



NATIONAL ASSEMBLY

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Bill 222
(Private)

An Act to amend the charter of the City of Laval

Introduction

**Introduced by
Mr David Cliche
Member for Vimont**

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(Private)

An Act to amend the charter of the City of Laval

WHEREAS it is in the interest of the City of Laval that its charter, chapter 89 of the statutes of 1965 (1st session), and the Acts amending it, be again amended and that the city be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The charter of the City of Laval (1965, 1st session, chapter 89) is amended by inserting, after section 31.13 introduced by section 139 of chapter 52 of the statutes of 1989, the following section:

“31.14 The clerk or any employee designated by the clerk shall be authorized by the prosecutor to certify as true any copy of a statement of offence or offence report contained in the court record.”

2. Section 13 of the Act to amend the charter of the City of Laval (1978, chapter 112), replaced by section 3 of chapter 89 of the statutes of 1984 and amended by section 1 of chapter 113 of the statutes of 1987, is again amended by striking out the fifth paragraph.

3. Sections 6 and 7 of the Act to amend the charter of the City of Laval (1987, chapter 113) are repealed.

4. Section 46a of the Cities and Towns Act (Revised Statutes of Québec, 1964, chapter 193), enacted for the city by section 10 of chapter 89 of the statutes of 1965, is amended

(1) by striking out paragraph *h*;

(2) by adding, at the end, the following paragraphs:

“The council may, by by-law, delegate to the executive committee any power other than the power to make by-laws or to impose a tax. It may also determine on what matters the executive committee must, at its request, issue an opinion.

However, the council may not delegate the power to appoint and fix the salary of the director general, assistant directors general, department heads and assistant department heads to the executive committee.”

5. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the city, by inserting, after paragraph 2.2 of subsection 1, the following paragraph:

“(2.3) Enter into contracts for the purpose of conveying or leasing

(a) rights and licences in respect of processes devised by it as well as know-how in its fields of competence and any material allowing subsequent purchasers to use such know-how;

(b) geomatic data or other data concerning its territory.

Such contracts may be entered into for the purpose of a gratuitous conveyance or a loan for use where such conveyance or loan is in favour of the Government, a minister or agency thereof, a municipality, an urban community, a school board or any other non-profit organization.

The processes, know-how and data of bodies created by the city and of the corporations incorporated at the request of the city are processes, know-how and data of the city.

Any contract with a person or body other than a person or body referred to in the second paragraph must be awarded by onerous title, on pain of nullity.”

6. Section 74 of the said Act is replaced, for the city, by the following section:

“**74.** City employees are bound *ex officio* to be loyal to constituted authority.

They shall perform their duties in the public interest, to the best of their ability, with honesty and impartiality, and shall treat the public with consideration and diligence.”

7. Section 412 of the said Act is amended, for the city, by replacing paragraph 22 by the following paragraph:

“(22) To protect the lives and property of the inhabitants and to prevent the risk of fire.

Where the council orders in the fire prevention by-law that all or part of an existing fire prevention code constitutes all or part of the by-law, it may prescribe that amendments to that code or a relevant part of it made after the coming into force of the by-law are also part of it without having to pass a by-law to order the application of every amendment made.

Such an amendment comes into force in the municipality on the date fixed by a resolution of the council; the clerk of the city shall give public notice of the passing of the resolution in conformity with this Act. The amendments to the code or to the applicable part of the code shall be attached to the by-law and shall form part of it upon the coming into force of the resolution.”

8. The said Act is amended, for the city, by inserting, after section 413, the following section:

“413.1 Articles 773 to 794, comprising Chapter III of Title XIX and containing provisions specially applicable to municipal watercourses, articles 811, 815, 818 and 821, the first and last paragraphs of article 828, articles 829, 831, 833 to 837 and article 892 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), adapted as required, apply to watercourses.

For the purposes of the provisions listed in the first paragraph, the municipal inspector shall be appointed by the executive committee of the city.”

9. Paragraph 10 of section 415 of the said Act, replaced for the city by section 6 of chapter 112 of the statutes of 1978 and amended for the city by section 4 of chapter 113 of the statutes of 1987, section 1086 of chapter 4 of the statutes of 1990 and section 3 of chapter 83 of the statutes of 1991, is again replaced, for the city, by the following paragraph:

“(10) To authorize the diversion of traffic in the streets of the city for the performance there of work on roads, including the removal and clearing of snow, and for any other reason of public necessity or emergency and to grant to the competent officers and employees of the city the authority and powers necessary for the carrying out of the by-laws made for such purposes, including the removal and conveyance of any vehicle parked where it hinders the work of the city and the towing of such vehicle elsewhere, particularly to a garage,

at the expense of the owner, with provision that he may recover possession thereof only on paying the actual storage costs and, where the towing costs were not claimed on the statement of offence, on paying the towing costs."

10. The said Act is amended, for the city, by inserting, after section 415, the following section:

"415.1 (1) The council may, by by-law,

(a) authorize, on the conditions and for the rent it determines, certain types of temporary or permanent occupancies of the public property of the city, above as well as under public lands, sidewalks, streets, lanes, municipal stretches of water and streams;

(b) prescribe, where applicable, the manner in which the works relating to such occupancy are to be carried out and the materials to be used;

(c) provide for the revocation by the executive committee of certain particular occupancies that have been authorized under the by-law, upon written notice to that effect, served on the owner of the immovable for which the authorization was granted and published at the registry office at least one month before the revocation;

(d) provide for the removal, at the expense of the owner, of all or any part of the buildings or installations on the public property that do not meet the requirements of an authorization provided for in the by-law.

(2) The executive committee may

(a) authorize, on the conditions and for the rent it determines, certain temporary or permanent occupancies of the public property of the city, above as well as under public lands, sidewalks, streets, lanes, municipal stretches of water and streams that are not the object of a by-law passed in accordance with subsection 1 or that are not authorized under such a by-law;

(b) prescribe, where applicable, the manner in which the works relating to such occupancy are to be carried out and the materials to be used;

(c) provide for the revocation of an authorization granted under paragraph a of subsection 2, upon written notice to that effect, served on the owner of the immovable for which the authorization was granted and published at the registry office at least one month before the revocation.

(3) The owner of an immovable for the use of which an authorization is granted may publish the authorization at the registry office. Where a by-law or a resolution authorizes occupancy of two or more areas in the public domain for the benefit of one immovable only, the right may be published by the owner of the immovable for certain areas of the public domain only.

Publication is effected by way of a notice indicating the title of the by-law or resolution, its number and the date on which it was passed. The second paragraph of article 2995 of the Civil Code of Québec applies to such a notice.

The notice shall be accompanied with a certificate of the clerk of the city attesting that the occupancy described is authorized.

The notice shall request the registrar to make an entry in the register, in respect of each lot affected, stating that occupancy of the public domain is authorized in accordance with the by-law or resolution mentioned in the notice. The certificate need not be kept in the records of the registry office.

(4) Where an authorization for occupancy of an area in the public domain has been published, the revocation thereof must also be published.

Publication of the revocation is effected by way of a notice given by the clerk. The notice shall indicate the title, the number and date of passage of the resolution revoking the authorization and request the registrar to cancel the registration of the authorization in respect of each lot affected.

(5) The owner of an immovable for the use of which an authorization is granted under this section is liable for any damage to property or injury to persons as a result of the occupancy and shall take up the defense of the city and hold the city harmless from any claim made against it by reason of such damage or injury."

11. Section 460 of the said Act is amended, for the city, by inserting, after paragraph 23, the following paragraph:

"(24) To prohibit the parking or the leaving of a vehicle on any land without the authorization of the owner or of the occupant of the said land; determine the conditions and methods of towing and storing, by the city or any person, of the vehicles, at the expense of their owners, and determine a maximum amount for these costs."

12. The said Act is amended, for the city, by inserting, after section 465.18, the following subdivision:

“§ 20.2—*Self-insurance fund*

“465.19 The council may establish, out of the estimated revenues of each annual budget or out of any other source of financing, a reserve fund of up to ten million dollars for the purpose of financing any self-insurance program.”

13. The said Act is amended, for the city, by inserting, after section 573.3, the following section:

“573.3.1 The council may make agreements to entrust, in whole or in part, the administration, operation and management, in its name, of the property belonging to the municipality or of which it has the use and the programs or services within its competence, with the exception of those concerning traffic, peace, public order, decency and good morals.

Sections 573 and 573.1 do not apply to agreements made under the first paragraph where they relate to recreation or community matters, if they are made with non-profit corporations to which the city is authorized to pay subsidies.”

14. Lots 1226 and 1238 of the cadastre of the parish of Saint-Martin are deemed to have been acquired in whole by the city under section 2 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1).

15. No by-law passed by the city before 24 February 1994 may be contested on the ground that it was not read during the sitting at which it was passed.

This section does not apply to cases pending on 23 February 1994.

16. This Act comes into force on (*insert here the date of assent to this Act*).