



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 277
(Private)

An Act to amend the charter of the city of Beauport

Introduction

**Introduced by
Mr Michel Després
Member for Limoilou**

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(Private)

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WHEREAS it is in the interest of the city of Beauport that its charter, chapter 91 of the statutes of 1975, and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 411 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by inserting, after paragraph 1, the following paragraph:

“(2) (a) To authorize all municipal officers and employees to enter, at any time, in public buildings, industrial establishments, places of amusement, hotels, apartment houses, educational and charitable institutions, or in any other premises or place where explosive compounds, shavings, rubbish or other materials, articles, goods or merchandise liable to cause fire are placed or kept, in order to ascertain whether such explosive compounds, shavings, rubbish, or other materials, articles, goods or merchandise are so kept or placed in such a manner as, in the opinion of any such officers or employees, to be a source of a danger of fire;

(b) To compel the owners, tenants, occupants, caretakers, and watchmen of any such public buildings, industrial establishments, places of amusement, hotels, apartment houses, educational and charitable institutions, and any other premises, or places where are placed and kept any explosive compounds, shavings, rubbish, or other materials, articles, goods or merchandise liable to cause fire, to place and keep the same in such a manner that, in the opinion of the officers or employees, they may not cause any fire; to give such municipal

officers and employees the power to order that they be so arranged that there shall be no danger of fire; and to prescribe that, in the event of the by-laws or orders so given not being complied with, the same shall be removed at the expense of the person who does not comply therewith; that person is also liable to such penalty as may be prescribed by the council within the limits of this Act.”

2. Section 412 of the said Act is amended for the city

(1) by inserting, after paragraph 20.1, the following paragraph:

“(20.2) To establish a tariff of costs for the removal or towing of a vehicle parked in contravention of a provision adopted under this Act or the Highway Safety Code. In all cases where it is provided that a vehicle may be removed or towed for a parking violation, the amount prescribed as costs for removal or towing may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (1987, chapter 96);”;

(2) by replacing subparagraph *a* of paragraph 23.1 by the following subparagraph:

“(23.1) (*a*) To require, in the sectors of the city it determines, the owner, tenant, possessor or occupant, under any title, of any building to instal therein one or more of the following apparatus and devices: a smoke detector, a heat detector, an alarm system, an automatic sprinkler, an extinguisher, a fire hose, any other fire warning, fire extinguishing and fire fighting apparatus or device and any fire safety equipment or device;”;

(3) by replacing subparagraphs *a* and *b* of paragraph 44.1 by the following subparagraphs:

“(44.1) (*a*) To regulate or prohibit alarm systems, certain categories of alarm systems or the alarm systems or certain categories of alarm systems installed in certain categories of buildings or establishments; to regulate the operation of alarm systems, require a permit for that purpose and fix the conditions for obtaining such permit;

(*b*) To require the reimbursement of the costs it has incurred in cases of any defect, malfunctioning or unnecessary release of such systems; to determine the cases in which alarm systems are released unnecessarily;”;

(4) by inserting, after subparagraph *e* of paragraph 44.1, the following subparagraphs:

“(f) To require the owner, tenant, possessor or occupant, under any title, of any immovable or any category of immovables, to provide the immovable with any construction item, device, mechanism, alarm system, apparatus or equipment to safeguard or preserve the safety of the property or the health and safety of persons, or to prevent crime;

“(g) To require the owner, tenant, possessor or occupant, under any title, of any immovable provided with the said construction items, devices, mechanisms, apparatus or equipment, to keep them in good working order at all times;

“(h) To grant a subsidy, in such sectors of the city as it may determine or for certain categories of buildings, to defray the installation costs of such apparatus, device, mechanism or equipment in accordance with the conditions determined by by-law; the subsidy may be uniform or different for the various sectors of the city, for the various categories of buildings or a combination of the criteria on which the distinctions are based;

“(i) To compel all persons, firms, companies, or corporations who shall build underground conduits in the streets, thoroughfares or public places of the city, to reserve one duct, in such conduits, sufficiently large for the city to place therein, at its own risk and peril, wires for the alarm and patrol systems of the city, provided that such wires be installed and maintained by the owners of the conduits, if such owners so desire. But in such cases, the city shall indemnify the company or person for the additional costs occasioned to them by the reservation of such duct; such cost shall be established by arbitration in default of an understanding between the parties.”

3. Section 414 of the said Act is amended for the city

(1) by replacing subparagraph 7 by the following subparagraph:

“(7) (a) To license, regulate or prohibit the posting and sale of bills, placards, photographs and advertisements;

(b) To prohibit the posting or exhibiting of obscene or offensive placards, paintings, drawings, photographs, statues or inscriptions in any street or public place, or in any place visible from such street or public place;

(c) To prescribe the requirements respecting the places where it is permitted or prohibited to post bills, placards and advertisements, have them posted or maintain them posted; to require that specific mention be made thereon of the persons who

executed them or for whom they were posted, maintained, sold or executed; to order, where the by-law has not been complied with, that they be removed and that the premises be restored to their former condition within a specified time limit or that at the expiry of that time the city itself be authorized to remove them and to restore the premises to their former condition.”;

(2) by inserting, after subparagraph 13, the following subparagraph:

“(14) To regulate massage parlours.”

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

(1) by replacing paragraph 6 by the following paragraph:

“(6) (a) To establish and maintain parking places or buildings for motor vehicles, install parking chronometers and fix tariffs for the use of such places;

(b) To build, acquire or otherwise establish, operate and manage garages for the parking or storing of motor vehicles, off-street parking lots and parking lots under streets, lanes, parks and public squares, and allow public use of them or offer them for rent, exclusively to certain persons;

(c) To regulate or prohibit the parking of vehicles at such places as it may determine in the streets, lanes and public squares or on any public or private grounds belonging to the city and of which it has the use or possession, including those situated outside its territorial limits used for its water works department as well as in its garages or parking lots open to the public; to fix the rates payable and the manner of collecting the amounts so fixed for the parking of vehicles in certain of those places; to restrict parking to certain categories of vehicles;

(d) To prohibit the drivers of vehicles from parking or leaving their vehicles on private residential property without the authorization of the owner or occupant of the land, or on a lot owned by the city or any of its bodies, mandataries or agents wherever public parking is not authorized; to provide for the towing and impounding of the vehicles at the expense of their owners; to require the prior lodging of a complaint on the offence by the owner or occupant of the lot or his representative.”;

(2) by inserting, after paragraph 39, the following paragraph:

“(40) (a) To prohibit or regulate traffic in the streets, lanes and public squares of the city;

(b) To prohibit temporarily the circulation of vehicles on certain streets or parts thereof, and permit thereon temporary installations for public use. Such installations shall, however, be erected so as to ensure to the bordering properties delivery facilities at certain hours and the municipal services required;

(c) To grant to certain persons the exclusive right to park their vehicles on the roadway of certain streets on such conditions as the by-law may prescribe.”

5. No person may use the seal, emblem or graphic symbol of the city without the authorization of the city.

6. All persons whosoever, other than the riparian owners, who shall not be affected by this Act, are forbidden to use canoes, boats or other vessels for navigating on Des Roches lake, to fish or swim therein or to use a sailboard thereon.

The use of motor vessels by any person whosoever on Des Roches lake is prohibited at all times.

The following persons are riparian owners within the meaning of this section:

(a) any person who is the owner or occupant, as tenant or usufructuary, of a lot of land fronting on Des Roches lake on which is erected a chalet or cottage of the value of at least ten thousand dollars;

(b) any member of the family of such owner or occupant who lives with him;

(c) the guests of such owner or occupant.

Every person who contravenes the provisions of this section or who soils or contaminates, in any manner whatever, the water of a spring, stream, lake, pond, or river which feeds the waterworks of the city, and every person who, voluntarily, soils or contaminates the intake of the waterworks, whether such intake be frozen or not, and every person who deposits in such intake or upon the ice thereof the carcass of any dead animal or any other matter injurious to health, is liable to a fine not exceeding \$1 000.

7. Section 1 of the Act to amend the charter of the city of Beauport (1983, chapter 61) is amended by striking out paragraph 1.

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