



NATIONAL ASSEMBLY

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Bill 250
(Private)

An Act to amend the charter of the city of Longueuil

Introduction

Introduced by
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Bill 250

(Private)

An Act to amend the charter of the city of Longueuil

WHEREAS it is in the interest of the city of Longueuil that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. On the date fixed by the Government, articles 9, 10, 12 to 16, the third paragraph of article 55, the provisions of articles 62 and 63 relating to statements of offence, the words "statement of offence or" in paragraph 2 of article 71, the second paragraph of article 90, articles 91, 142, 144 to 149, 156 to 168, the third paragraph of article 169, paragraph 5 of article 174, article 180, subparagraph 4 of the first paragraph of article 184, the reference made in article 185 to paragraph 4 of article 184, the first paragraph of article 187, article 188, the third paragraph of article 222, the words "or under article 165" in article 246, article 261, the first paragraph of article 262, articles 263 and 264 and article 366 of the Code of Penal Procedure (1987, chapter 96, amended by chapter 4 of the statutes of 1990) become applicable to offences which may be tried before the Municipal Court of the city of Longueuil.

2. On the date of coming into force of section 1 of this Act, the provisions of paragraphs 1 to 9 of article 372 and of article 373 of the Code of Penal Procedure, introduced by section 11 of chapter 4 of the statutes of 1990, cease to have effect for the city of Longueuil.

3. Every notice of summons, information or summons issued before the coming into force of section 1 of this Act as well as every act undertaken or accomplished, decision made or proceeding drawn up in accordance with the rules of penal procedure which were

effective before those that apply pursuant to section 1 of this Act, remains valid.

Such a notice of summons, information or summons is, on the date fixed for a first appearance in court, equivalent to a statement of offence if it indicates that the prosecutor is requesting only the minimum penalty provided for by law. Where such is the case, the defendant shall appear by way of a summons, to enter a plea of guilty or not guilty and the proceedings shall be continued, with the necessary changes, in accordance with the provisions applicable to offences which may be tried before the Municipal Court of the city of Longueuil.

However, the judge shall allow a statement of offence to be served forthwith upon the defendant at the time of his appearance by summons, where the penalty requested by the prosecutor is not indicated in the information or summons or where the prosecutor intends to request a penalty greater than the minimum penalty provided for by law. The judge must in that case give the person an opportunity to enter a plea of guilty or not guilty. The person may in addition avail himself of the time specified in the statement for entering a plea.

If the person pleads guilty at his appearance, the judge shall find him guilty of the offence and impose a sentence on him according to law. If the person pleads not guilty, the judge shall set a date for the trial.

4. The city of Longueuil, by by-law subject to Government approval, may prescribe

(1) the form of statements of offence and of offence reports required for the prosecution of offences which may be tried before the Municipal Court of the city;

(2) the court fees payable under the Code of Penal Procedure and the costs that may be awarded against a party in first instance.

These by-laws shall cease to have effect when replaced by regulations of the Government made under article 367 of the Code of Penal Procedure.

5. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the city,

(1) by replacing the third and fourth paragraphs of paragraph 20 by the following paragraphs:

“The authorized person is also empowered to move or impound a vehicle or to cause it to be moved or impounded in the cases of urgency determined by by-law where the vehicle hinders or is likely to hinder snow removal operations or where it is parked in contravention of a by-law and, in any of those cases, the owner may resume possession of the vehicle only on payment of the actual impounding costs and of the towing costs indicated in the tariff established under paragraph 20.2, where the costs were not claimed in the notice of summons or, after the coming into force of sections 1 to 4 of the Act to amend the charter of the city of Longueuil (1991, chapter *insert here the chapter number of the said Act*), in the statement of offence or, if there is no such tariff, on payment of the actual towing costs.

The person in possession of a notice of summons or, after the coming into force of sections 1 to 4 of the Act to amend the charter of the city of Longueuil (1991, chapter *insert here the chapter number of the said Act*), of a statement of offence may avoid the filing of a complaint against him by appearing at the place determined by by-law and indicated in the notice of summons or statement of offence and by paying, as a fine, the sum fixed by the by-law. The sum must not exceed \$30 for a parking contravention and \$75 for the contravention of any other by-law to which this paragraph applies, except the contravention of any provision adopted under paragraph 4, 5 or 8 of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2), in which case the sum must be equal to the minimum amount fixed under the said Code for a fine relating to the contravention of any provision of that Code regarding the same matter. The payment of the fine and the receipt given by the person designated by the council shall free the offender from any other penalty relating to that offence.”;

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

“(20.2) To establish a tariff of towing costs for vehicles parked in contravention of a by-law, which can be claimed in the notice of summons or, after the coming into force of the provisions of sections 1 to 4 of the Act to amend the charter of the city of Longueuil (1991, chapter *insert here the chapter number of the said Act*), in the statement of offence and collected in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (1987, chapter 96);”.

6. Section 415 of the said Act is amended, for the city,

(1) by replacing paragraph 10 by the following paragraph:

“(10) To authorize the diversion of traffic in the streets of the municipality for the performance there of roadwork, including the

removal and clearing of snow, and for any other reason of necessity or emergency and to grant to the competent officers and employees of the municipal corporation the authority and powers necessary to ensure compliance with the by-laws made for such purposes, including the removal and conveyance of any vehicle parked where it hinders the work of the corporation 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 impounding costs and the towing costs indicated in the tariff established under paragraph 20.2 of section 412, where the costs were not claimed in the notice of summons or the statement of offence after the coming into force of sections 1 to 4 of the Act to amend the charter of the city of Longueuil (1991, chapter *insert here the chapter number of the said Act*), or failing such a tariff, on payment of the actual towing costs;”;

(2) by inserting, after paragraph 20, the following paragraph:

“(20.1) To prohibit the depositing of brochures, circulars, leaflets, printed material, prospectuses, advertisements, folders, samples or other advertising material on private land and prescribe the conditions on which such material may be delivered there; to regulate the distribution of such material and compel the distributors to control the depositing of the advertising material by their employees or by subcontractors; to require that distributors identify themselves on the advertising material distributed; to compel distributors of advertising material or their subcontractors to hold a permit to distribute advertising material;”;

(3) by inserting, after paragraph 30.1, the following paragraphs:

“(30.2) To regulate or prohibit parking on any land or in any building owned by the city, provided the applicable provisions are conveyed by means of appropriate signs;

“(30.3) To grant certain groups or categories of persons, at all times or in certain periods in the year, the exclusive right to park their vehicles on certain streets on conditions set forth in the by-law and, in addition, provided the applicable provisions are conveyed by means of appropriate signs;”.

7. Paragraph 17 of section 426 of the Cities and Towns Act (R.S., 1964, chapter 193), replaced for the city of Longueuil by section 3 of chapter 101 of the statutes of 1971 and section 4 of chapter 82 of the statutes of 1977, and amended by section 1013 of chapter 4 of the statutes of 1990, is repealed.

8. The city of Longueuil may, by by-law, order that the city, on conditions it determines and in a former part of its territory in which a special planning program respecting the conversion, restoration or demolition of immovables is in force, grant a subsidy for the purposes of favouring any work complying with that program.

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

9. For the purposes mentioned in section 8, the council may fix rates of subsidies which may vary according to whether the recipients are non-profit organizations, housing cooperatives or individuals.

The council may also restrict access to subsidies for individuals on the basis of the maximum eligible household income and, for that purpose, define the notion of household income and provide for methods for evaluating and controlling such restriction.

10. The council may, by by-law, require the applicant for a subsidy mentioned in section 8,

(a) to obtain subsidies available under provincial and federal programs for the same purposes; and

(b) to produce an agreement between owners and lessees signed by a majority of such owners and lessees and concerning the nature of the work to be performed and any rent increases, where that is the case.

Similarly, the council may require the recipient of a subsidy to prove, as prescribed by the council, that the sums received as subsidy are deducted from the costs of the work taken into account in fixing the rents after completion of the work.

11. Where a subsidy provided for in section 8 is granted considering the destination or occupancy of an immovable, the council may, by by-law,

(a) stipulate that the change in the destination or occupancy of the immovable, within such time as it may fix but not exceeding nine years, entails the repayment to the city, in such proportion as it determines according to the period elapsed, of the subsidy paid by the city in respect of that immovable, or that any permit which may be required to effect a change of destination or occupancy may be refused until such repayment is made;

(b) provide that the repayment of the subsidy shall be exigible from any person who owns the immovable at the time of the change of destination or occupancy;

(c) prescribe the formalities necessary to guarantee that the requirements stipulated for the purposes of subparagraphs *a* and *b*, in particular the signing by the owner to whom the subsidy is granted of any document establishing the restrictions thus stipulated to the right of ownership of the immovable, which may be required for registration purposes; compel, as the case may be, the owner to whom the subsidy is granted to carry out such registration.

Every document mentioned in subparagraph *c* of the first paragraph shall be registered by deposit and the registrar shall receive it and mention it in the index of immovables.

12. Notwithstanding section 573.4 of the Cities and Towns Act (R.S.Q., chapter C-19), paragraph 1 of section 573 of the said Act is amended for the city by replacing the figure “\$25 000” by the figure “\$50 000”.

13. Notwithstanding section 573.4 of the Cities and Towns Act (R.S.Q., chapter C-19), section 573.1 of the said Act is amended for the city by replacing the figure “\$5 000” by the figure “\$15 000” and the figure “\$25 000” by the figure “\$50 000”.

14. When a special planning program for urban redevelopment or regrouping of lands in part of its territory and planning by-laws consistent with such a program are in force, the city of Longueuil may carry out any program of acquisition of immovables provided for in the special planning program for the purpose of alienating or leasing the immovables for purposes that are specified in the program.

Sections 28.2 to 28.4 of the Cities and Towns Act (R.S.Q., chapter C-19), adapted as required, apply for the purposes of the first paragraph.

15. For the purposes of Chapter IV of the Cultural Property Act (R.S.Q., chapter B-4), the advisory committee is the committee which may be established by the city of Longueuil under section 63 of the said Act.

The second paragraph of section 64 and the first paragraph of section 65 of the said Act do not apply for the purpose of establishing the committee.

16. Where the chairman of the Municipal Housing Bureau of Longueuil is also councillor of that city, he may receive such additional remuneration as is fixed by the council, notwithstanding section 2 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

The total amount of basic and additional remuneration received by the councillor shall not exceed 90 % of the total amount of basic and additional remuneration received by the mayor.

17. This Act comes into force on (*insert here the date of assent to this Act*), except sections 1 to 4 which will come into force on the date fixed by the Government.