more than twenty-five thousand dollars.”

1959-1960,
c. 102,
a. 99,
replaced.

6. Article 99 of the said charter, replaced by section 13 of chapter 77 of the statutes of 1977, is again replaced by the following article:

Contracts
not
exceeding
\$25 000.

“**99.** The executive committee shall award contracts entailing an expenditure of not more than twenty-five thousand dollars without the approval of the council.

Acquisition
of im-
moveable.

However, when the council has ordered the acquisition by agreement or by expropriation of an immoveable and appropriations are available for such purpose, the executive committee may acquire such immoveable by agreement for a sum not exceeding the appropriations voted for such purpose by the council, including damages, if any.”

1959-1960,
c. 102,
a. 107, am.

7. Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977, is amended by replacing subarticle 1 by the following subarticle:

Expen-
diture
exceeding
\$25 000.

“**107.** (1) The executive committee shall not award any contract involving an expenditure of more than \$25 000 for the execution of works, the supply of equipment or materials or the supply of services other than professional services, except after a call for public tenders. The council may, however, by by-law, authorize the executive committee to award contracts without tender for the amount mentioned in the by-law, provided such amount does not exceed \$50 000.

Interpre-
tation.

For the purposes of this subarticle, a contract for the supply of materials includes also any contract for the leasing of equipment with an option to purchase.”

1959-1960,
c. 102,
a. 464a,
am.

8. Article 464a of the said charter, amended by section 19 of chapter 96 of the statutes of 1971 and by section 44 of chapter 77 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

Offence
and
penalty.

“464 a. In the case of a by-law respecting demolition, or the defacement of buildings, or noise control, or a by-law relating to waste management, the council may prescribe as a penalty, for a first offence, a minimum fine of not over one thousand dollars and a maximum fine of not over ten thousand dollars with or without costs, or imprisonment for a maximum of three months, or both penalties together, and for any offence committed within a period of twelve months from the preceding offence, a minimum fine of not over two thousand dollars and a maximum fine of not over twenty thousand dollars, or imprisonment for a minimum of one month or a maximum of six months, or both penalties together.”

1959-1960,
c. 102,
a. 521, am.

9. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972 and by section 46 of chapter 77 of the statutes of 1977, is again amended by replacing paragraph 34 by the following paragraph:

Parking
lots.

“34. Define and distinguish the various kinds of parking lots; prohibit or regulate parking lots; prescribe the manner in which parking lots must be laid out; prescribe the architecture, dimensions, material and colour of any structure to be erected thereon, including a fence and the place where that structure must be situated.

Vested
right.

No vested right lies with respect to any structure existing on a parking lot if the value of that structure is less than 10% of the value of the land entered on the valuation roll at the coming into force of a by-law made under this paragraph;”.

1959-1960,
c. 102,
a. 524, am.

10. Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, section 20 of chapter 70 of the statutes of 1963 (1st session), section 24 of chapter 86 of the statutes of 1966-1967, section 7 of chapter 90 and section 1 of chapter 91 of the statutes of 1968, section 21 of chapter 96 of the statutes of 1971, section 4 of chapter 76 of the statutes of 1972, section 58 of chapter 77 of the statutes of 1973 and by section 48 of chapter 77 of the statutes of 1977, is again amended by replacing paragraph 6 by the following paragraph:

Modifica-
tion to
cadastral
plans.

“6. Subject to article 610a, determine the conditions which the executive committee shall set for its approval or refusal of any modification to cadastral plans and define the nature of the works which the executive committee may require and the servitudes necessary for the installation of the public services which must be granted before a plan is approved; require that a resolution to authorize the appropriations for the setting up of municipal services be approved or an agreement be reached between the executive committee and the owner to ensure the carrying out of the

works for the installation of municipal services, before a plan is approved;”.

1959-1960,
c. 102,
aa. 524a,
524b,
added.
Provisions
to apply.

11. The said charter is amended by adding, after article 524, the following articles:

“**524 a.** Notwithstanding section 412.26, sections 412.12 and 412.13 of the Cities and Towns Act (R.S.Q., c. C-19), enacted by section 120 of the Act to establish the Régie du logement and to amend the Civil Code and other legislation (1979, c. 48), apply, *mutatis mutandis*, to the city of Montréal from their coming into force.

Notice.

“**524 b.** On being seized of an application for the demolition of a residential building under a by-law enacted in accordance with paragraph 18 of article 524, the executive committee must cause a notice of the application, easily visible to passers-by, to be posted on the immovable contemplated in the application.

Content.

It must be mentioned in this notice that a person who wishes to oppose the demolition must, within ten days following the posting of the notice on the immovable concerned, make his objections known in writing to the clerk, giving the reasons for his objections.

Objection.

The clerk shall submit the objections received to the executive committee, which must consider them before rendering its decision. A person who so opposed an application for demolition granted by the executive committee may appeal from that decision by following the procedure established by the said by-law.”

1959-1960,
c. 102,
a. 528, am.

12. The heading “Juvenile delinquents” preceding paragraph 21 of article 528 of the said charter and the said paragraph 21 are replaced by the following heading and paragraphs:

“WASTE MANAGEMENT

Supervi-
sion.

“21. Supervise or regulate waste management in its territory;

Fire
preven-
tion.

“22. Impose safety, health and fire prevention requirements on any producer of waste with regard to the collection, keeping, deposit, storage, elimination and disposal of waste and prescribe the sorting of waste for collection purposes;

Dangerous
waste.

“23. Require any producer of dangerous waste to ensure the disposal or the collection of that waste by persons holding a permit for that purpose, issued in conformity with the by-laws; prescribe the sites where the dangerous waste may be deposited or disposed of; impose the separation, pre-treatment, concentration

or detoxication of dangerous waste; require the producer of such waste as may be indicated by by-law to provide the carrier of that dangerous waste with a manifest and keep a register containing the information prescribed by order of the executive committee in respect of that waste;

Collection permit.

“24. Require a permit from persons who engage in the collection or transport of waste, prescribe the conditions for obtaining, maintaining, suspending or cancelling that permit; prescribe methods of waste collection, and require, in the cases prescribed by by-law, the carrier to obtain and keep on hand a manifest containing the particulars prescribed by order of the executive committee and keep a register containing the particulars prescribed above;

Management permit.

“25. Require a permit from persons who operate a waste management system, prescribe the conditions for obtaining, maintaining, suspending or cancelling the permit and prescribe rules, standards and methods of operating such a service in order to prevent or control fires, odours, gas emissions, noise, air pollution, or the pollution of surface water or lixivial water, and any other nuisance;

Management centres.

“26. Establish, erect, acquire, possess and operate waste management centres in its territory and regulate their use;

“dangerous waste”.

“27. Define, for the purposes of paragraph 23, the expression “dangerous waste”.

“waste”, “waste management system”.

The expressions “waste” and “waste management system” used in this title have the meaning conferred on them in paragraphs 11 and 12 of section 1 of the Environment Quality Act (R.S.Q., c. Q-2).

Jurisdiction.

The exercise of the jurisdiction conferred on the city by paragraphs 21 to 26 is subject to the jurisdiction conferred by law on the Communauté urbaine de Montréal.”

1959-1960, c. 102, a. 528c, added.

13. The said charter is amended by adding, after article 528*b*, the following article:

Approval by Minister.

“**528c.** Any by-law passed pursuant to paragraphs 21 to 27 of article 528 must, to come into force, be approved by the Minister of the Environment. Notice of the approval is published in the *Gazette officielle du Québec* as soon as possible.”

1959-1960, c. 102, a. 533*a*, added.

14. The said charter is amended by adding, after article 533, the following article:

Unoccupied building.

“**533a.** Upon a report of the director of the department concerned, stating that public safety is endangered, the executive

committee may order the owner of an unoccupied building to have the building kept under watch in accordance with the terms and conditions fixed by the executive committee.

Failure
to comply.

Should the owner fail to comply with the order within 24 hours after it has been served or after a notice has been published in a newspaper, or if the owner is unknown, untraceable or unidentifiable, the executive committee is authorized to have the building kept under watch at the expense of the owner, and all the expenses and costs thus incurred by the city are assimilated to the real estate taxes encumbering the immovable for which they are incurred. The director of finance shall alter the collection roll accordingly.”

1959-1960,
c. 102,
a. 543a,
added.

15. The said charter is amended by adding, after article 543, the following article:

Moving
picture.

“**543 a.** Upon a recommendation of the director of the department interested, the executive committee may, for a limited time and on the conditions it fixes in each case, grant the authorization to occupy public or private land or to erect or occupy a building contrary to a municipal by-law, to allow the making of a moving picture.”

1959-1960,
c. 102,
a. 591, am.

16. Article 591 of the said charter is amended by replacing the first paragraph by the following paragraph:

Conduits
on private
property.

“**591.** The city shall have the right to construct conduits on private property without the consent of the proprietor. The cost of such conduits, beyond five metres from the street line, except, however, the inlet to the building, shall be at the charge of the proprietor, but such conduits shall remain under the control of the commission.”

1959-1960,
c. 102,
a. 612a,
replaced.

17. Article 612a of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972 and amended by section 62 of chapter 77 of the statutes of 1977, is replaced by the following article:

By-law to
approve
plan.

“**612 a.** The council may, by by-law, approve a plan of construction or alteration or allow the occupancy of one or more buildings or other works under, above or on any area of land, in favour of any person whose title includes the right to construct or occupy buildings thereon, provided that such land has a continuous area of at least eight thousand square metres (8000 m²) for an industrial project, four thousand square metres (4000 m²) for a commercial project and two thousand square metres (2000 m²) for a housing project; these area requirements do not apply in the case of projects for the erection of educational estab-

lishments, of any establishment contemplated in the Act respecting health services and social services (R.S.Q., c. S-5), of public administration or public service buildings, of residential buildings under a municipal or governmental housing programme, or of classified and recognized cultural property or of cultural property situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site.

Derogation. The by-law may authorize derogation from any municipal by-law and subject the said approval to any condition derogating from a municipal by-law.

Approval by council. When the by-law involves, for a given project, the modification of a zoning requirement applicable to the sector for which it is planned, it is subject to the same procedure for approval by the council as applies to a zoning by-law.”

1959-1960,
c. 102,
a. 619,
replaced. **18.** Article 619 of the said charter, replaced by section 63 of chapter 77 of the statutes of 1977, is again replaced by the following article:

Levy of water tax. “**619.** The roll of rental values shall not be altered and no water and service tax shall be levied, for residential premises, from any person who, during the same fiscal period, occupied other residential premises in the city in respect of which he has paid such a tax.”

1959-1960,
c. 102,
a. 620,
replaced. **19.** Article 620 of the said charter, replaced by section 60 of chapter 77 of the statutes of 1973, is again replaced by the following article:

No refund. “**620.** The roll of rental values shall not be altered in the course of a fiscal period and no water and service tax shall be refunded to a person who leaves residential premises to occupy others in the city.”

1959-1960,
c. 102,
a. 621,
replaced. **20.** Article 621 of the said charter, amended by section 32 of chapter 86 of the statutes of 1966-1967, section 12 of chapter 90 of the statutes of 1968, section 30 of chapter 96 of the statutes of 1971, section 61 of chapter 77 of the statutes of 1973 and by section 64 of chapter 77 of the statutes of 1977, is replaced by the following article:

Parking space. “**621.** Premises used as parking space on which a water and service tax is imposed may be entered on the roll of rental values in the name of the occupant or of the owner.

No refund. The roll of rental values shall not be altered in the course of a fiscal period and no water and service tax shall be imposed

or any refund made, with respect to such premises, in any building existing at the coming into force of the roll.”

1959-1960,
c. 102,
a. 622,
repealed.

21. Article 622 of the said charter is repealed.

1959-1960,
c. 102,
a. 628,
replaced.

22. Article 628 of the said charter, amended by section 8 of chapter 76 of the statutes of 1972, section 162 of chapter 49 of the statutes of 1972, section 4 of chapter 76 of the statutes of 1973, section 62 of chapter 77 of the statutes of 1973, section 66 of chapter 77 of the statutes of 1977 and by section 18 of chapter 22 of the statutes of 1979, is replaced by the following article:

Proposed
price.

“628. 1. Before 1 August each year, the city shall submit the proposed price for supplying water for the subsequent fiscal period to each of the municipalities supplied by it either at the limits of their territory or within their territory. Should the city fail to do so, the price for supplying water for the current year applies to the subsequent year.

Refusal.

2. Should the submitted price for supplying water be refused, the city or any municipality may apply before 1 October to the Commission municipale du Québec, which shall then fix the price for supplying water by order before 1 November.

Payment
due.

3. The municipalities to which the city supplies water at the limits of their territory shall pay to the city the price for supplying water within thirty days of receiving an account stating the consumption measured by meters for the period that has elapsed.

Method of
payment.

4. From the fiscal period 1981, the municipalities whose territory is served by the city water system shall pay directly to the city, on 1 July of each fiscal period, the price for supplying water. Each such municipality is authorized to impose on the users of the waterworks service in its territory a tariff for the price of water supplied to them, measured by meter or not; the tariff may be based either on the rental value appearing on the roll of rental values, or on the value appearing on the valuation roll or, in the case of a building provided with a regulation meter, on the quantity of water used together with a minimum per dwelling unit or class of units; the revenue from that tariff may be different from the price for water supply payable to the city, at the discretion of each of the municipalities. The tariff for the price of water thus imposed may be assimilated to the water tax contemplated in paragraph 4 of section 432 of the Cities and Towns Act (R.S.Q., c. C-19). In the case where the tariff for the price of water is imposed on the base of the value appearing on the valuation roll, the tariff is assimilated to a real estate tax on the immovable on which it is due.

Agreement. 5. The city and any municipality contemplated in this article may enter into any agreement establishing the conditions for supplying water to that municipality other than the price of the water.

Safe-guards. 6. In the case where the territory of a municipality is served by the city waterworks, the city shall present to the municipality a list of the provisions of its by-laws that it considers necessary to safeguard the city waterworks and maintain the quality of the drinking water supplied by it. The municipality must then pass a by-law to render those provisions applicable in its territory and present proof of it to the city.

Order by Minister. 7. Should the municipality fail to comply with paragraph 6 or should an agreement fail to be reached pursuant to paragraph 5, the Commission municipale du Québec, after taking the advice of the Minister of the Environment, may make in respect of the municipality the order it considers necessary.”

1959-1960, c. 102, aa. 628a, 636, 637, repealed. **23.** Articles 628*a*, 636 and 637 of the said charter are repealed.

1959-1960, c. 102, a. 635, replaced. **24.** Article 635 of the said charter is replaced by the following article:

Proprietor liable. **“635.** The city, by by-law, may hold the proprietor of an immovable containing a total number of dwellings or presenting a total rental value of dwellings that exceeds the number or the value determined annually under the by-law, liable for the payment of the water and service tax for all the dwellings. The proprietor’s name shall be entered on the roll of rental values as the occupant of all the dwellings.

Criteria. For the purposes of the by-law, the council may use any combination of the two criteria, namely, the total number of dwellings and the total rental values of the dwellings.

Rental value. The roll of rental values shall indicate the rental value of each dwelling and, opposite the name of the proprietor, the total rental value of all the dwellings.

Vacant dwelling. Only a fixed reduction equivalent to 10% of the total amount of the water and service tax imposed for the dwellings of the immovable shall be granted to take account of vacant dwellings.

No refund. No refund of the water and service tax is granted to a proprietor being the presumed occupant of all the dwellings who assigns his immovable, and the assignee becomes liable for payment of the tax in the same manner as the assignor.

Immovable destroyed. However, if the immovable is demolished or burnt down, the proprietor is liable for payment of the water and service tax

only in proportion to that part of the year that has elapsed in accordance with the valuation commissioner's certificate, subject to article 638.

New im-
moveable.

In the case of a new immovable or an immovable newly divided into several dwellings, the liability of the proprietor for payment of the water and service tax applies only in respect of the dwellings actually occupied and only from the date of occupancy of each dwelling to the end of the fiscal period during which 90% of the dwellings of the immovable are leased or occupied.

Unpaid
taxes.

At the beginning of each fiscal period, the director of finance shall mention on the collection roll of real estate taxes any unpaid amount of the water and service tax due by the proprietor for the preceding fiscal period under this article or article 621. That amount is then regarded as a real estate tax encumbering the immovable for which it is entered."

1959-1960,
c. 102,
a. 638,
replaced.

25. Article 638 of the said charter, amended by section 31 of chapter 97 of the statutes of 1960-1961, section 12 of chapter 71 of the statutes of 1964, section 28 of chapter 84 of the statutes of 1965 (1st session) and by section 467 of chapter 72 of the statutes of 1979, is replaced by the following article:

Presump-
tion.

638. When the beginning or end of occupancy of a dwelling takes place in the course of a month, the occupancy is deemed to have begun or ceased on the first day of the next month for the purposes of computing the imposition or, as the case may be, a refund of the water and service tax."

1959-1960,
c. 102,
a. 640, am.

26. Article 640 of the said charter, amended by section 64 of chapter 77 of the statutes of 1973, section 69 of chapter 77 of the statutes of 1977 and by section 19 of chapter 22 of the statutes of 1979, is again amended by replacing the first paragraph by the following paragraph:

Sewer
construc-
tion.

640. The city may apportion among the bordering proprietors the cost of construction of the sewers which it must build. Where the construction cost of sewers is charged to bordering proprietors, it shall be apportioned in proportion to the number of metres of frontage of their respective immovables, according to the uniform rate determined in the manner provided in article 642."

1959-1960,
c. 102,
a. 642, am.

27. Article 642 of the said charter, amended by section 13 of chapter 90 of the statutes of 1968, section 71 of chapter 77 of the statutes of 1977 and by section 21 of chapter 22 of the statutes of 1979, is again amended by replacing the first paragraph by the following paragraph:

Rate of
sewer tax.

642. By by-law adopted during the month of November of each year on report of the executive committee, and according to the average cost obtained in the manner indicated in article 643, the council shall determine the uniform rate per linear metre at which the cost of sewers is charged to the bordering proprietors pursuant to article 640."

1959-1960,
c. 102,
a. 643, am.

28. Article 643 of the said charter, amended by section 13 of chapter 90 of the statutes of 1968, section 71 of chapter 77 of the statutes of 1977 and by section 22 of chapter 22 of the statutes of 1979, is again amended by replacing paragraphs 2 and 3 by the following paragraphs:

"(2) The length in metres of all lots bordering on the streets or parts of streets where such sewers have been constructed and which they are meant to serve;

"(3) The average cost per linear metre obtained by dividing the total cost mentioned in paragraph 1 by the measure of length established in paragraph 2."

1959-1960,
c. 102,
heading of
Div. 9,
Chap. III,
Title IX,
replaced.

29. The heading of Division 9 of Chapter III of Title IX of the said charter is replaced by the following heading:

"GARAGES AND PARKING LOTS".

1959-1960,
c. 102,
a. 649, am.

30. Article 649 of the said charter, amended by section 33 of chapter 97 of the statutes of 1960-1961 and by section 61 of chapter 59 of the statutes of 1962, is again amended by replacing the first paragraph by the following paragraph:

Sale or
lease.

649. If the zoning by-laws authorize the operation of a parking lot or the executive committee grants the authorization under article 649a, the garages for the storage of motor vehicles and the parking lots owned by the city, as well as the immovables acquired by it for establishing such garages and parking lots, may be leased or sold to persons who agree to use them for such purposes."

1959-1960,
c. 102,
a. 649a,
added.

31. The said charter is amended by adding, after article 649, the following article:

Parking lot
authoriza-
tion.

649a. Notwithstanding any zoning by-law, the executive committee, on the conditions it imposes in each case, may grant, after consulting with the directors of the town planning and traffic departments, a personal and untransferable authorization to lay out and operate a parking lot for pleasure vehicles. The executive committee may revoke that authorization at any time, after a thirty day notice has been given in writing to the owner by the clerk."

1959-1960,
c. 102,
a. 652, am. **32.** Article 652 of the said charter, amended by section 3 of chapter 96 of the statutes of 1971 and by sections 24 and 77 of chapter 22 of the statutes of 1979, is again amended by replacing paragraph *d* by the following paragraph:

“(d) of the amount which, according to his estimates, will actually be received during the following fiscal period from all other taxes or sources;”.

1959-1960,
c. 102,
a. 653, am. **33.** Article 653 of the said charter, amended by section 22 of chapter 70 of the statutes of 1963 and by section 66 of chapter 77 of the statutes of 1973, is again amended by striking out the second paragraph.

1959-1960,
c. 102,
a. 674a,
replaced. **34.** Article 674a of the said charter, amended by section 7 of chapter 91 of the statutes of 1969 and by section 76 of chapter 77 of the statutes of 1977, is replaced by the following article:

Interest. **“674a.** Taxes and any accounts or sums due to the city bear interest from the day they become due without its being necessary to make a special request therefor. At the time the budget is adopted, the council shall fix by by-law, according to such terms and conditions as it may determine, the rate of interest for the subsequent fiscal period.

Rate
applies. That rate applies also, during that subsequent fiscal period, to all debts outstanding before that fiscal period. However, where the budget is adopted in the course of the fiscal period for which it is prepared or if it comes into force under article 675, the rate of interest fixed for the preceding fiscal period continues to apply until the date fixed by by-law at the time the budget was adopted.

Payment
due. Subject to the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72) and subject to the charter or any by-law, ordinance, contract or agreement that may fix another date for the exigibility of the sums due to the city, all sums due to the city are exigible thirty days after the sending of the account of the city.”

1959-1960,
c. 102,
a. 675,
replaced. **35.** Article 675 of the said charter, amended by section 39 of chapter 97 of the statutes of 1960-1961, section 23 of chapter 70 of the statutes of 1963, section 13 of chapter 76 of the statutes of 1972 and by sections 28 and 80 of chapter 22 of the statutes of 1979, is replaced by the following article:

Coming
into force. **“675.** If the council does not adopt, before 15 December, the budget, the by-laws and the resolutions mentioned in article

670, they come into force automatically as from the ensuing 1 January.”

1959-1960,
c. 102,
a. 726,
replaced.
Collection
authorized.

36. Article 726 of the said charter is replaced by the following article:

“**726.** All fees, licences, fines, revenues and taxes accruing or belonging to the city shall be paid to the director of finance and he alone, or the officials designated by him, shall be entitled to receive them. No other person shall be entitled to receive such moneys, unless previously authorized by the executive committee.”

1959-1960,
c. 102,
a. 733, am.

37. Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977 and amended by section 32 of chapter 22 of the statutes of 1979, is again amended by replacing subarticle 10 by the following subarticle:

Other
bodies.

“(10) The auditor has the same duties and exercises the same powers in respect of the bodies, corporations or persons whose affairs he is charged by the charter or by the city with auditing, in respect of any person, department, commission or company to whom the council entrusts in whole or in part the administration and operation of the activities of “Man and his World” under paragraph 3 of article 528, as well as in respect of any person incorporated as a non-profit corporation under articles 964*b*, 964*c* and 964*d*.”

1959-1960,
c. 102,
a. 787*a*,
replaced.

38. Article 787*a* of the said charter, enacted by section 66 of chapter 59 of the statutes of 1962 and replaced by section 113 of chapter 77 of the statutes of 1977, is again replaced by the following article:

Subsidy for
restoration.

“**787*a*.** The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the city grant a subsidy for the restoration of any residential building deemed not in conformity with the prescribed standards of habitability and for the transformation into a residential building of any building which can be transformed for that purpose.

Amount.

The amount of the said subsidy shall not exceed fifty per cent of the actual cost of the restoration work.”

1959-1960,
c. 102,
a. 787*d*,
replaced.

39. Article 787*d* of the said charter, enacted by section 33 of chapter 84 of the statutes of 1965 (1st session) and replaced by section 114 of chapter 77 of the statutes of 1977, is again replaced by the following article:

Subsidy for
demolition.

“**787*d*.** The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the

city grant a subsidy for the demolition and clearing of any building, or any part of a building, that is beyond repair, unfit for its destination or unsuited to its surroundings, and for construction and improvement works required by reason of the demolition.

Amount. The amount of the subsidy shall not exceed the actual cost of the work authorized.”

1959-1960,
c. 102,
aa. 787g-
787h,
added.

40. The said charter is amended by adding, after article 787f, the following articles:

Subsidy
for new
dwellings.

“**787g.** The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the city grant a subsidy to promote the construction and putting on the market of new dwellings.

Industrial
building.

“**787h.** The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the city grant a subsidy for the restoration of any industrial building.”

1959-1960,
c. 102,
a. 803, am.

41. Article 803 of the said charter, amended by section 12 of chapter 65 of the statutes of 1966-1967 and by section 118 of chapter 77 of the statutes of 1977, is again amended by replacing paragraph *w* by the following paragraph:

Parking
lots.

“*w.* The operation of parking lots: a tax based on the area or levied on the base of any other terms and conditions determined by the council. The council, for the purposes of this paragraph, may define what constitutes a parking lot and fix tax rates which may vary according to the zones where the lots are situated and according to the various categories that it fixes.”

1959-1960,
c. 102,
a. 906, am.

42. Article 906 of the said charter is amended by replacing the second and third paragraphs by the following paragraphs:

Repur-
chase
price.

“If such immovable is redeemed, the repurchase price shall include, in addition to the sums mentioned in article 904, the general or special real estate taxes due and the instalments of local improvement taxes affecting such immovable accrued and due since the sale, the excess of the expenses over the revenue of the city incurred to ensure the preservation of the immovable, as well as all amounts of taxes not paid out of the proceeds of the sale. After redemption, the instalments not yet due of local improvement taxes shall continue to affect the immovable and the proprietor shall be personally responsible therefor. The provisions of article 905 shall also apply to the redemption of such immovable.

Delay
expired.

After the expiration of the delay for redemption, if there has been no redemption, the school tax and any other municipal tax imposed during such delay shall be struck from the collection roll."

1959-1960,
c. 102,
a. 956c,
replaced.

43. Article 956c of the said charter, enacted by section 48 of chapter 86 of the statutes of 1966-1967, is replaced by the following article:

Acquisi-
tion
authorized.

"956c. The city is authorized to acquire by agreement or expropriation any immovable for urban renewal purposes where fragmentation of the land, an inadequate system of streets and lanes, the obsolescence of buildings or a use not conforming with the by-laws or the development plan for the territory, does not permit a rational use of the land.

Commer-
cial
building.

It may also acquire by agreement or expropriation any commercial or industrial building for the purpose of demolishing or renovating it.

Sale or
lease.

The city is authorized to sell or lease any immovable thus acquired on such conditions as it may determine with the approval of the Commission municipale du Québec. That approval is not required if the alienation is made by public tender or public auction, or within the scope of a programme of alienation of land, by public invitation."

1959-1960,
c. 102,
a. 964b,
am.

44. Article 964b of the said charter, enacted by section 70 of chapter 77 of the statutes of 1973 and amended by section 136 of chapter 77 of the statutes of 1977, is again amended:

(a) by replacing the second paragraph by the following paragraph:

Right to
lease.

"The city may lease, administer and restore the buildings erected on the immovables acquired under the first paragraph and erect new buildings for housing thereon. It may alienate those immovables on the conditions it determines with the approval of the Commission municipale du Québec. That approval is not required if the alienation is made by public tender or public auction or within the scope of a programme of alienation of land, by public invitation. It may also alienate, by gratuitous title or on the conditions that it determines, such immovable in favour of the Government, a government agency, a school corporation, a cooperative rental housing corporation or a non-profit corporation.";

(b) by replacing the fourth paragraph by the following paragraph:

Petition for
letters
patent.

"Upon petition by the city, the Lieutenant-Governor may issue, on such conditions as are therein set out, letters patent

under the Great Seal of the Province incorporating any person as a non-profit corporation for the purposes of acquiring buildings for housing and of exercising the other powers granted to the city by this article.”

1959-1960,
c. 102,
aa. 964c-
964f,
added.
Petition for
incorpora-
tion.

45. The said charter is amended by adding, after article 964*b*, the following articles:

“**964c.** The city is authorized to file a petition for the incorporation of a non-profit corporation to promote the construction of buildings for housing, industrial and commercial purposes.

Old
Montréal.

“**964d.** The city is also authorized to file a petition for the incorporation of a non-profit corporation to promote construction, restoration and improvement, and housing, commercial and tourist development in the historic district of Old Montréal, carry out itself the restoration and construction of immoveables in the district, and see to it that any agreement between the Government and the city relating to that district is carried out.

Procedure.

“**964e.** The corporations referred to in articles 964*c* and 964*d* shall be established in accordance with the procedure described in article 964*b*.

Joint
adminis-
tration.

The Government or any government body may take part, in conjunction with the city, in the establishment and administration of any such corporations.

Annual
report.

“**964f.** The corporations referred to in articles 964*c* and 964*d* must, not later than 31 March each year, submit to the executive committee a report of their activities for their preceding fiscal period; the report must also include all such information as may be prescribed by the executive committee. The report shall be deposited before the council at the first meeting following the thirtieth day after it has been received by the executive committee.

Additional
informa-
tion.

Such corporations must also furnish at any time to the executive committee any information it requires on their operations.

Presump-
tion.

The corporations are deemed to be municipal corporations for the purposes of the Act respecting the Ministère des affaires intergouvernementales (R.S.Q., c. M-21).”

1959-1960,
c. 102,
a. 1015,
am.

46. Article 1015 of the said charter, amended by section 71 of chapter 77 of the statutes of 1973, section 139 of chapter 77 of the statutes of 1977 and by section 45 of chapter 22 of the statutes of 1979, is again amended by replacing the second paragraph by the following paragraph:

Apportionment.

“Where the cost of construction or maintenance of sidewalks in any street, square or public place is charged to the bordering proprietors, it shall be apportioned proportionately to the number of metres of frontage of their respective immoveables, in accordance with the rate determined according to article 1015c.”

1959-1960,
c. 102,
a. 1015c,
am.

47. Article 1015c of the said charter, amended by section 72 of chapter 77 of the statutes of 1973, section 141 of chapter 77 of the statutes of 1977 and by section 47 of chapter 22 of the statutes of 1979, is again amended by replacing the first and second paragraphs by the following paragraphs:

Uniform rate for sidewalks.

“**1015c.** By a by-law adopted during the month of November each year on a report of the executive committee, and proportionately to the average cost computed in the manner indicated in article 1016, the council shall determine the uniform rate per square metre at which the cost of sidewalks is charged to bordering proprietors pursuant to article 1015.

Proportional cost.

The proportional cost charged to each bordering proprietor shall be the amount obtained by multiplying the uniform rate per square metre determined under this article by the area of the sidewalk, the latter being obtained by multiplying the number of metres of frontage of the land of each of the bordering proprietors, less the exemptions provided for in this charter, by the mean width of the sidewalk or section of sidewalk built.”

1959-1960,
c. 102,
a. 1016,
am.

48. Article 1016 of the said charter, amended by section 29 of chapter 90 of the statutes of 1968, section 14 of chapter 91 of the statutes of 1969, section 73 of chapter 77 of the statutes of 1973, section 142 of chapter 77 of the statutes of 1977 and by section 48 of chapter 22 of the statutes of 1979, is again amended by replacing paragraphs 2 and 3 by the following paragraphs:

Area.

“(2) the area in square metres of the sidewalks;

Average cost.

“(3) the average cost per square metre obtained by dividing the total cost mentioned in paragraph 1 by the area established under paragraph 2.”

1959-1960,
c. 102,
a. 1018,
am.

49. Article 1018 of the said charter, replaced by section 144 of chapter 77 of the statutes of 1977 and amended by section 49 of chapter 22 of the statutes of 1979, is again amended by replacing the first paragraph by the following paragraph:

Charge for paving.

“**1018.** The cost of laying paving on streets, private or public lanes and public places may be charged to the bordering proprietors proportionately to the number of frontage metres of their respective immoveables, at a uniform rate per square metre determined in the manner provided for in articles 1018a and

following, and includes all expenses relating to paving, especially levelling, drains, man holes, curbs, relocation of poles, hydrants and other works, expenses for technical surveys and expenses for inspection and supervision; it also includes all general management expenses not exceeding ten per cent of the total of the expenses listed in this article.”

1959-1960,
c. 102,
a. 1018a,
replaced.

50. Article 1018a of the said charter, amended by section 74 of chapter 77 of the statutes of 1973, by section 145 of chapter 77 of the statutes of 1977 and by section 50 of chapter 22 of the statutes of 1979, is replaced by the following article:

Uniform
rate.

“**1018a.** By a by-law adopted during the month of November each year on a report of the executive committee, and proportionately to the average cost computed in the manner mentioned in article 1018b, the council shall determine the uniform rate per square metre at which the cost of paving is charged to the bordering proprietors pursuant to article 1018.

Proportional
cost.

The proportional cost charged to each bordering proprietor shall be the amount obtained by multiplying the uniform rate per square metre, determined under this article, by the area of the paving, being the product of the number of frontage metres of the land of each of the bordering proprietors, less the exemptions provided for in this charter, by one-half of the average width of the street, lane or public place or portion of a street, lane or public place on which the paving is done.”

1959-1960,
c. 102,
a. 1018b,
am.

51. Article 1018b of the said charter, amended by section 74 of chapter 77 of the statutes of 1973, section 146 of chapter 77 of the statutes of 1977 and by section 51 of chapter 22 of the statutes of 1979, is again amended by replacing paragraphs 2 and 3 by the following paragraphs:

Area.

“(2) the area in square metres of the paving;

Average
cost.

“(3) the average cost per square metre obtained by dividing the total cost by the number of square metres.”

1959-1960,
c. 102,
a. 1019,
am.

52. Article 1019 of the said charter, amended by section 31 of chapter 90 of the statutes of 1968, section 15 of chapter 91 of the statutes of 1969, section 75 of chapter 77 of the statutes of 1973 and by section 147 of chapter 77 of the statutes of 1977, is again amended by replacing paragraph *a* by the following paragraph:

“*a.* the portion of paving over and above a width of 12 metres;”.

1959-1960,
c. 102,
a. 1019a,
added.

53. The said charter is amended by adding after article 1019 the following article:

Cost
limited.

“**1019a.** Notwithstanding any inconsistent provision, the city may enact, by by-law, that the total amount of the cost of laying paving or of a sidewalk or sewer, charged to the bordering proprietors, or that the instalments of local improvement tax to fall due shall be limited in all cases to the amount it determines.

Excess.

The excess cost which cannot be so apportioned shall be paid by the city in accordance with the provisions of article 1043b.”

1959-1960,
c. 102,
a. 1129,
am.

54. Article 1129 of the said charter, amended by section 19 of chapter 91 of the statutes of 1969 and by section 73 of chapter 96 of the statutes of 1971, is again amended by striking out the eighth and ninth paragraphs.

1959-1960,
c. 102,
aa. 1129a-
1129c,
added.
Infraction
ticket.

55. The said charter is amended by adding, after article 1129, the following articles:

“**1129a.** (1) The peace officer who ascertains a violation of a by-law of the city other than those contemplated in article 1139, may issue to the offender, instead of a notice of summons, an infraction ticket.

Form.

(2) The infraction ticket shall consist of a document prepared in triplicate over the signature of the peace officer who ascertained the violation.

Content.

(3) It shall contain

(a) the name, given names and address of the offender;

(b) the nature, date, time and place of the violation;

(c) an attestation from the peace officer that he has delivered a copy of the ticket to the offender.

Release.

“**1129b.** (1) Any person to whom an infraction ticket or a notice of summons has been issued or who has received a summons for a violation on which a report entailed a notice of summons may free himself of any penalty relating to such violation by paying as fine and costs, at the place and within the delay determined by the executive committee, the amount fixed by the council and shown on the document delivered or sent to him.

First
violation.

(2) However, such payment covers only a first violation within a period of twelve months.

Guilt
presumed.

(3) Following payment, the offender shall be considered as having been found guilty of the violation.

Second
violation.

(4) In the case of a second violation, the payment of a notice of summons, infraction ticket or summons bearing the name of the same offender and the same address constitute *prima facie*

evidence of the previous condemnation of the offender without its being necessary to prove his identity.

Summons. (5) The offender being prosecuted by way of summons cannot in any case allege that he did not receive a notice of summons or an infraction ticket.

Complaint not required. (6) With respect to the issue of a writ of summons for an infraction ticket, the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the chief attorney and approved by the executive committee.

Appearance. (7) If an offender who has received a notice of summons or a summons does not avail himself of the provisions governing full payment, proceedings shall be continued and he shall appear in court on the date mentioned.

Failure to appear. (8) If he does not appear, the judge or the clerk acting under the authority of the chief judge may condemn him for the violation described in the summons or in the notice of summons and it shall not be necessary to prove the violation or the officer's signature or his appointment.

Powers of director. "**1129c.** (1) For the purposes of issuing a notice of summons or an infraction ticket, the director of any department of the city, with the authorization of the executive committee, may himself exercise or have any employee of his department having the responsibility of a by-law in regard to which an infraction ticket or a notice of summons may be issued exercise all the powers and duties conferred on peace officers by articles 1129 and 1129a.

Usual manner. (2) The provisions of this article do not prevent the peace officer, the director of a department or the officer he designates from filing a complaint or causing the issuance of a summons against an offender, in the usual manner, if he deems it expedient."

1959-1960, c. 102, a. 1162, am. **56.** Article 1162 of the said charter, replaced by section 22 of chapter 76 of the statutes of 1972, and amended by section 91 of chapter 77 of the statutes of 1973 and by section 173 of chapter 77 of the statutes of 1977, is again amended by replacing the third paragraph by the following paragraph:

Proceedings cancelled. "However, in the case of a 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 subsequent to the payment of the amount due, on an affidavit to that effect signed personally by the director of the police department or the director of the traffic department or by an officer or assistant

authorized by one of them in writing to that effect, 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, such court or one of its judges shall certify the cancellation and the director of finance shall write off the account and remit any amount paid. The affidavit issued by a department director or his representative is valid only in the case of a ticket or of the proceeding arising from a violation ascertained by a member of such department."

Purchase of
lots.

57. The city is authorized to purchase from the Commission des écoles catholiques de Montréal lots 1-513 to 1-522 and 1-501-1, 1-502, 1-503-1 and 1-512-1 of the official cadastre of the Village of Hochelaga with the structures thereupon erected and it shall be released from the restrictions contained in the titles of the Commission des écoles catholiques de Montréal in respect of the use of those immoveables by following the procedure described in the last paragraph of article 36 of the Charter of the city of Montréal.

Exempt
immove-
ables.

58. The immoveables situated in the city of Montréal belonging to institutions or agencies recognized before 31 December 1980 by the Commission municipale du Québec in conformity with paragraph 10 of section 18 of the Real Estate Assessment Act (R.S.Q., c. E-16) or with paragraph 10 of section 204 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72), which were exempt from taxation before the coming into force of the said Real Estate Assessment Act, are, subject to payment of a compensation provided for under either of the acts mentioned above, exempt from all real estate taxes from 1 January 1972 to 31 December 1980.

Presump-
tion.

59. For the purposes of section 530 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72), the roll of rental values, for the purposes of the water tax only, of the towns of Saint-Pierre and Outremont and the cities of Côte Saint-Luc and Westmount, in force on 21 December 1979, is deemed to have been made and deposited on 15 November 1979 in conformity with the Real Estate Assessment Act, for the fiscal period 1980 of the municipalities.

Business
tax.

60. Notwithstanding sections 530 and 531 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72), for the purposes of the business tax only, the valuation commissioner must prepare a roll of rental values for the fiscal period 1980 in accordance with the provisions of the said act. That roll must be deposited before 15 July 1980 and it is then deemed to have come into force on 1 January 1980.

- 61.** Section 575 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72) does not apply to the tax imposed by the city of Montréal under section 248a of the Montréal Urban Community Act (1969, c. 84).
- 62.** Notwithstanding sections 234 and 235 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72), for the purposes of the imposition of the business tax of the city of Montréal for its fiscal periods 1980, 1981 and 1982, the aggregate taxation rate of the city is the quotient obtained by dividing the amount established in accordance with paragraph 1 of section 234 of the said act by the total amount of the taxable values entered on the real estate assessment roll of the city in force for the fiscal period considered.
- 63.** For its fiscal periods 1980, 1981 and 1982, the city of Montréal may, by by-law, impose and levy annually a surtax of \$0.435 per one hundred dollars of assessment of the immoveables the taxable value of which entered on the assessment roll exceeds \$100 000, which immoveables are classified in category II determined and defined by by-law 1976-1 of the Commission municipale du Québec adopted on 29 December 1976 and amended by by-law 1977-1 of the Commission adopted on 21 January 1977 under the Act respecting the Olympics deficit of the City of Montréal and amending the charter of the City of Montréal (1976, c. 52). This surtax applies only to the amount of the taxable value that exceeds \$100 000.
- This surtax is secured by privilege upon those immoveables and the owners are personally liable therefor.
- 64.** For the purposes of the adjustment of the rent proportionate to the reduction of taxes, contemplated in section 573 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72), account must be taken of the surtax imposed under section 63 of this act.
- 65.** The territory of the parish municipality of Saint-Jean-de-Dieu is annexed to that of the city and forms part of Mercier ward.
- All by-laws, ordinances and resolutions of the city apply to the territory of the annexed municipality.
- 66.** No by-law of the city imposing a tax for a fiscal period prior to 1980 may be attacked on the ground that articles 454 and 669 of the charter were not complied with or the by-law was not promulgated by public notice prior to the beginning of the fiscal period.

Price of
water.

67. The Commission municipale du Québec has jurisdiction to fix the price of water supplied to any municipality or to any user of the waterworks outside the limits of the city for the fiscal periods 1977-1978, 1978-1979, 1979 and 1980.

Retro-
activity.

68. Any by-law passed under any of sections 34, 38, 39 and 40 may take effect retroactively to 1 January 1980.

Effect.

69. Sections 18, 19, 20, 25, 32, 33, 41, 61, 62, 63, 64 and 65 have effect as from 1 January 1980.

Effect.

70. Section 23 has effect from 1 January 1981.

Declara-
tory
sections.
Coming
into force.

71. Sections 4, 34 and 66 are declaratory.

72. This act comes into force on the day of its sanction, except section 65, which will come into force on the date fixed by government proclamation. (*)

(*) Section 65 of this act came into force on 3 December 1980 (*Gazette officielle du Québec, 1980, Part II, page 5041*).