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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-THIRD LEGISLATURE

**Bill 258**  
(Private)

## **An Act to amend the Charter of the city of Québec**

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### **Introduction**

**Introduced by  
Mr Jean Leclerc  
Member for Taschereau**

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# Bill 258

(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*e*, the following sections:

**“4*f*.** Notwithstanding section 20 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1) and section 3.11 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), the city may, for all the purposes within its competence and, in particular, for the purpose of promoting the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with a foreign government, a government in Canada, a department or agency of any such government, or with a group of such governments or agencies.

**“4*g*.** The city may join any association or group of persons or agencies representing or administering Canadian or foreign local or regional communities and participate in its activities or undertakings.”

**2.** Section 17 of the said charter, replaced by section 6 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

**“17.** At its first meeting after a general election, the council shall choose a pro-mayor from among its members, for the term it determines.

The pro-mayor shall have all the duties, authority and privileges of the mayor, except as regards the executive committee, when the mayor is absent from the city or unable to perform the duties of his office.

Where a pro-mayor is not elected at the first meeting after a general election or the expiry of the term of the pro-mayor, the election may be conducted at a subsequent meeting.

In case of a vacancy in the office of pro-mayor, the council shall fill it immediately.”

**3.** Section 21 of the said charter, replaced by section 2 of chapter 86 of the statutes of 1969, amended by section 6 of chapter 46 of the statutes of 1985 and by section 833 of chapter 57 of the statutes of 1987, is amended by replacing subparagraph *d* of the first paragraph by the following subparagraph:

“(d) any person who has a direct or indirect interest in any undertaking that places his personal interest in conflict with his duties of office.

Where the interest devolves to him by succession or gift, he shall renounce or dispose of it with all possible dispatch;”.

**4.** Section 159a 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 and by section 7 of chapter 33 of the statutes of 1988, is amended by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) approve the job evaluation plans and the salary scales relating thereto;”.

**5.** Section 168a of the said charter, enacted by section 195 of chapter 38 of the statutes of 1984, is amended by replacing the figure “176d” in the second line of the first paragraph by the figure “181c”.

**6.** Section 178*e* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, is amended by adding, at the end, the following paragraph:

“This section applies notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

**7.** 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 68 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 12 of chapter 116 of the statutes of 1986, is amended

(1) by replacing paragraph *h* of subsection 7 by the following paragraph:

“(*h*) the job evaluation plans.”;

(2) by adding, after subsection 11, the following subsection:

“(11*a*.) The executive committee shall approve the description and classification of each job.”

**8.** The said charter is amended by inserting, after section 185*c*, the following sections:

“**185*d*.** In the year of a general election, the preparation, by the executive committee, of the budget and related draft by-laws and resolutions and their submission to the council in accordance with subsection 9 of section 185, may be effected after the prescribed time limits but not later than the first of March following the date of the election. In such case, the budget and related by-laws and resolutions must be adopted before the thirty-first of March.

“**185*e*.** Where the prescribed time limits referred to in section 185*d* have expired, the executive committee may allow the treasurer to authorize the payment of day-to-day administration expenses until the thirty-first of March of the year following the year of the general election as if, on the first of January, one-third of the budget for the fiscal year of the election year had been adopted.

“**185*f*.** Notwithstanding subsection 10 of section 185, in the case of section 185*d*, the budget and related by-laws and resolutions that

have not been adopted within thirty days after the date on which they are submitted to the council by the executive committee shall automatically come into force on the thirtieth day.”

**9.** Section 191*b* of the said charter, enacted by section 13 of chapter 116 of the statutes of 1986, is amended

(1) by replacing the words “, and shall not entail any financial commitment on the part of the city beyond” in the fourth and fifth lines of the fourth paragraph by the word “for”;

(2) by replacing the fifth paragraph by the following paragraph:

“Every officer or employee who grants an authorization of expenditures exceeding \$50 000 shall indicate it in a report which he shall transmit to the council at the first regular sitting held at the expiry of a five-day period after the authorization.”

**10.** The said charter is amended by inserting, after section 244, the following section:

**“245.** The Amusement Tax Act (R.S.Q., chapter D-14) does not apply in the city to any amusement organized by a fabrique, a religious corporation in charge of a parish, a parochial community recreational body, a body accredited by the city for the management of recreational activities or to any institution dedicated to the protection of youth, provided that the organizers receive no remuneration or direct or indirect pecuniary benefit, and that the net profits from such amusement are used entirely for charitable or religious purposes or for the organization and maintenance of community recreational activities without pecuniary gain.

The council, by by-law, shall determine the standards which the recreational bodies and institutions must meet to benefit from the exemption.”

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

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

**12.** Section 289a of the said charter, enacted by section 16 of chapter 116 of the statutes of 1986 and amended by section 841 of chapter 57 of the statutes of 1987, is amended by replacing the words “of less than”, in the first line of subsection 3, by the words “not exceeding”.

**13.** Section 301 of the said charter, replaced by section 19 of chapter 42 of the statutes of 1980, is amended by adding the words “, institution governed by the Savings and Credit Unions Act (R.S.Q., chapter C-4)” after the word “bank” in the second line.

**14.** Section 307 of the said charter, replaced by section 139 of chapter 27 of the statutes of 1985, is again replaced by the following section:

**“307.** The council may, within the scope of a program of improvement or revitalization, order by by-law that the city grant, on the conditions and in the sectors of its territory it determines, a tax credit on the real estate taxes imposed in respect of buildings where qualifying work is being or has been carried out. The tax credit granted shall not exceed the actual cost of the qualifying work and may be spread over more than one fiscal year.”

**15.** Section 311 of the said charter, replaced by section 21 of chapter 42 of the statutes of 1980, is amended by adding the words “, institution governed by the Savings and Credit Unions Act (R.S.Q., chapter C-4)” after the word “bank” in the third line.

**16.** Section 333 of the said charter, enacted by section 22 of chapter 42 of the statutes of 1980 and amended by section 21 of chapter 61 of the statutes of 1984 and by section 206 of chapter 38 of the statutes of 1984, is amended by adding, after paragraph e, the following paragraph:

“(f) to finance an expenditure in anticipation of a subsidy relating thereto the payment of which is guaranteed by the Government or any of its ministers or agencies.”

**17.** Section 333a of the said charter, replaced by section 22 of chapter 42 of the statutes of 1980, is amended by adding, at the end, the following paragraph:

“Where the city enters into one or more currency exchange agreements in respect of a loan it has contracted, the loan is deemed to have been made in the currency in which the city is, under the terms of the last exchange agreement entered into, required to make its payment in capital.”

**18.** 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 and by section 22 of chapter 116 of the statutes of 1986, is amended

(1) by inserting, after subparagraph *c* of subparagraph 15 of paragraph 42*a*, the following subparagraph:

“(d) for establishments described in subparagraph 21, by requiring that any derogatory use protected by vested rights cease wherever the use or the control of the corporation operating such use is disposed of;”;

(2) by replacing subparagraphs 21 and 22 of paragraph 42*a* by the following subparagraphs:

“(21) regulating the setting-up or operation of establishments where erotic shows are presented on a frequent or regular basis or are so presented with a view to increasing the demand for goods or services, and of establishments whose main activity is to offer goods or services of an erotic nature;

“(22) prescribing, within a zone, the minimum distance between establishments described in subparagraph 21, the maximum number

of such establishments or the maximum floor area that may be used by such establishments; prohibiting the use, for purposes of an erotic nature, of any floor area or establishment in excess of the maximum floor area or number of establishments prescribed in the by-law;”;

(3) by inserting, after paragraph 42*h*, the following paragraphs:

“42*i*. To approve, by by-law, for the whole of its territory, plans of construction or alteration or to allow the occupancy of one or more buildings or other works under, above or on any land of an area of at least 8 000 m<sup>2</sup> for an industrial project, 4 000 m<sup>2</sup> for a commercial project, commercial and housing project, industrial and housing project or industrial and commercial project or a project involving all three types of occupancy, and 4 000 m<sup>2</sup> for a housing or commercial and housing project where 80% of the above-ground floor area is to be used for housing purposes.

The minimum area requirements do not apply in the case of several parcels of land bounded on all sides by streets, a project for the erection of an educational institution, an establishment contemplated in the Act respecting health services and social services (R.S.Q., chapter S-5), a child day care centre or public administration or public service buildings, residential buildings under a municipal or governmental housing program, vacant public buildings and buildings classified or recognized as cultural property, classified as historical monuments or as heritage sites or situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site.

The by-law may authorize a departure from any municipal by-law and subject the said approval to any condition departing from a municipal by-law.

When the by-law involves, for a given project, the modification of a zoning requirement applicable to the sector for which it is planned, it is subject to the same procedure for approval by the council as applies to a zoning by-law.

This section does not prevent the council from approving projects proposed by owners who joined together to form the area required by this paragraph, if the proposed project is intended to form an architectural complex constituting a better urban development than that allowed by the by-law, and if each owner gives the city a written document stating that he has been informed that from the coming into force of the by-law approving the project, any alteration to the construction or occupancy of the building contemplated in the by-law

and departing from the by-law will be subject to the approval of the council;

“42j. Where a construction plan, filed for the purposes of paragraph 42i, includes the construction in phases of buildings or other works, the city may, before approving the plan, require the applicant to deposit a performance bond for such amounts as it considers sufficient to ensure the construction of all the buildings and works shown on the plan, within the period of time established;

“42k. To circumscribe, by by-law, the zones in which the council may exercise its powers under paragraph 42i and to determine, for each zone, the criteria that must be met by the construction or alteration plans and the occupancy of buildings or works that are subject to the approval of the council under that paragraph.

The criteria may relate to the implementation and size of a project, its impact on the environment and the uses for which it is designed;”;

(4) by inserting, after paragraph 43c, the following paragraphs:

“43d. To make a by-law to compel the operator of an establishment described in subparagraph 21 of paragraph 42a the occupancy of which has become a departure from the by-law following the adoption of a by-law respecting the establishment, to cease, without compensation, the operation of that establishment within a period of two years;

“43e. To make a by-law, for the purposes of the protection of youth, to compel the operator of an establishment described in subparagraph 21 of paragraph 42a to refuse admission of minors to his establishment;”.

**19.** Section 453 of the said charter, replaced by section 29 of chapter 61 of the statutes of 1984 and amended by section 3 of chapter 114 of the statutes of 1987, is amended by adding, at the end, the following paragraph:

“(4) The city may acquire, by agreement or expropriation, any immovable, part of an immovable or servitude or immovable real right for urban development purposes where no rational use of the territory is possible owing to the parcelling out of land, inadequate street and lane networks, the obsolescence or the condition of the buildings, or non-compliance with the by-laws or development program of the territory.”

**20.** The said charter is amended by adding, after section 453a, the following section:

**“453aa.** The city may, with the authorization of the Minister of Industry and Commerce,

(a) acquire by agreement or expropriation any immovable for industrial purposes with the authorization of the Minister of Municipal Affairs;

(b) sell, lease or otherwise alienate for industrial or commercial purposes any immovable acquired under subparagraph a;

(c) on proof that an immovable acquired under one of its powers, including an immovable acquired under section 453a, may be more adequately used for industrial purposes, sell, lease or otherwise alienate it for industrial purposes, on such conditions as it may determine;

(d) on proof that an immovable acquired under subparagraph a cannot be adequately used for industrial or commercial purposes, use it or dispose of it for other purposes.

If the city takes back an immovable that has been sold, leased or otherwise alienated under subparagraphs b and c of the first paragraph to protect its claim or to exercise certain privileges contained in the contract, the city may dispose thereof with the same authorizations and for the same purposes as those provided for in this section.

The city is not subject to the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1).

The land acquired by the city under the Act respecting municipal industrial immovables is deemed to have been acquired under subparagraph a of the first paragraph.”

**21.** Section 453c of the said charter, replaced by section 32 of chapter 61 of the statutes of 1984 and amended by section 142 of chapter 27 of the statutes of 1985, is amended by replacing the second paragraph by the following paragraph:

“The city is authorized to apply for the incorporation of a non-profit corporation to exercise the powers conferred on the city under the first paragraph. The corporation may also exercise the powers of the corporations referred to in section 453b or 453d.”

**22.** Section 453*g* of the said charter, enacted by section 4 of chapter 89 of the statutes of 1982 and amended by section 34 of chapter 61 of the statutes of 1984, is amended

(1) by adding the words “, except the ratepayers benefitting from an exemption under section 236 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1)” after the word “deposited” in the third line of subsection 29;

(2) by replacing subsection 44 by the following subsection:

“(44) For the purposes of this section, the expression “place of business” includes any premises or establishment entered on the roll of rental values where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, whether or not the activity is carried on for lucrative gain, except an employment or a charge.”

**23.** The heading of Section XXXVI A of the said charter, enacted by section 13 of chapter 3 of the statutes of 1985, is replaced by the following heading:

“IMPROVEMENT OF WATER SITES AND ENVIRONMENT”.

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

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

(1) prohibit or regulate the use and possession of any substance, apparatus, machine, 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, apparatus, machine, works or installation contemplated in subparagraph 1 or who exercises or intends to exercise an activity contemplated by such subparagraph to procure a permit of the city, determine the conditions of granting, suspension or cancellation of such permit and require such persons to submit written reports in the form prescribed by the executive committee on the matters contemplated in subparagraph 1;

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

(4) require the owners of immovables to provide their immovables with such apparatus as will prevent the emission of pollutant matter 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 such necessary anti-pollution apparatus as will eliminate the escaping into the atmosphere of pollutant matter containing more than the proportion permitted by such by-law;

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

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

(8) authorize the head of the department concerned or another officer designated by it for such purposes to cause the cessation of the emission of air pollutants or any activity relating thereto, or to have it reduced to such extent as he may determine, for so 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 it;

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

(a) for a first offence, a minimum fine of not more than \$1 000 and a maximum fine of not more than \$10 000, with or without costs,

imprisonment for a period determined under the Summary Convictions Act (R.S.Q., chapter P-15) or both such penalties together;

(b) for any subsequent offence within a period of 12 months from the previous offence, a minimum fine of not more than \$2 000 and a maximum fine of not more than \$20 000, with or without costs, imprisonment for a period determined under the Summary Convictions Act (R.S.Q., chapter P-15) or both such penalties together.

In no case may the city or the department head or officer contemplated in subparagraph 8 of the first paragraph be prosecuted for an act performed in good faith under the said subparagraph. Any decision 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.

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

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

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

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

**“489g.** No person may hinder an officer or employee contemplated in section 489f in the performance of his duties, particularly by misleading him or attempting to mislead him by concealment or by misrepresentation, or by refusing to state his surname, given name and address.

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

**“489h.** For the purposes of section 489e, “air pollutant” or “pollutant matter” means any substance found in the air in a concentration defined by 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 might cause one or other of those effects.

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

**25.** The said charter is amended by adding, after section 541, the following section:

**“541a.** Where it is impossible to provide an immovable with two emergency exits leading to the public road in accordance with the Acts, regulations and by-laws in force, the owner of such an immovable may, after serving notice on the city, submit a motion to the Superior Court for the issue of an order requiring the owner of one or several adjoining immovables to grant him a pedestrian right of way, for emergencies only, and all required accessory real rights to enable him to provide such emergency exits. The Court shall fix the compensation according to the value of the property transferred and the amount of any damage resulting directly from the transfer.

An order under the first paragraph takes effect upon registration in the registry office of Québec of

(a) a copy of the order;

(b) the documents establishing that the amount of the compensation has been paid, legally offered or deposited in the office of the clerk of the Superior Court.

Registration shall be effected by deposit at the expense of the beneficiary and recorded in the index of immovables.”

**26.** Section 545a of the said charter, replaced by section 35 of chapter 116 of the statutes of 1986, is amended by replacing the first paragraph by the following paragraph:

**“545a.** The city, by a resolution of the executive committee, may exercise all powers conferred on the council to regulate or prohibit traffic and parking. A resolution under this section shall have effect from the time the appropriate signs are erected in the proper places.”

**27.** Section 548*b* of the said charter, enacted by section 4 of chapter 82 of the statutes of 1965 (1st session), is repealed.

**28.** The said charter is amended by adding, after section 553, the following section:

**“553a.** Every reference in this charter to a statute which has been replaced or revised or to any of its provisions is a reference to the corresponding new or revised statute or provision.”

**29.** Section 2 of chapter 82 of the statutes of 1965 (1st session), amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

**30.** Section 75 of chapter 86 of the statutes of 1969 is repealed.

**31.** Paragraph 2 of section 22 is declaratory but applies neither to a judgment rendered before (*insert here the date of introduction of this bill*) nor to a case pending on the said date.

Notwithstanding the foregoing, the declaratory effect provided for in the first paragraph applies to a case pending in which the Government, any of its departments or any government agency within the meaning of section 4 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is the complainant, plaintiff or petitioner in first instance.

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