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Bill 294
(Private)

An Act to amend the Charter of the city of Québec

Introduction

Introduced by
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Bill 294

(Private)

An Act to amend the Charter of the city of Québec

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 adding, after section 4*h*, the following section:

“**4i.** The council may, by by-law, prescribe rules for the awarding of contracts which allow the price of a tender to be weighted taking into consideration the amount of tax paid to the city of Québec by a tenderer. The council and the executive committee are authorized to award the contract, without the authorization of the Minister of Municipal Affairs, to the person who has submitted the lowest tender account being taken of such rules.”

2. Section 16 of the said charter, replaced by section 4 of chapter 42 of the statutes of 1980, is amended by striking out the words “Besides the allowances contemplated by section 15,” in the first line.

3. Section 159*a* of the said charter, enacted by section 49 of chapter 81 of the statutes of 1965 (1st session), amended by section 2 of chapter 85 of the statutes of 1966-67, by section 3 of chapter 80 of the statutes of 1973, by section 8 of chapter 42 of the statutes of 1980, by section 3 of chapter 61 of the statutes of 1984, by section 5 of chapter 116 of the statutes of 1986, by section 7 of chapter 33 of the statutes of 1988 and by section 5 of chapter 88 of the statutes of 1988, is again amended

(1) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) create by by-law the various city departments, establish or modify their field of activity, and amalgamate or abolish them;”;

(2) by replacing subparagraph *i* of the first paragraph by the following subparagraph:

“(i) make agreements to entrust, in whole or in part, the administration, operation and management, in its name, of the property belonging to it or of which it has the use of and the programs or services within its jurisdiction, with the exception of those concerning traffic, peace, public order, decency and good morals;”;

(3) by striking out the second paragraph.

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

“**162i.** 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 who carry out construction, repair, renovation or restoration work on immovables of the city.”

5. Section 174 of the said charter, amended by section 7 of chapter 61 of the statutes of 1984, is again amended by adding, after the fourth paragraph, the following paragraphs:

“Notwithstanding the time that may have lapsed before approval and signature by the mayor or any other person designated, or the time that may have lapsed before it is reaffirmed by the council, a by-law, resolution, obligation or contract shall be deemed to have been adopted, approved and put into force at the time of its original adoption, approval and coming into force, with the exception, however, of any provision instituting an offence, which comes into force at the time the by-law containing such provision is signed or reaffirmed by the council.

If the absolute majority refuse to reaffirm the by-law, resolution, obligation or contract, it shall be deemed never to have been adopted, approved or put into force.”

6. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session), amended by sections 2 and 12 of chapter 85 of the statutes of 1966-67, by section 11 of chapter 8 of the statutes of 1970, by section 6 of chapter 97 of the

statutes of 1974, by section 10 of chapter 54 of the statutes of 1976, by section 2 of chapter 22 of the statutes of 1979, by section 11 of chapter 42 of the statutes of 1980, by sections 8 and 58 of chapter 61 of the statutes of 1984 and by section 136 of chapter 27 of the statutes of 1985, is again amended

(1) by striking out the words "before the first of December each year," in the first and second lines of subparagraph *b* of paragraph 7;

(2) by striking out paragraph 20;

(3) by adding, after paragraph 29, the following paragraph:

"(30) The executive committee is authorized to fix the sale or rental price for property or services provided by the city.

In the case of an application for the amendment of a zoning by-law, the executive committee may prescribe that a notice be posted, in the manner it determines, indicating the nature of the application for amendment."

7. Section 244 of the said charter, replaced by section 11 of chapter 61 of the statutes of 1984, is repealed.

8. Section 248 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 2 of chapter 85 of the statutes of 1966-67 and by section 1151 of chapter 4 of the statutes of 1990, is again amended by replacing the words "five hundred dollars" in the last line by the amount "\$1 000".

9. Section 286 of the said charter, replaced by section 21 of chapter 68 of the statutes of 1970, amended by section 11 of chapter 22 of the statutes of 1979 and by section 15 of chapter 61 of the statutes of 1984, is again amended

(1) by striking out the words "of not less than one per cent of the total anticipated revenue," in the first, second and third lines of paragraph *c*;

(2) by striking out the words "equal to at least one-half of one per cent of the assessment for the year," in the first and second lines of paragraph *d*.

10. Section 291 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 2 of chapter 85 of the

statutes of 1966-67 and by section 1154 of chapter 4 of the statutes of 1990, is again amended by replacing the words "five hundred dollars" in the fourth and fifth lines by the amount "\$1 000".

11. The said charter is amended by adding, after section 305, the following section:

"305a. The council may, by resolution, authorize payment of a subsidy, in the sectors and on the conditions it determines, for the construction and development of parking areas. The amount of the subsidy shall in no case exceed the actual cost of the work."

12. The said charter is amended by adding, after section 307a, the following section:

"307b. Within the scope of a program of improvement the council may, by by-law, on the conditions and in the sectors it determines, grant subsidies or tax credits to individuals or housing cooperatives to facilitate the acquisition of residential property."

13. Section 309a of the said charter, enacted by section 139 of chapter 27 of the statutes of 1985, is replaced by the following section:

"309a. Sections 303 to 309, 312a, 313, 314a and paragraphs 44a, 45, 45a, 65 and 105 of section 336 and section 539 apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15)."

14. Section 309b of the said charter, enacted by section 8 of chapter 91 of the statutes of 1990, is amended

(1) by inserting the figure ", 307b" after the figure "306" in the second line of the first paragraph and by replacing the word and figure "section 305" in the third line of the first paragraph by the words and figures "sections 305 and 305a";

(2) by inserting the words ", the alienation of all or part of the immovable, or a transfer of control by the corporation which owns the immovable" after the word "immovable" in the second line of subparagraph 1 of the first paragraph;

(3) by adding the words ", alienation of the immovable or transfer of control by the corporation which owns and, in case of alienation, from any subsequent acquirer" at the end of subparagraph 2 of the first paragraph.

15. Section 309c of the said charter, enacted by section 8 of chapter 91 of the statutes of 1990, is amended by adding, at the end of the first paragraph, the following sentence: "The council may also, for each of these categories, fix rates for subsidies or tax credits which may vary according to characteristics and criteria determined by by-law."

16. 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, by section 1 of chapter 81 of the statutes of 1989, by sections 1155 to 1168 of chapter 4 of the statutes of 1990 and by section 9 of chapter 91 of the statutes of 1990, is again amended

(1) by adding to paragraph 42a, after subparagraph 24, the following subparagraph:

"(25) notwithstanding section 548e, the council may, by by-law, prescribe, for the period it determines, that an accessory building may be temporarily erected or placed on a lot occupied by a principal building or authorize the temporary installation of a second unit in a principal building, provided such accessory building or second unit is intended for occupation or use by one or several persons belonging

to a category established on the basis of kinship relation to the owner or occupant of the principal building, age, state of health or any other factor determined by by-law. The council may also prescribe by by-law that the accessory building or second unit may be erected according to special standards of construction and that it shall not be occupied or used by persons other than persons belonging to the said category.”;

(2) by striking out subparagraph 9 of paragraph 42c;

(3) by striking out the words “on the basis of age” in the fourth line of paragraph 42f;

(4) by adding, after paragraph 42g, the following paragraph:

“42gg. To grant by by-law, for the period it determines, notwithstanding the provisions of any zoning, subdivision or building by-law, individual and non-transferable authorizations permitting to use a parcel of land, or to construct, remodel or occupy a building for religious purposes or to provide lodging for religious ministers or the members of a religious community, for educational, cultural or charitable purposes or for offering assistance to persons needing assistance, protection, shelter or medical or hospital care.

For the purposes of section 388 as regards the publication of a notice, any by-law adopted under this paragraph shall be held to be an amendment to a zoning by-law;”;

(5) in paragraph 45, by inserting the words “, in the sectors of the city it determines or for certain categories of buildings,” after the word “require” in the first line of the first paragraph and by inserting the words “acquisition and” after the word “the” in the seventh line of the first paragraph;

(6) by adding, after the fourth paragraph of paragraph 65, the following paragraphs:

“To carry out the planting and maintenance of trees, shrubs and other plants on private property, with the owner’s consent, in the sectors and on the conditions it determines.

To adopt, by by-law, a program of subsidies to defray the costs of acquiring, planting and maintaining trees, shrubs and other plants, on the conditions and in the sectors it determines. The subsidies may be uniform throughout the city or they may vary depending on the sector of the city;”;

(7) by replacing the words and amounts “\$500 and, in the case of a second or subsequent conviction, a fine of \$300” in the last two lines of paragraph 115 by the amount “\$1 000”;

(8) by replacing paragraph 204 by the following paragraphs:

“204. The council may, by by-law, require as a precondition to the approval of a plan relating to a cadastral operation that the owner transfer to the city, free of charge, a parcel of land which, in the opinion of the council or of the executive committee, is suitable for the establishment or enlargement of a park or playground or the maintenance of a natural site, that he pays an amount to the city, or that he makes both a transfer and a payment. The by-law may specify in which cases each such obligation shall apply or provide that the council or the executive committee will decide in each case which obligation is to apply.

However, no condition set out in the first paragraph may be imposed in cases of a cancellation, correction or replacement of lot numbers entailing no increase in the number of lots. The by-law may provide for other cases in which no such condition may be imposed.

Every parcel of land transferred must be part of the land included in the plan. However, the city and the owner may agree on a transfer involving a parcel of land within the territory of the city which is not included in the plan.

The council may also require, by by-law, as a precondition to the approval of a plan relating to a cadastral operation, excepting cancellations and corrections, that the owner pay any unpaid municipal or school taxes due on the land and immovables included in the plan;

“204a. Every by-law containing a provision by virtue of paragraph 204 must establish rules for the calculation of the area of the parcel of land to be transferred or the amount to be paid.

It may, for that purpose, define categories of land according to the intended use of the land included in the plans and the immovables thereon, according to their area, or according to both criteria, delineate parts of the territory of the city or create combinations based on categories of land and parts of territory. The rules for calculation established under the first paragraph may vary according to such categories, parts or combinations.

The rules may vary according to whether the condition imposed is a transfer or a payment or both. They must also take into account,

to the owner's credit, any transfer or payment made at the time of a previous cadastral operation involving all or part of the land included in the plan;

"204b. The area of land transferred, or the amount paid, shall not exceed 10 % of the area or value, respectively, of the land included in the plan.

However, where the owner must make both a transfer and a payment, the total of the value of the land transferred and the amount paid shall not exceed 10 % of the value of the land included in the plan;

"204c. An agreement on the transfer of land not included in the plan, made under the third paragraph of paragraph 204, shall have precedence over any calculation rule established under paragraph 204a and any maximum established under paragraph 204b;

"204d. For the purposes of paragraph 204b, the value of land transferred or included in the plan shall be considered at the date of receipt of the plan by the city and shall be established according to the principles applicable in cases of expropriation in relation to the value of expropriated property, excluding however any damage resulting from expropriation.

The city and the owner may reach an agreement as to that value.

Failing an agreement, the value shall be established by a certified assessor commissioned by the city, at the expense of the applicant.

The first three paragraphs shall apply for the purpose of establishing the value of any land other than the land referred to in the first paragraph, where that value must be established for the application of the calculation rules provided for under paragraph 204a;

"204e. The city and the owner may contest, before the Expropriation Division of the Court of Québec, the value established by the assessor pursuant to paragraph 204d.

No such contestation shall exempt the owner from paying the amount and, where such is the case, from transferring the area of land required by the city on the basis of the value established by the assessor;

"204f. The owner, in order to seize the Expropriation Division, must serve a notice of contestation on the city and deposit it with proof of service with the Expropriation Division. The notice deposited must include the subdivision permit and a plan and description, signed by

a land surveyor, of the land whose value is contested; a certified copy of such a document may be deposited in lieu of the original.

The notice of contestation shall mention the value established by the assessor, give references to the plan and description, lay out briefly the reasons for the contestation, specify the date of receipt by the city of the plan relating to the cadastral operation authorized by the subdivision permit and apply to the Expropriation Division to establish the value of the land involved.

The documents mentioned in the first paragraph, on pain of dismissal of the contestation, must be deposited within 30 days of the issue of the subdivision permit;

“204g. The owner and the city, once the documents mentioned in the first paragraph of paragraph 204f have been deposited, become parties to the contestation.

Each party must, within 60 days of service of the notice of contestation, file a document stating the value it assigns to the land concerned, together with the reasons which justify the assignment of that value. The Expropriation Division is not bound to fix a value lying between the values proposed by the parties.

Where one party fails to produce its declaration, the other party may proceed by default;

“204h. The case shall be heard and decided by preference.

The onus of proving that the value established by the assessor is erroneous is on the owner;

“204i. The Expropriation Division, giving the reasons for its decision, may either confirm the value established by the assessor or invalidate it and establish the value of the land involved on the date of receipt by the city of the plan relating to the cadastral operation authorized by the subdivision permit. It shall also rule on costs.

It shall forward to the prothonotary, as soon as possible, a copy of its decision;

“204j. No appeal lies from a decision of the Expropriation Division;

“204k. In addition to Chapters I and II of Title I of the Expropriation Act (R.S.Q., chapter E-24), the following provisions

of that Act shall apply, adapted as required, to the contestation of the value established by the assessor: sections 40.1 and 47, the first and second paragraphs of section 48 and section 52;

“204l. Where, following a decision of the Expropriation Division, it appears that the owner has paid too great an amount to the city, the city shall reimburse any overpayment.

Where, following a decision of the Expropriation Division, it appears that the total of the value of the land transferred and the amount paid exceeds the amount that should have been paid, the city shall reimburse an amount equal to the excess to the owner.

In addition to the principal of the reimbursement, the city shall at the same time pay to the owner the interest which would have been earned on that principal, at the rate applicable to overdue city taxes, from the date of payment to the date of reimbursement;

“204m. Where, following a decision of the Expropriation Division, it appears that the amount paid by the owner is less than the established value, the owner shall pay the difference to the city.

Where, following a decision of the Expropriation Division, it appears that the total of the value of the land transferred and the amount paid is less than the amount that should have been paid, the owner shall pay an amount equal to that difference to the city.

In addition to the principal of the reimbursement, the owner shall pay to the city at the same time the interest which would have been earned on that principal, at the rate applicable to overdue city taxes, from the date of payment to the date of payment of the difference.

The amount to be paid by the owner shall constitute a charge on the property of the same nature and rank as property taxes, and recoverable in the same manner;

“204n. No land transferred pursuant to a provision of the by-law adopted under paragraph 204 may, while it belongs to the city, be used for any other purpose than the establishment or enlargement of a park or playground or the maintenance of a natural space.

Any amount paid pursuant to such a provision, and any amount received by the city in return for the transfer of land referred to in the first paragraph, shall be part of a special fund.

The fund may be used solely for purchasing or equipping land as parks or playgrounds, for purchasing land as natural spaces, or for

purchasing plants and planting and maintaining them on city property. However, where such land is no longer required as parks or playgrounds, the city may use it for other purposes or dispose of it for valuable consideration, the product of the sale being paid into the special fund;”.

17. The said charter is amended by adding, after section 336i, the following sections:

“336j. The persons responsible for the carrying out of this charter and the by-laws, in particular those designated in paragraphs 8 and 96 of section 336 and in sections 361b, 489e, 509, 513 and 520a, may, in the performance of their duties,

(a) enter, at any reasonable time of day or night, upon any land or into any construction, building or other place where an activity subject to a by-law or order is being, or may be, carried on, to carry out their duty, and inspect it;

(b) demand that books, registers and documents relating to matters coming under by-laws or orders be produced; they may also demand any other information on such matters as they consider necessary or useful. Every person concerned shall comply with such demands;

(c) take samples of any nature, without charge, for purposes of analysis;

(d) inquire into any matter under their jurisdiction;

(e) take photographs of the places visited;

(f) be accompanied by one or more police officers if they have reason to fear that they will be molested in carrying out their duties.

“336k. It is prohibited to hinder the work of a person responsible for the carrying out of this charter and the by-laws in the performance of his duty, to deceive him or attempt to deceive him by omission or by false or misleading statements, to refuse to declare to him one’s name, given name and address or to neglect to obey any order given by him.

Every person responsible for the carrying out of this charter and the by-laws shall, on request, identify himself and show a certificate as proof of his capacity, signed by the head of the competent service.

“336l. A person responsible for the carrying out of this charter and the by-laws may, in the performance of his duties, order the

suspension of work or the closing of a construction or building or the termination of an activity if he notes an infringement of this charter or the by-laws or if he ascertains that public health and safety is at risk or may become so.

"336m. The council may, by by-law, specify the powers granted to persons responsible for the carrying out of this charter and the by-laws and provide for other powers to see to the carrying out of this charter and the by-laws."

18. Section 353 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 45 of chapter 42 of the statutes of 1980 and by section 60 of chapter 61 of the statutes of 1984, is again amended by replacing the words "five hundred dollars" in the last line by the amount "\$1 000".

19. Section 355 of the said charter, replaced by section 19 of chapter 64 of the statutes of 1982, is amended by replacing the amount "\$500" in the last line by the amount "\$1 000".

20. Section 386 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 2 of chapter 114 of the statutes of 1987, which is presently the last section of Section XXXII, becomes the first section of Section XXXIII.

21. Section 388 of the said charter, replaced by section 26 of chapter 42 of the statutes of 1980 and amended by section 273 of chapter 63 of the statutes of 1982, is again amended

(1) by replacing the word "twice" in the second line of the second paragraph by the word "once";

(2) by striking out the words "the second" in the second line of the third paragraph;

(3) by replacing the last four lines of the fourth paragraph by the words "or certain other zones, the notice must indicate the nature and the effect of the by-law deposited."

22. Section 394 of the said charter, replaced by section 1172 of chapter 4 of the statutes of 1990, is amended

(1) by replacing the amount "\$500" in the fifth line by the amount "\$1 000";

(2) by adding the following paragraphs:

"The council may also, subject to the maximum amount provided for in the first paragraph, prescribe a greater fine for a second or subsequent conviction.

Where the demolition of an immovable is carried out without authorization or contrary to the conditions of an authorization, the offender is liable to a fine of not less than \$5 000 nor more than \$50 000. However, this provision does not prevent the city from requiring total or partial reconstruction of the immovable so demolished, nor does it deprive the city of any recourse provided by law.

For the purposes of the third paragraph, a building is considered entirely demolished if 50 % or more of the building, not including the foundation, has been destroyed by demolition."

23. Section 410 of the said charter, replaced by section 1179 of chapter 4 of the statutes of 1990, is amended by replacing the amount "\$50" in the last line by the amount "\$1 000".

24. Section 410a of the said charter, replaced by section 1180 of chapter 4 of the statutes of 1990, is amended by replacing the amount "\$500" in the last line by the amount "\$1 000".

25. Section 415 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 2 of chapter 85 of the statutes of 1966-67, by section 45 of chapter 42 of the statutes of 1980 and by section 60 of chapter 61 of the statutes of 1984, is again amended by replacing the words "five hundred dollars" in the penultimate line by the amount "\$1 000".

26. Section 432 of the said charter, amended by sections 45 and 52 of chapter 42 of the statutes of 1980 and by section 60 of chapter 61 of the statutes of 1984, is again amended by replacing the words "five hundred dollars" in the last line by the amount "\$1 000".

27. Section 453c of the said charter, replaced by section 32 of chapter 61 of the statutes of 1984, amended by section 142 of chapter 27 of the statutes of 1985 and by section 20 of chapter 88 of the statutes of 1988, is again replaced by the following section:

"453c. (1) The city is authorized to promote the construction of buildings and to acquire, renovate, restore, construct, sell, lease or administer immovables.

The city is also authorized to participate, as a shareholder or otherwise, in any venture capital investment fund whose main object

is to foster employment development, housing development or, generally, the economic development of the city and to participate in any undertaking or initiative created for such purposes.

It is also authorized to become associated with any person, company or cooperative, in any undertaking or initiative whose main object is employment development, housing development or, generally, the economic development of the city.

The city is also authorized to pay subsidies or grant financial assistance in the form of loans or otherwise, to any undertaking or initiative whose main object is employment development, housing development or, generally, the economic development of the city.

(2) The city is also authorized to request the establishment of a non-profit corporation whose object is the exercise of the powers granted to the city under subsection 1. Such a corporation may also exercise the powers of the corporations referred to in section 453*b* or 453*d*.

The corporation shall submit to the council for approval any project for the acquisition, renovation, restoration or construction of an immovable which involves a capital expenditure exceeding \$1 000 000.

Where the corporation intends to sell an immovable of which it is the owner, it shall first obtain the approval of the council.

The corporation has the authority to order the disbursement of amounts not exceeding \$100 000.

Where the expenditure exceeds \$100 000, the authorization of the council is required.

(3) The amounts that the city may use for the purposes of the second, third and fourth paragraphs of subsection 1 and the amounts that it may, for the same purposes, put at the disposal of the corporation created under subsection 2 shall not exceed the amount fixed by by-law.

That by-law must, in order to come into force, receive the approval of the Minister of Municipal Affairs.

The city may, in the same manner, change the amount fixed under the first paragraph."

28. Section 453f of the said charter, enacted by section 33 of chapter 42 of the statutes of 1980 and amended by section 33 of chapter 61 of the statutes of 1984, is again amended

(1) by replacing the word and figures "453c and 453d" in the first line of the first paragraph by the word and figures "453b, 453c and 453d";

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

"The corporations formed pursuant to sections 453b, 453c and 453d shall not amend their letters patent or supplementary letters patent without council approval."

29. Section 458 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

30. Section XXXVI A of the said charter, enacted by section 13 of chapter 3 of the statutes of 1985, is amended by replacing the heading by the following heading:

"ENVIRONMENTAL IMPROVEMENT".

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

"489e. The city may adopt a by-law 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, works or installation the use of which may cause the emission of air pollutants as well as any activity the exercise of which may produce the same effect and prescribe that such use and such exercise are prohibited at any time 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, works or an installation referred to in subparagraph 1 or who exercises or intends to exercise an activity referred to in the said subparagraph to obtain a permit from the city, determine the conditions governing the granting, suspension or cancellation of a permit and require such persons to submit written reports in the form prescribed by the executive committee on the matters referred to in subparagraph 1;

(3) prescribe by ordinance of the executive committee approved by the Ministère de l'Environnement, the methods of collection,

analysis and calculation of substances the use of which may cause the pollution of air and of any pollutant; compel any person referred to in this section to install at the place determined by the head of the competent service such works as he deems necessary to permit the collection and analysis of any substance which may constitute a source of pollution;

(4) require the owners of immovables to provide their immovables with apparatus designed to prevent the emission of pollutants and determine the duties of persons who supervise heating and of those entrusted with the care and upkeep of boilers, furnaces and anti-pollution apparatus;

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

(6) prescribe the manner of disposing of industrial or other residues which it considers to be air pollutants, compel the persons wishing to dispose of such pollutants to do so in the manner prescribed by the by-law or approved by the head of the competent service and prohibit the abandoning on its territory of any untreated pollutant;

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

(8) authorize the head of the competent service or another officer designated by him for that purpose to cause the cessation of the emission of air pollutants or any activity relating thereto, or to have it reduced to the extent he determines, 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 operate and prohibit the emission of fumes or gaseous emanations from a vehicle, the opaqueness, quantity or concentration of which exceeds the degree fixed by the city;

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

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

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

In no case may the city, the department head or the officer referred to in subparagraph 8 of the first paragraph be prosecuted for an act performed in good faith under the said subparagraph. Any decision 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, obtain the approval of the Minister of the Environment.

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

"489f. In the performance of their duties, the officers and employees of the city responsible for the enforcement of by-laws and orders 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, works or an installation that is subject to such by-laws or orders; or

(2) any premises where an activity that is subject to such by-laws or such orders 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 which are subject to such by-laws or orders, and require in that respect any other information deemed useful or necessary. Every person concerned shall comply with such a requirement.

"489g. No person may hinder an officer or employee referred to in section 489f in the performance of his duties. More particularly, no person shall mislead him or attempt to mislead him by concealment or false statements.

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

~~489~~h. For the purposes of section 489e, “air pollutant” or “pollutant” means any substance found in the air in a concentration defined by by-law 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 such a concentration that it could cause one or other of those effects.

~~489~~i. The city is exempt from the obligation to furnish security when applying for an interlocutory injunction to cease the infringement of a by-law or ordinance adopted under section 489e or of section 489f or 489g.”

32. Section 496 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 45 of chapter 42 of the statutes of 1980 and by section 1182 of chapter 4 of the statutes of 1990, is again amended by replacing the words “five hundred dollars” in the eighteenth line by the amount “\$1 000”.

33. Section 498 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 45 of chapter 42 of the statutes of 1980 and by section 1183 of chapter 4 of the statutes of 1990, is again amended by replacing the amount “\$500” in the last line by the amount “\$1 000”.

34. Section 503 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 45 of chapter 42 of the statutes of 1980, is again amended by replacing the words “five hundred dollars, and, in default of payment of such fine and costs, to imprisonment for not more than three months” in the last five lines of the first paragraph by the amount “\$1 000”.

35. Section 505 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 2 of chapter 85 of the statutes of 1966-67, by section 45 of chapter 42 of the statutes of 1980 and by section 1187 of chapter 4 of the statutes of 1990, is again amended by replacing the words “five hundred dollars” in the last two lines by the amount “\$1 000”.

36. Section 506 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 45 of chapter 42 of the statutes of 1980 and by section 1188 of chapter 4 of the statutes of 1990, is again amended by replacing the amount “\$500” in the eighteenth line by the amount “\$1 000”.

37. Section 507 of the said charter, amended by section 45 of chapter 42 of the statutes of 1980 and by section 1189 of chapter 4 of

the statutes of 1990, is again amended by replacing the words "five hundred dollars" in the fourth line by the amount "\$1 000".

38. Section 509 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 45 of chapter 42 of the statutes of 1980 and by section 1190 of chapter 4 of the statutes of 1990, is again amended by replacing the words "five hundred dollars" in the last two lines by the amount "\$1 000".

39. Section 513 of the said charter, replaced by section 8 of chapter 87 of the statutes of 1934, amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 45 of chapter 42 of the statutes of 1980, is again amended by replacing the words "five hundred dollars or to imprisonment not exceeding two months in the common gaol of the district of Quebec in default of payment of the fine and costs" in the last five lines by the amount "\$1 000".

40. Section 545 of the said charter, replaced by section 17 of chapter 97 of the statutes of 1974, amended by section 40 of chapter 42 of the statutes of 1980, by section 39 of chapter 61 of the statutes of 1984 and by section 671 of chapter 91 of the statutes of 1986, is again amended by replacing the third paragraph by the following paragraph:

"It may regulate the parking of vehicles bearing an identification sticker issued under section 11 of the Highway Safety Code (R.S.Q., chapter C-24.2), a removable sticker issued by the Office des personnes handicapées du Québec in accordance with section 30.1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) or any type of sticker or plate identifying a handicapped person that is issued by another administrative authority of Canada or the United States."

41. Section 546a of the said charter, replaced by section 18 of chapter 97 of the statutes of 1974, amended by section 41 of chapter 61 of the statutes of 1984, by section 38 of chapter 116 of the statutes of 1986 and by section 1196 of chapter 4 of the statutes of 1990, is again amended

(1) by striking out subsections 1, 2 and 3;

(2) by replacing subsection 4 by the following subsection:

"(4) Any police officer may remove or have removed by means of a service vehicle or towtruck any vehicle parked in contravention of a traffic or parking by-law or ordinance. The statement of offence shall mention the removal.";

(3) by replacing the words “notice of summons” in the last line of subsection 5 by the words “statement of offence”;

(4) by replacing the words “notice of summons” in the last line of the last paragraph of subsection 6 by the words “statement of offence”;

(5) by striking out subsection 7.

42. Section 546*b* of the said charter, replaced by section 19 of chapter 97 of the statutes of 1974, amended by section 42 of chapter 61 of the statutes of 1984, by section 6 of chapter 114 of the statutes of 1987, by section 1197 of chapter 4 of the statutes of 1990 and by section 12 of chapter 91 of the statutes of 1990, is again amended

(1) by striking out the first five paragraphs;

(2) in the sixth paragraph,

(a) by replacing the word “Régie” in the second line by the word “Société”;

(b) by replacing the words “information, notice of summons or summons” in the fourth and fifth lines by the words “statement of offence or indicating the classes, conditions and restrictions of the driver’s license of a person being prosecuted”;

(c) by inserting the words “, parking” after the word “traffic” in the seventh line;

(3) by replacing the word “Régie” in the second line of the seventh paragraph by the word “Société”.

43. Section 546*c* of the said charter, replaced by section 20 of chapter 54 of the statutes of 1976, is repealed.

44. Section 546*f* of the said charter, enacted by section 40 of chapter 116 of the statutes of 1986, amended by section 1198 of chapter 4 of the statutes of 1990, is replaced by the following section:

“546*f*. The city, by by-law, may establish a tariff of costs for the removal or towing of a vehicle parked in contravention of a provision of or adopted under this charter. In all cases where it is provided that a vehicle may be removed or towed for a parking or traffic 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).”

45. Section 601 of the said charter, replaced by section 42 of chapter 116 of the statutes of 1986, amended by section 1216 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the words “or writ issued by the said court, shall be in the name of Her Majesty, Her Heirs or Successors and” in the first, second and third lines of the first paragraph by the words “, writ, writ of summons or writ of seizure, and every notice emanating from the Municipal Court the sending of which is required by legislative or regulatory provision, shall”;

(2) by inserting the words “and warrants of arrest” after the word “committal” in the first line of the third paragraph;

(3) in the French text, by replacing the word “imposée” in the second line of the third paragraph by the word “apposée”.

46. The said charter is amended by adding, after section 601*a*, the following section:

“601*b*. The clerk and any employee designated by the clerk are authorized by the prosecutor to certify a copy of the statement of offence or offence report.”

47. The said charter is amended by adding, after section 602, the following sections:

“602*a*. Where a person commits an offence under section 35 or 97 of the Highway Safety Code (R.S.Q., chapter C-24.2), the second paragraph of section 100 or section 523 of the said Code, the police officer may issue a notice to him demanding that he produce, within 48 hours, proof that he was the holder of the required document at the time the offence was ascertained.

A police officer may issue a notice to the holder of a licence or a registration certificate demanding that he replace such document if it is illegible or damaged, and that he produce proof thereof within 48 hours.

If the offender fails to furnish the required proof to a police officer within the time fixed, the notice constitutes, upon expiration of the time fixed, a lawful and duly served infraction ticket.

“602*b*. Where it is ascertained that an offence under any of sections 30, 31, the second paragraph of section 32, one of sections 34, 210.1, 212, 213, 215 to 223, 230 to 237, 242 to 247, 254, 258, 261 to 265, 268 to 270, 272, 273 and 274 of the said Code has been committed, the

police officer may issue a notice demanding that the offender make or cause to be made necessary repairs or adjustments within 48 hours. If the offender fails to comply with the notice and to furnish proof thereof to a police officer within the time fixed, the notice constitutes, upon expiration of the time fixed, a duly served infraction ticket."

48. The said charter is amended by replacing sections 602*a* and 602*b* by the following sections:

"602*a*. Where a person commits an offence under section 35 or 97 of the Highway Safety Code (R.S.Q., chapter C-24.2), the second paragraph of section 100 or section 523 of the said Code, the police officer may issue to him, with a statement of offence, a warning demanding that he produce, within 48 hours, proof that he was the holder of the required document at the time the offence was ascertained.

A police officer may issue to the holder of a licence or a registration certificate, with a statement of offence, a warning demanding that he replace such document if it is illegible or damaged, and that he produce proof thereof within 48 hours.

If the offender submits the required proof to a police officer within the time fixed, the statement of offence becomes null. The time limit provided for in article 160 of the Code of Penal Procedure (1987, chapter 96) runs from the expiration of the 48 hour period.

"602*b*. Where it is ascertained that an offence under any of sections 30, 31, the second paragraph of section 32, one of sections 34, 210.1, 212, 213, 215 to 223, 230 to 237, 242 to 247, 254, 258, 261 to 265, 268 to 270, 272, 273 and 274 of the said Code has been committed, the police officer may issue, with a statement of offence, a warning demanding that the offender make or cause to be made necessary repairs or adjustments within 48 hours.

If the offender submits the required proof to a police officer within the time fixed, the statement of offence becomes null. The time limit provided for in article 160 of the Code of Penal Procedure (1987, chapter 96) runs from the expiration of the 48 hour period."

49. Section 608*a* of the said charter, replaced by section 44 of chapter 42 of the statutes of 1980, amended by section 1225 of chapter 4 of the statutes of 1990, is again amended by replacing the amount "\$500" in the last line by the amount "\$1 000".

50. The said charter is amended by adding, after section 608*b*, the following sections:

“608c. Every peace officer who has reasonable cause to believe that a person has committed an offence may require that person to state his name and address and date of birth, where they are not known to the peace officer.

Every peace officer who has reasonable cause to believe that the person has not stated his true name, address or date of birth may, in addition, require him to furnish information allowing the officer to ascertain the veracity thereof.

“608d. In the case of an offence under a legislative or regulatory provision relating to the parking of a vehicle, where the defendant has not paid the sum due at the expiry of the time prescribed in article 322 of the Code of Penal Procedure (1987, chapter 96) or granted under article 327 or 328 of that Code, or where at the expiry of the time fixed, the defendant has undertaken to carry out compensatory work but has not respected that undertaking, the collector shall notify the Société de l'assurance automobile du Québec of that fact.

“608e. On reception of a notice given under section 608d, the Société shall

(1) refuse any application for registration or application for renewal of registration in respect of a vehicle registered in the name of the defendant mentioned in the notice;

(2) refuse to issue any registration certificate, registration plate or control sticker in respect of a vehicle registered in the name of the defendant mentioned in the notice;

(3) refuse any application for registration made by the defendant in respect of any vehicle if the defendant possesses no vehicle registered in his name at the time notice is received by the Société.

Any refusal mentioned in the first paragraph shall be maintained until the Société receives a notice under section 608g.

“608f. The fact that the collector gives the notice provided for in section 608d does not prevent him from resorting to other measures of recovery provided by law.

“608g. The collector, where he has forwarded a notice under section 608d, shall notify the Société de l'assurance automobile du Québec without delay when the amount due has been paid or when the defendant has been released from payment pursuant to the second paragraph of article 339 of the Code of Penal Procedure (1987, chapter 96) or has completed the prison sentence imposed for failure to pay an amount due.”

51. Section 632*a* of the said charter, replaced by section 54 of chapter 61 of the statutes of 1984, is amended by replacing the amount “\$500” in the last line of the first paragraph by the amount “\$1 000”.

52. Section 634 of the said charter, replaced by section 1240 of chapter 4 of the statutes of 1990, is amended by replacing the word “ticket” in the third line of the first paragraph and the second line of the fourth paragraph by the words “statement of offence”.

53. Section 636 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, by section 45 of chapter 42 of the statutes of 1980 and by section 1242 of chapter 4 of the statutes of 1990, is again amended by replacing the words “five hundred dollars” in the last line by the amount “\$1 000”.

54. The said charter is amended by adding, after section 642*e*, the following section:

“**642f.** Unless otherwise prescribed, a penal proceeding may be instituted by the city for an offence committed in its territory.”

55. The said charter is amended by adding, in section 642*f*, the following paragraphs:

“For such purpose, it may authorize the following persons to issue statements of offence:

- (a) police officers;
- (b) special officers appointed under section 546*d*;
- (c) any other person assigned by the city to carry out an Act or by-law.

An authorization shall be given in writing, generally or individually. It shall indicate the offences or categories of offences for which the persons mentioned above are authorized to serve statements of offence.”

56. The said charter is amended by adding, after section 657, the following heading and sections:

“EXTENSION OF JURISDICTION

“**657a.** The council may adopt a by-law to authorize the making of an agreement with a municipal corporation to extend the jurisdiction of the Municipal Court of the city of Québec to the territory of that corporation.

Sections 5 to 24, 26, 30, 31, 55, 56, 70, 86, 88, and 106 to 111 of the Act respecting municipal courts and amending various legislation (1989, chapter 52; after revision: Act respecting municipal courts (R.S.Q., chapter C-72.01) apply, adapted as required.

“657b. The Municipal Court of the city of Québec has, in respect of municipalities that have entered into an agreement under section 657a, the jurisdiction assigned to it by law in respect of the city of Québec. The applicable procedure is that which is in force for the city of Québec at the time of the proceeding.”

57. On the date fixed by the Government, articles 9, 10, 12 to 16, the third paragraph of article 55, the provisions of article 63 concerning statements of offence, the words “statement of offence or” in paragraph 2 of article 71, article 87, 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 to subparagraph 4 of the first paragraph of article 184 contained in article 185, 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, article 263 and article 264 of the Code of Penal Procedure (1987, chapter 96), apply to any offence which may be tried before the Municipal Court of the city of Québec.

58. On the date of the coming into force of section 57 of this Act, the provisions of paragraphs 1 to 8 of article 372 and 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 Québec.

59. (1) Every act performed or decision made under any provision amended, replaced or repealed by sections 41 to 44, 46, 48, 52 and 55, shall retain its effects, unless it is obsolete;

(2) Every proceeding drawn up before the date of coming into force of sections 41 to 44, 46, 48, 52 and 55, in accordance with a provision amended, replaced or repealed by the said sections, shall remain valid until its object is achieved;

(3) Every notice of mechanical inspection given under sections 524 and 532 of the Highway Safety Code (R.S.Q., chapter C-24.2), before the coming into force of sections 41 to 44, 46, 48, 52, 55, 57 and 58, shall remain valid.

The notices of mechanical inspection shall adhere to the rules of penal procedure applicable before that date until a summons is issued.

After the issue of the summons, such notices shall adhere to the rules prescribed under subsections 6 to 15 of this section;

(4) Every 48 hour notice given under sections 602*a* and 602*b* of the Charter of the city of Québec (1929, chapter 95), as they read before the coming into force of section 48 of this Act, or under sections 577 and 578 of the Highway Safety Code (R.S.Q., chapter C-24.2) or section 79 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1), and every 72 hour notice given under section 77.1 of the Transport Act (R.S.Q., chapter T-12), before the coming into force of sections 41 to 44, 46, 48, 52, 55, 57 and 58, shall remain valid.

Such notices shall adhere, until the issue of a summons, to the rules of penal procedure applicable before such date. After the issue of a summons, such notices shall adhere to the rules prescribed under subsections 6 to 15 of this section;

(5) Every preliminary notice and every infraction ticket issued before the coming into force of sections 41 to 44, 46, 48, 52, 55, 57 and 58 shall remain valid. The same applies to an information or a summons.

Such preliminary notices and infraction tickets shall adhere, until the issue of a summons, to the rules of penal procedure applicable before such date. After the issue of a summons, the preliminary notices and infraction tickets shall adhere to the rules prescribed under subsections 6 to 14 of this section;

(6) Every notice of summons and summons have the value and effect as a statement of offence on the date fixed for the first appearance before a judge if the prosecutor requests only the minimum sentence prescribed by the legislative or regulatory provision and if the summons indicates the sentence he has requested. Payment of the amount prescribed by the legislative or regulatory provision constitutes a minimum sentence;

(7) At the time of the appearance, the judge may allow

(a) a statement of offence to be served immediately on the defendant, where the sentence requested is not indicated in the summons or where the prosecutor intends to request a greater sentence than the minimum sentence provided by law or regulation;
or

(b) the prosecutor to serve immediately on the defendant and file in the Court record a document containing the additional mentions required in order for the summons to have the same force and effect as a statement of offence;

(8) The defendant who appears upon summons shall register a plea of guilty or not guilty, and the proceedings are then continued in accordance with the rules of procedure applicable to offences which may be tried before the Municipal Court of Québec;

(9) The request for sentence need not appear in a separate section of the summons if the prosecutor is requesting only the minimum sentence;

(10) The judge shall give the defendant on whom a statement of offence or the equivalent is served under paragraph *b* of subsection 7, the opportunity to register a plea of guilty or not guilty. The defendant may, however, request a period of 30 days before registering his plea.

If the defendant pleads guilty at his appearance, the judge shall convict him and impose on him a sentence within the limits prescribed by legislative or regulatory provision. If the defendant pleads not guilty, the judge shall fix a date for the trial;

(11) Notwithstanding any other provision of this section, the hearing on a preliminary application or the trial of penal proceedings which are pending, in first instance or in appeal before the coming into force of sections 41 to 44, 46, 48, 52, 55, 57 and 58, instituted by an infraction ticket, a notice of summons, an information or a summons, shall be continued without it being necessary to replace the written proceeding by a statement of offence;

(12) Notwithstanding any other provision of this section, a judgment by default may be rendered without it being necessary to replace the introductory proceeding by a statement of offence;

(13) Where the defendant required to appear on a date fixed in a summons fails to do so, judgment may be rendered by default. The infraction ticket, notice of summons or summons issued against the defendant has the same force and effect for the trial as evidence given under oath by the person who ascertained the commission of the offence alleged in the infraction ticket, notice of summons or summons;

(14) The provisions relating to the reduction of costs apply to all judgments rendered before the coming into force of sections 41 to 44, 46, 48, 52, 55, 57 and 58;

(15) Any interruption of prescription having occurred in accordance with the rules of penal procedure existing before the coming into force of sections 41 to 44, 46, 48, 52, 55, 57 and 58 shall remain valid.

60. The city of Québec, by by-law submitted for approval to the Government, for the prosecution of offences which may be tried before the Municipal Court of the city of Québec, may

(1) prescribe the form of the required statements of offence and offence reports;

(2) fix the court fees payable pursuant to the Code of Penal Procedure;

(3) fix the costs that may be awarded against a party in first instance;

(4) fix the fee payable for the issue of a copy of a thing seized or of a document;

(5) determine the obligations of a person who receives security while awaiting disposition thereof in accordance with the Code of Penal Procedure;

(6) fix, for the purposes of the security referred to in article 76 of the Code of Penal Procedure, the amount of costs added to the amount of the minimum fine and the manner in which it may be paid;

(7) fix the amount of costs that may be awarded against a defaulting witness;

(8) fix the costs which may be imposed upon dismissal of an application for rectification of judgment or reduction of costs or upon the granting or dismissal of an application for revocation of a judgment addressed by the defendant;

(9) fix the costs of execution of judgment which may be awarded against a party.

These by-laws shall cease to be in force when they are replaced by regulations of the Government made under article 367 of the Code of Penal Procedure.

61. Section 47 is declaratory.

62. This Act shall come into force on (*insert here the date of assent to this Act*) except sections 41 to 44, 46, 48, 52, 55, 57 to 60, which will come into force on the date fixed by the Government.