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Bill 254
(Private)

An Act to amend the Charter of the city of Québec

Introduction

Introduced by
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Member for Taschereau

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(Private)

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WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Charter of the city of Québec (1929, chapter 95) is amended by inserting, after section 4*g*, the following section:

“**4*h*.** The city, when carrying out works, may enter into an agreement with a public utility enterprise for the carrying out of works for and at the expense of such enterprise.”

2. The said charter is amended by inserting, after section 17*c*, the following section:

“**17*d*.** For the purposes of section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), a member of the council who is a member of the Commission d'urbanisme et de conservation de Québec or the Commission de l'exposition provinciale de Québec is deemed to perform special duties which may entitle him to additional remuneration. The council may, by by-law, fix an additional remuneration for such members even if the members of such bodies who are not members of the council already receive remuneration.”

3. The said charter is amended by inserting, after section 148, the following sections:

"148a. The council may appoint one of its members as vice-chairman to replace the chairman when he is absent or wishes to take part in the deliberations. The vice-chairman, when exercising the duties of chairman of the council, shall assume the same obligations and have the same privileges as the chairman except the right to the additional remuneration provided for in a by-law adopted under the Act respecting the remuneration of elected municipal officers.

"148b. The mayor may submit to the council for approval a motion concerning the appointment of one or two councillors to assist the members of the executive committee as associate councillors. In no case may such a motion be amended. The term of an associate councillor expires at the same time as his term as a member of the council, unless he is replaced as associate councillor by the council on a motion of the mayor. Associate councillors do not sit on the executive committee."

4. Section 149 of the said charter, replaced by section 7 of chapter 42 of the statutes of 1980, is again replaced by the following section:

"149. A majority of the members of the council constitutes a quorum unless otherwise prescribed."

5. Section 157 of the said charter, replaced by section 48 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the words "shall be absent" in the first and second lines by the words "and the vice-chairman are absent".

6. Section 159b of the said charter, introduced by section 49 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 58 of chapter 61 of the statutes of 1984, is replaced by the following section:

"159b. A body called the Personnel Bureau, consisting of the director general, the head of the personnel department and the head of the department concerned with the case submitted, shall make recommendations to the executive committee as to the engagement, promotion, transfer, reduction in rank, suspension and dismissal of any employee of the city, including the employees of the Commission de l'exposition provinciale de Québec, but excluding the director general, the heads of departments and their assistants. For the purposes of the Personnel Bureau, the managing director of the Commission de l'exposition provinciale de Québec is regarded as the head of a department.

The executive committee may authorize the Personnel Bureau to transfer or to suspend for a period of less than six days any employee of the city, including the employees of the Commission de l'exposition provinciale de Québec, but excluding the director general, the heads of departments and their assistants."

7. The said charter is amended by inserting, after section 162*h*, the following section:

"162*i*. The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) does not apply to permanent or regular employees of the city carrying out renovation or restoration work on immovables of the city."

8. Section 186 of the said charter, introduced by section 7 of chapter 80 of the statutes of 1973, is amended by adding, at the end of the first paragraph, the words "It may also prescribe rules of procedure and rules for the internal management of such committees."

9. The said charter is amended by inserting, after section 250, the following section:

"251. Notwithstanding the Amusement Tax Act (R.S.Q., chapter D-14), where the amount paid to take part in an amusement forming part of the activities held during and on the site of the provincial exhibition is not collected in the form of a price of admission, the city may impose, by by-law, in respect of the amusement, an amusement tax based on the linear metre of frontage of occupancy or on any other criteria prescribed by such by-law."

10. The said charter is amended by inserting, after section 309*a*, the following sections:

"309*b*. The council may, by by-law, with respect to a subsidy granted pursuant to a by-law adopted under section 304, 306 or 308 or a subsidy granted pursuant to section 305,

(1) stipulate that any change in the destination or mode of occupancy of the immovable within such time, not exceeding ten years, as the council determines, shall entail repayment to the city, in such proportion as the council determines according to the time elapsed, of the subsidy paid in respect of the immovable, or that any permit which may be required for a change of destination or occupancy may be refused until such repayment is made;

(2) stipulate that repayment of the subsidy shall be exigible from any person who is the owner of the immovable at the time of the change of destination or occupancy;

(3) prescribe the formalities necessary to ensure conformity with the requirements stipulated under subparagraphs 1 and 2, in particular the signing by the owner who received the subsidy of any document establishing the restrictions so stipulated to the right of ownership of the immovable, which document may be required for registration; require, where applicable, that the owner who received the subsidy see to it that the registration is effected.

The registration of any document referred to in subparagraph 3 of the first paragraph is effected by deposit and the registrar is required to receive it and to make mention of it in the index of immovables.

“309c. The council may, for the purposes set forth in sections 304 to 308, fix different rates for subsidies or tax credit according as the recipients are non-profit organizations, housing cooperatives or individuals.

The council may also limit the availability of subsidies to individuals on the basis of household income and, for that purpose, define the notion of household income and prescribe the modes of evaluation and control of such limitation.”

11. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, by section 5 of chapter 104 of the statutes of 1931-32, by section 19 of chapter 111 of the statutes of 1935, by section 67 of chapter 102 of the statutes of 1937, by section 12 of chapter 104 of the statutes of 1938, by section 22 of chapter 102 of the statutes of 1939, by section 27 of chapter 74 of the statutes of 1940, by section 12 of chapter 50 of the statutes of 1943, by section 8 of chapter 47 of the statutes of 1944, by section 20 of chapter 71 of the statutes of 1945, by section 17 of chapter 51 of the statutes of 1948, by section 8 of chapter 63 of the statutes of 1951-52, by section 4 of chapter 36 of the statutes of 1952-53, by section 1 of chapter 67 of the statutes of 1955-56, by section 9 of chapter 50 of the statutes of 1957-58, by section 6 of chapter 96 of the statutes of 1960-61, by section 7 of chapter 66 of the statutes of 1963, by section 5 of chapter 69 of the statutes of 1964, by section 2 of chapter 85 of the statutes of 1966-67, by section 38 of chapter 86 of the statutes of 1969, by sections 29, 30 and 31 of chapter 68 of the statutes of 1970, by section 146 of chapter 55 of the statutes of 1972, by section 29 of chapter 75 of the statutes of 1972, by section 8 of chapter 80 of the statutes of 1973, by section 12 of chapter 97 of the statutes of 1974, by section 15 of chapter

54 of the statutes of 1976, by section 457 of chapter 72 of the statutes of 1979, by sections 23, 45 and 51 of chapter 42 of the statutes of 1980, by section 272 of chapter 63 of the statutes of 1982, by section 17 of chapter 64 of the statutes of 1982, by sections 22, 59 and 60 of chapter 61 of the statutes of 1984, by section 140 of chapter 27 of the statutes of 1985, by section 22 of chapter 116 of the statutes of 1986, by section 17 of chapter 88 of the statutes of 1988 and by section 1 of chapter 81 of the statutes of 1989, is again amended

(1) in paragraph 12*b*

(*a*) by inserting the words “or bill-board” after the word “sign” in the first line of the first paragraph;

(*b*) by inserting the words “or bill-boards” after the word “signs” in the second line of the first paragraph;

(*c*) by inserting the words “or bill-boards” after the word “signs” in the sixth line of the first paragraph;

(*d*) by inserting the words “or bill-board” after the word “sign” in the first line of the second paragraph;

(*e*) by inserting the words “or bill-board” after the word “sign” in the first line of the third paragraph;

(*f*) by repealing the fifth paragraph;

(2) by replacing paragraph 12*c* by the following paragraph:

“12*c*. To define what constitutes a sign or bill-board and determine various categories of signs or bill-boards;”;

(3) by inserting, after paragraph 12*c*, the following paragraph:

“12*d*. For the purposes of paragraphs 12*a*, 12*b* and 12*c*, the words “sign” and “bill-board” include their structures, and the word “owner” includes the proprietor, possessor or occupant of the immovable where a sign, bill-board or poster is located;”;

(4) by inserting, in paragraph 42*a*,

(*a*) after subparagraph 14, the following subparagraph:

“(14.1) regulating or prohibiting, for each zone, the construction, setting up or operation of private heliports or aerodromes;”;

(*b*) after subparagraph 23, the following subparagraph:

“(24) prescribing, for each zone, with or without exceptions for antennas used for public security purposes, provisions relating to the mode and place of installation and the maintenance, number and height of antennas and other similar devices, outside buildings or certain categories of buildings.

Compelling the owner of an antenna which is not or no longer in conformity with any by-law respecting antennas or any amendments thereto to bring it into conformity with such by-laws or amendments or remove it, without indemnity, within the time limits fixed by the council; to fix such time limits according to the various categories of antennas it determines or their cost, provided the time limits are not shorter than one year nor longer than two years from the coming into force of such by-laws or amendments.

Prescribing that antennas that have not been brought into conformity with the by-laws or amendments within the time limits fixed may be removed by the city, without indemnity, after a ninety-day notice in writing is given to the owner, subject to the city's right to remove them at any time when public security so requires.

Ordering that the removal expenses incurred by the city constitute a charge against the property, assimilated to the real estate tax, privileged at the same rank and recoverable in the same manner.”;

(5) by inserting, in paragraph 42c, after subparagraph 8, the following subparagraph:

“(8.1) requiring, as a precondition to the approval of a plan concerning a cadastral operation which results in the creation of a lot smaller than prescribed and which is carried out with a view to alienating the lot to the owner of a contiguous lot, the simultaneous deposit, for approval, of another plan relating to a cadastral operation carried out for the purpose of combining the two lots into a single lot;”;

(6) by inserting the words “, to prescribe the plans and documents to be submitted by the applicant” after the figure “42i” in the second line of paragraph 42k;

(7) by replacing the word “ten” in the sixth line of the first paragraph and in the third line of the second paragraph of paragraph 204 by the word “twenty”.

12. Section 449 of the said charter, as amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

13. The said charter is amended by adding, after section 489*d*, the following sections:

"489e. The city may make by-laws relating to the elimination of air pollutants and, without restricting the generality of the foregoing, to

(1) prohibit or regulate the use and possession of any substance, apparatus, machine, work or installation the use of which may cause the emission of air pollutants as well as any activity which may produce the same effect, and prescribe that such use and such activities are prohibited at all times or during certain periods in the whole territory of the city or in a part only of such territory;

(2) compel every person who owns or uses a substance, an apparatus, a machine, a work or an installation contemplated in subparagraph 1 or who carries on or intends to carry on an activity contemplated in that subparagraph to procure a permit from the city, determine the conditions of granting, suspension or cancellation of the permit and require any such person to submit written reports in the form prescribed by the executive committee on the matters contemplated in subparagraph 1;

(3) prescribe, by ordinance of the executive committee approved by the Ministère de l'Environnement, methods for the collection, analysis and measurement of substances the use of which may cause air pollution and of any pollutant matter; compel any person contemplated in this section to install at the place determined by the head of the department concerned any works he deems necessary to permit the collection and analysis of a source of pollution;

(4) require the owners of immovables to provide their immovables with apparatus to prevent the emission of pollutant matter and determine the duties of persons entrusted with the operation, supervision or upkeep of boilers, furnaces and anti-pollution apparatus;

(5) require the owners of industrial establishments, incinerators or machinery to provide the same with anti-pollution apparatus that eliminate the escaping into the atmosphere of pollutant matter containing more than the proportion permitted by the by-law;

(6) prescribe the manner of disposing of industrial or other residues which it deems to be air pollutants, compel the persons wishing to dispose of such pollutants to do so in the manner prescribed in the by-law or approved by the head of the department concerned and prohibit the abandoning in its territory of any pollutant not dealt with in such manner;

(7) regulate the upkeep of the apparatus, machines, works and installations contemplated in this section;

(8) authorize the head of the department concerned or another officer designated by it for such purposes to halt the emission of air pollutants or any activity relating thereto, or to have it reduced to the extent he determines, for as long as he considers that the presence of such air pollutants constitutes an immediate danger to the life or health of persons, wildlife or vegetation;

(9) limit the period for which the engine of a parked vehicle may be allowed to idle and prohibit the emission of fumes or gaseous emanations from a vehicle, the opaqueness, quantity or concentration of which exceeds the degree fixed by it;

(10) prescribe that any infringement of a by-law or ordinance made under this section or section 489f or 489g entails, as a penalty,

(a) for a first offence, a fine of \$1 000 to \$10 000, with or without costs;

(b) for any subsequent offence committed within 12 months of the previous offence, a fine of \$2 000 to \$20 000, with or without costs.

In no case may the city or the department head or officer contemplated in subparagraph 8 of the first paragraph be prosecuted for an act performed in good faith under the said subparagraph. Any decision made by the department head or officer under the said subparagraph may be appealed from in accordance with sections 96 to 103 of the Environment Quality Act (R.S.Q., chapter Q-2). Notwithstanding the appeal, the decision remains executory unless the Commission municipale du Québec orders otherwise in accordance with section 99 of the said Act.

Any by-law adopted under this section must, to come into force, be approved by the Minister of the Environment.

Any regulation of the Government relating to the same object shall prevail over any by-law made under this section, unless the by-law is approved by the Minister of the Environment in accordance with section 124 of the Environment Quality Act. Where this is the case, the by-law shall prevail to the extent determined by the Minister. Notice of his approval shall be published without delay in the *Gazette officielle du Québec*.

“489f. In carrying out their duties, the officers and employees of the city charged with the enforcement of the by-laws and ordinances passed under section 489e may enter, at any reasonable time,

(1) any premises where there is or may be a substance, an apparatus, a machine, a work or an installation that is subject to such by-laws or ordinances; or

(2) any premises where an activity that is subject to such by-laws or ordinances is or may be carried on.

Such officers or employees may examine the substances, apparatus, machines, works or installations; they may also require the production of books, registers and documents relating to the matters contemplated by such by-laws or ordinances, and require in that respect any other information they deem useful or necessary. A person must comply with such a requirement.

“489g. No person may hinder an officer or employee contemplated in section 489f in the performance of his duties, in particular by misleading him or attempting to mislead him by concealment or by misrepresentation.

The officer or employee shall, if so required, identify himself and produce a certificate signed by the head of the department concerned and attesting to his authority.

“489h. For the purposes of section 489e, “air pollutant” or “pollutant matter” means any substance found in the air in a concentration defined by the by-laws as detrimental to the health of humans or animals or interfering with the life of plants or damaging to material property or causing discomfort to persons, or in a concentration likely to cause any such effect.

“489i. The city is exempt from the obligation to provide a security when requesting an interlocutory injunction to halt an infringement of a by-law or ordinance made under section 489e or an infringement of section 489f or 489g.”

14. Section 548e of the said charter, introduced by section 12 of chapter 80 of the statutes of 1973, amended by section 22 of chapter 54 of the statutes of 1976 and by section 47 of chapter 61 of the statutes of 1984, is again amended by replacing the words “a distinct lot on the official cadastral plan or on a subdivision plan made and deposited in accordance with article 2175 of the Civil Code” at the end of the first paragraph by the words “a single distinct lot on the official plans of the cadastre”.

15. No irregularity or illegality may be invoked against by-laws 3009 “Décrétant une cotisation pour la SIDAC — Mail Centre-Ville

de Québec pour la période débutant le 11 octobre 1983 et se terminant le 31 décembre 1984", 3010 "Décrétant une cotisation pour la SIDAC du Vieux-Québec pour la période débutant le 29 février 1984 et se terminant le 31 décembre 1984", 3042 "Décrétant une cotisation concernant certaines SIDAC pour l'exercice financier 1985", 3141 "Décrétant une cotisation concernant certaines SIDAC pour l'exercice financier 1986", 3224 "Décrétant une cotisation concernant certaines SIDAC pour l'exercice financier 1987" and 3330 "Décrétant une cotisation à l'endroit des membres de certaines SIDAC pour l'exercice financier 1988" on the grounds that they were passed by the council before the coming into force of paragraph 2 of section 21 of chapter 88 of the statutes of 1988. This section does not affect a case pending or a decision or judgment already rendered.

16. The designation of the immovables mentioned in the notice of sale of 3 September 1987, a copy of which was deposited in the registration division of Québec on 3 September 1987 under number 11833, and in a deed of adjudication and sale by the deputy sheriff of the district of Québec on 20 October 1987, is deemed and has always been deemed to be the following:

"A parcel of land known and designated as being part of lot 231-B of the cadastre for the parish of Charlesbourg in the registration division of Québec, irregular in shape, bounded northeasterly by lot 231-B-85, southeasterly by lot 231-B-61 (carré le Barbot), southwesterly by part of lot 231-B (Jeanne Harvey), and northwesterly by lot 231-B-16; measuring 12.15 metres northeasterly, 6.09 metres southeasterly, 17.63 metres southwesterly, 12.14 metres northwesterly. The parcel of land comprises an area of approximately 126.7 square metres, exact measures not guaranteed since no land surveying has been carried out.

An immovable known and designated as being lot 231-B-85.

An immovable known and designated as being lots 232-629 and 232-630 of the same cadastre." (Translation)

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