

NATIONAL ASSEMBLY

FIRST SESSION

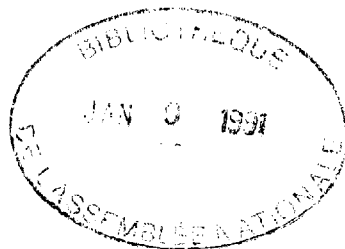
THIRTY-FOURTH LEGISLATURE

Bill 268
(Private)

An Act to amend the charter of the city of Montréal

Introduction

Introduced by
Mr Jacques Chagnon
Member for Saint-Louis



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Bill 268

(Private)

An Act to amend the charter of the city of Montréal

WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Articles 59*a* and 59*b* of the charter of the city of Montréal (1959-60, chapter 102), enacted by section 8 of chapter 97 of the statutes of 1960-61, are repealed.

2. The said charter is amended by inserting, after article 131*b*, the following article:

“131*bb*. The council may, by resolution, appoint one or more deputy secretaries general, on the recommendation of the secretary general to the executive committee and on a report of the executive committee to the council. Such report cannot be amended; it can be rejected only by an absolute majority of the members of the council.

Each deputy secretary general is entrusted, in addition to the powers, duties, attributions, functions or responsibilities devolved upon him in accordance with article 131*hh*, with assisting the secretary general and with assuming responsibility for the services placed under his direct authority by the secretary general. He shall be directly responsible to the latter for his administration.”

3. Article 131*e* of the said charter is amended by striking out the words “deputies and other” in the first paragraph.

4. The said charter is amended by inserting, after article 131*h*, the following article:

“131*hh*. The secretary general may, subject to the conditions he shall determine, delegate or subdelegate to a deputy secretary general the exercise of all powers, duties, attributions, functions or responsibilities granted to him directly or indirectly by the charter, another Act, a regulation, a by-law, a resolution or a delegation.

The delegation may vary for each deputy secretary general and must receive the approval of the executive committee.”

5. Article 172*a* of the said charter, replaced by section 3 of chapter 76 of the statutes of 1972, is replaced by the following articles:

“172*a*. The city may enter into general agreements with other employers to provide for conditions of transfer between pension plans of benefits or assets. These agreements shall be approved for employees of the city by the executive committee and by the committee acting as a pension committee for the plan concerned.

“172*b*. Notwithstanding article 172*a*, agreements entered into before (*insert here the date of the coming into force of this Act*) shall continue to have effect until they are replaced or amended pursuant to the said article.”

6. Article 195*a* of the said charter, enacted by section 15 of chapter 59 of the statutes of 1962 and amended by section 17 of chapter 84 of the statutes of 1965 (1st session) and by section 464 of chapter 72 of the statutes of 1979, is repealed.

7. Article 462 of the said charter, replaced by section 1091 of chapter 4 of the statutes of 1990, is replaced by the following article:

“462. The council may, by by-law, prescribe a fine, of a fixed or variable amount, not exceeding \$1000, for any offence against a provision of a by-law within its competence.”

8. Article 464*a* of the said charter, replaced by section 1093 of chapter 4 of the statutes of 1990, is amended

(1) by inserting the words “fire prevention,” after the word “respecting”;

(2) by striking out the words “as a penalty” after the words “may prescribe”.

9. Article 465 of the said charter, replaced by section 14 of chapter 71 of the statutes of 1982 and amended by section 1094 of chapter 4 of the statutes of 1990, is replaced by the following article:

“465. Notwithstanding article 462, the council, by by-law, may impose, for failure to hold a permit or licence required under a by-law, a fine equal to the amount of the special tax imposed for the object of the permit or licence or to the cost of the permit or licence, as the case may be.

The council may prescribe that, for any subsequent conviction, the amount of the fine be equal to twice the amount of the fines provided for in the first paragraph.

The imposition of a fine on the offender does not exempt him from the obligation to pay the special tax and to obtain the permit or licence required.”

10. Article 466 of the said charter, enacted by section 15 of chapter 71 of the statutes of 1982, is replaced by the following article:

“466. Where the offender is a corporation, the council may prescribe, by by-law, that the amount of the fine imposed be equal to twice the amount of the fine prescribed.”

11. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-61, section 8 of chapter 71 of the statutes of 1964, section 21 of chapter 84 of the statutes of 1965 (1st session), section 5 of chapter 90 of the statutes of 1968, section 4 of chapter 91 of the statutes of 1969, section 205 of chapter 19 of the statutes of 1971, section 20 of chapter 96 of the statutes of 1971, section 57 of chapter 77 of the statutes of 1973, sections 45 and 183 of chapter 77 of the statutes of 1977, section 23 of chapter 64 of the statutes of 1982, section 1 of chapter 59 of the statutes of 1983, section 145 of chapter 27 of the statutes of 1985, section 26 of chapter 111 of the statutes of 1987, section 11 of chapter 87 of the statutes of 1988, section 10 of chapter 80 of the statutes of 1989, and by section 3 of Bill 200 of 1990, is again amended

(1) by adding, after paragraph 6.1, the following paragraph:

“6.2 For the purpose of the protection of youth, compel the owner or operator of an establishment contemplated in paragraphs 57.1 and 57.4 or any other establishment or class of establishments that the council judges harmful to minors or to a class of them:

(a) to refuse admission of minors or a class of them to such an establishment;

(b) to authorize the admission of such persons, on the conditions and within the limits that the council imposes, having regard, particularly, to places, hours and days or to whether they are accompanied by an adult;”;

(2) by inserting, after paragraph 57, the following paragraphs:

“57.1 Regulate erotic viewing halls, stores offering erotic articles, establishments where erotic shows are performed or which exploit eroticism; prescribe that the operation of such an establishment or of such an activity in an establishment may not be continued by acquired right beyond a period of 2 years after the coming into force of a by-law from which this establishment or this activity derogates, and this without compensation for the loss of these acquired rights; regulate these establishments differently according to the zones or places in which they are situated, and according to hours, days, periods of operation or any combination of these elements;

“57.2 Prohibit the exhibiting or keeping of an image representing the human body on the outside of an establishment contemplated in paragraph 57.1 or in a place visible from the outside of such establishments;

“57.3 Prohibit the presentation of an erotic show on the outside of the establishments contemplated in paragraph 57.1 or in a place visible from the outside of such establishments;

“57.4 Particularly in the interest of morality, public order or the protection of youth, define amusement halls, determine the classes of amusement halls and regulate them differently, and require that the employees of such establishments secure a work permit issued on the conditions fixed by the by-law;

“57.5 Particularly in the interest of morality, public order or the protection of youth, prescribe for all or part of the territory of the city the maximum number of establishments contemplated in paragraphs 57.1 and 57.4, the minimum distance between these establishments and the maximum floor area which may be used by such establishments; prohibit the use for such purposes of any floor area or of any premise above the area or maximum number permitted or short of the minimum distance prescribed;”;

(3) by replacing paragraph 71 by the following paragraph:

“71. (a) Regulate or prohibit the keeping of animals or classes of animals and limit the number thereof that a person may keep in or about an immovable;

(b) Require that, in order to be entitled to keep an animal, the owner or guardian be holder of a licence;

(c) Prohibit the owner or guardian from allowing animals to stray in the city and authorize the summary disposal of these animals or their impounding and sale for the benefit of the city or of any firm or person that the city deems expedient to designate;

(d) Compel any owner or guardian of an animal to remove the excrements whether on public or private property, determine the method of disposing thereof and compel the said owner or guardian to have the tools necessary for such purpose;

(e) Allow the city to enter into agreements with any person or organization for the purpose of authorizing them to collect the cost of animal licences and to apply a city by-law respecting these animals.

The person or organization with which the city enters into an agreement and its employees are deemed to be officers or employees of the city for the purposes of the collection of the cost of the licences and the application of the city by-law.

A by-law adopted under this paragraph shall only apply in a district of the city determined by the council. The requirements of the by-law may vary according to the districts of the city and the classes of animals determined by the council.

A by-law adopted under this paragraph takes precedence over any inconsistent provision of this Act or of the Agricultural Abuses Act (R.S.Q., chapter A-2)."

12. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, section 46 of chapter 77 of the statutes of 1977, sections 9 of chapter 40 and 8 of chapter 41 of the statutes of 1980, section 18 of chapter 71 of the statutes of 1982 and by section 24 of chapter 64 of the statutes of 1982, is again amended

(1) by striking out the words "pin-ball machines," in paragraph 4;

(2) by replacing paragraph 33 by the following paragraphs:

"33. Regulate or prohibit slot machines and, for such purposes: define them, require a permit for their operation, limit their number by class or otherwise;

"33a. Regulate amusement devices, and for such purposes: define them, require a permit for their operation, limit their number

by class or otherwise, establish different standards according to zones, streets or places; prohibit certain amusement devices of which the operation may endanger the consumer; prescribe that an amusement device operated without a permit or for which the duties respecting amusement are unpaid may be confiscated; authorize the destruction of property so confiscated or, in the circumstances and on such terms as the council shall determine, authorize the disposal thereof; prohibit or limit the replacement of amusement devices in establishments where they are operated by acquired rights;”.

13. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, section 54 of chapter 59 of the statutes of 1962, section 19 of chapter 70 of the statutes of 1963 (1st session), section 9 of chapter 71 of the statutes of 1964, section 23 of chapter 86 of the statutes of 1966-67, section 47 of chapter 77 of the statutes of 1977, section 16 of chapter 22 of the statutes of 1979, section 20 of chapter 71 of the statutes of 1982, section 3 of chapter 59 of the statutes of 1983, section 1 of chapter 75 of the statutes of 1984, section 6 of chapter 117 of the statutes of 1986 and by section 11 of chapter 80 of the statutes of 1989, is again amended by adding, after paragraph 44, the following paragraphs:

“45. Regulate the exhibition and sale of artistic works or handicrafts on public property, and particularly:

(a) require that artists, artisans or their agents secure a permit or licence, on such terms and conditions as it shall determine, and limit the number thereof;

(b) determine the places where artists, artisans or their agents may engage in their activities;

(c) determine the types or classes of works which may be put on sale or exhibited and the processes of production, which may vary according to the types or classes;

(d) compel, in the case of a reproducible, limited edition work, that the work put on sale or exhibited indicate the total number of copies produced of the said work and the rank of each copy belonging to the edition;

(e) create an evaluation committee, of which it shall determine the composition, responsible for assessing whether the works which an artist, an artisan or their agent intend to exhibit or put on sale on public property meet the requirements of a by-law adopted under this paragraph;

“46. Regulate the activities of mimes, jugglers, acrobats, singers, musicians and other public entertainers or showmen on public property, and particularly:

(a) require that mimes, jugglers, acrobats, singers, musicians and other public entertainers or showmen secure a permit or licence, according to the terms and conditions which it shall determine and limit the number thereof;

(b) determine the places where these persons may engage in their activities.”

14. 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 1966-67, section 7 of chapter 90 of the statutes of 1968, 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, section 48 of chapter 77 of the statutes of 1977, section 82 of chapter 7 of the statutes of 1978, section 10 of chapter 40 of the statutes of 1980, section 21 of chapter 71 of the statutes of 1982, section 670 of chapter 91 of the statutes of 1986, section 2 of chapter 86 of the statutes of 1988, section 12 of chapter 87 of the statutes of 1988, section 12 of chapter 80 of the statutes of 1989 and by section 4 of Bill 200 of 1990, is again amended by inserting, after paragraph 15, the following paragraph:

“15.1 Subject the issue of a permit for building or alteration with respect to a project contemplated by article 612.1 or any other project, to prior approval by the executive committee of plans relating to the layout, architecture and design of buildings or to the laying out of grounds and to the work related therein.

The by-law shall:

(a) indicate the parts of the territory of the city or the types or classes of projects or work contemplated;

(b) determine the applicable requirements of layout, architecture and design;

(c) prescribe the procedure with respect to the application for a building or alteration permit where the issue of the permit is subject to the approval of plans and prescribe the documents required;”.

15. The said charter is amended by inserting, after article 612, the following article:

“612.1 The council may adopt a by-law governing the approval of the projects contemplated in articles 612a and 612c.

The by-law shall:

(1) determine the requirements for assessing the advisability of projects;

(2) prescribe the procedure with respect to the approval of projects and prescribe the documents required.”

16. Article 612a of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972, amended by section 62 of chapter 77 of the statutes of 1977, section 17 of chapter 40 of the statutes of 1980, section 32 of chapter 71 of the statutes of 1982, section 7 of chapter 117 of the statutes of 1986 and by section 29 of chapter 111 of the statutes of 1987, is again amended

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

“612a. The council may, by by-law, allow derogation from any city by-law for the construction, alteration or occupancy of one or more works under, above, or on any land having an area of at least 8000 m² for an industrial project, 4000 m² for a commercial project, a commercial and housing project, an industrial and housing project, an industrial and commercial project, or a commercial, housing and industrial project, and 2000 m² for a housing project or a commercial and housing project where 80 % of the floor area above the ground is to be used for housing purposes, and make this authorization subject to the fulfillment of any requirement not provided for by a city by-law or derogating from such a by-law.”;

(2) by striking out the third paragraph.

17. Article 612b of the said charter, enacted by section 30 of chapter 111 of the statutes of 1987, is amended by replacing the word “plan” by the word “project” wherever it is found in this article.

18. The said charter is amended by inserting, after article 612b, the following articles:

“612c. The minimum area requirements provided for in article 612a do not apply in the case of a project to be constructed in the territory bounded on the north by Côte-des-Neiges road to des Pins avenue, and thence, by des Pins avenue to St-Laurent boulevard, easterly, by St-Laurent boulevard to Sherbrooke street; northerly, by Sherbrooke street to St-Hubert street; easterly, by St-Hubert

street to Viger avenue; northerly, by Viger avenue to Panet street; easterly, by Panet street and the southern extension of Panet street to the eastern extension of de la Commune street; southerly, by the eastern extension of de la Commune street, and by de la Commune street to Mill street; thence, by Mill street to Lachine canal; southwesterly, by Lachine canal to the southern extension of Guy street; westerly, by the southern extension of Guy street and by Guy street to Ville-Marie autoroute; southerly, by Ville-Marie autoroute to the eastern limit of the city of Westmount; westerly, by the eastern limit of the city of Westmount to Côte-des-Neiges road.

“612d. The council may, by by-law, create an advisory commission entrusted with the review of projects of construction or alteration of immovables, under the name of the Jacques-Viger Commission.

By this by-law, the council may:

(1) determine the composition of the commission, its duties and the qualifications of its members;

(2) entrust the commission with formulating notices and making recommendations respecting the business of town planning, development, architecture and design, particularly with regard to the approval of projects contemplated in article 612.1 and in paragraph 15.1 of article 524;

(3) designate the service or officers of the city to which the commission shall report;

(4) decide as to any matters relating to the operation of the commission.

The members of the commission shall be appointed by the council, on the recommendation of the executive committee, for the term and duties provided for by the by-law.”

19. Article 707a of the said charter, enacted by section 64 of chapter 59 of the statutes of 1962, amended by section 34 of chapter 96 of the statutes of 1971, section 14 of chapter 76 of the statutes of 1972, section 68 of chapter 77 of the statutes of 1973, section 1 of chapter 85 of the statutes of 1975, section 14 of chapter 52 of the statutes of 1976, section 213 of chapter 38 of the statutes of 1984 and by section 27 of chapter 87 of the statutes of 1988, is again amended by replacing, in paragraph 1, the words “one hundred million dollars” by “10 % of the credits provided for in the budget of the current fiscal year of the city. However, if the amount of the fund exceeds the

percentage provided for because the budget of a subsequent fiscal year carries fewer credits than the year used to fix this amount, the amount may remain unchanged;”.

20. Article 787c of the said charter, replaced by section 150 of chapter 27 of the statutes of 1985, is amended

(1) by replacing the words “to compensate for any increase in real estate taxes that may result from the reassessment of the immovable after completion of the work” by the words “or business tax credit in consideration for admissible work effected on the immovables.”;

(2) by adding the following paragraph:

“The tax credit granted may in no case exceed the actual cost of the work. It may be divided over more than one fiscal year.”

21. The said charter is amended by inserting, after article 787c, the following article:

“787cc. Within the scope of a plan of action fostering property accession, the council may, by by-law, on the conditions and in the districts it shall determine, grant subsidies to individuals who acquire residential immovables and who become owners for the first time.

Such subsidy may be granted in the form of a real estate tax credit.”

22. Article 801 of the said charter, amended by section 36 of chapter 84 of the statutes of 1965 (1st session), section 8 of chapter 91 of the statutes of 1969, section 117 of chapter 77 of the statutes of 1977 and by section 43 of chapter 87 of the statutes of 1988, is again amended by adding, after paragraph 48, the following paragraph:

“49. The vending machines that it determines.”

23. Article 846 of the said charter is amended

(1) by replacing the words “, provided that such rolls are not otherwise altered or changed.” by the words “. It may equally correct errors of calculation and clerical errors in the collection rolls and make therein the entries necessary for this purpose.”;

(2) by adding the following paragraph:

“When the director of finance has corrected a roll for the purposes provided for in the first paragraph, he shall inform the ratepayers affected by means of a notice sent by registered or certified mail.”

24. Article 964ff of the said charter, enacted by section 18 of chapter 59 of the statutes of 1983 and amended by section 48 of chapter 87 of the statutes of 1988, is again amended by adding, after the second paragraph, the following paragraph:

“The executive committee may require the repayment to the city of all or part of the funds of a paramunicipal corporation which it deems to be an overpayment.”

25. Article 1105 of the said charter, replaced by section 33 of chapter 18 of the statutes of 1978, is amended by replacing, in the second paragraph, the words “shall not be renewed” by the words “may be renewed for a maximum period of seven years”.

26. Notwithstanding article 612.1 of the charter of the city of Montréal (1959-60, chapter 102), the council may, until a by-law is adopted under the said article, exercise the powers granted to it by articles 612a, 612b and 612c of the said charter.

27. Article 23 is declaratory.

28. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the council may contribute financially, directly or indirectly, to the maintenance of a franchise of the National Baseball League within the city limits.

Without limiting the generality of the foregoing, the city may, in particular:

- (1) acquire share capital;
- (2) give or lend money or other security;
- (3) guarantee, by endorsement or otherwise, any sum of money borrowed;
- (4) borrow the sums necessary for such financing.

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