



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 253
(Private)

An Act respecting the City of Westmount

Introduction

Introduced by
Mr Richard D. French
Member for Westmount

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(Private)

An Act respecting the City of Westmount

WHEREAS it is in the interest of the City of Westmount that its Charter, chapter 89 of the statutes of 1908, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the City of Westmount

(1) by adding, after paragraph 2.2 of subsection 1, the following paragraph:

“(2.3) Lease its immovable property by way of emphyteutic lease;”;

(2) by adding, after subsection 3, the following subsection:

“(3.1) No person may, except with the authorization of the City, use in any way the name of the City or of any of its departments, or its seal, crest or graphic symbol.”

2. Section 369 of the said Act is amended for the City by replacing the first paragraph by the following paragraph:

“369. The council may impose, by any by-law within its powers, for every infraction of a by-law, either a fine, with or without costs, or imprisonment; and if a fine, with or without costs, may provide for imprisonment in default of immediate payment of such fine with or without costs, as the case may be, but, except where otherwise provided, such fine shall not exceed \$1 000 nor shall such

imprisonment last more than two months; and where such imprisonment is ordered in default of payment of the fine or of the fine with costs, it shall cease on payment of the fine or of the fine and costs.”

3. Section 411 of the said Act is amended for the City by adding, after paragraph 3, the following paragraphs:

“(4) To authorize any person whose services are retained by resolution of council of the City for such purpose (hereinafter termed an “Authorized Person”) to issue an infraction ticket for any infraction against a municipal by-law of the City other than a by-law relating to parking and traffic.

The infraction ticket shall consist of a document prepared in triplicate over the signature of the Authorized Person who witnessed the alleged infraction, and specifying:

- (a) the name, given names and address of the alleged offender;
- (b) the nature, date, time and place of the alleged infraction and the number of the by-law alleged to have been contravened;
- (c) the amount of the fine specified by the by-law alleged to have been contravened;
- (d) an indication that the alleged offender may avoid the issuance of a summons by appearing at the place indicated on the infraction ticket and by paying the fine specified in subparagraph *c* within the time specified on such infraction ticket;
- (e) an attestation by the Authorized Person that he has delivered a copy of the infraction ticket to the offender.

The alleged offender, upon payment of the said infraction ticket at the place and within the time specified in subparagraph *d*, shall be deemed to have been found guilty of the infraction in question.

The payment of the fine specified on the said infraction ticket shall free the offender from any other penalty in connection with the said infraction.

The provisions of this paragraph do not prevent the filing of a complaint or the issuance of a summons against the offender, in the usual manner;

“(5) To impose, by by-law, a fine which may be specified in infraction tickets in respect of infractions contemplated by paragraph

4, which fine, in any event, shall not exceed \$50 for any one such infraction.”

4. Section 412 of the said Act is amended for the City

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

“The person in possession of a notice of summons may avoid the filing of a complaint against him by appearing at the place fixed by by-law and indicated in the notice of summons and by paying as a fine the sum fixed in the by-law which must not exceed \$30 for a parking infraction or \$60 for the infraction of any other by-law contemplated in this paragraph except an infraction of any provision adopted under paragraph 4, 5 or 8 of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2), in which case the sum must be equal to the minimum provided in the said Code for a fine relating to an infraction of any provision thereof respecting the same matter. The payment of the fine and the receipt given by the person designated by the council free the offender from any other penalty in connection with that infraction.”;

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

“(20.2) To establish a tariff of towing costs in the case of parking infractions, which costs may be added to the amount of the fine imposed under the municipal by-law and collected in the same way as the fine;”.

5. Section 415 of the said Act, amended by section 81 of chapter 8 of the statutes of 1988, is amended for the City

(1) by adding, at the end of paragraph 10, the following: “unless the said towing costs have already been added to the amount of the fine imposed in accordance with paragraph 20.2 of section 412”;

(2) by adding, after paragraph 30.1, the following paragraphs:

“(30.2) To regulate or prohibit the parking of a vehicle on any street, lane, public place or lot of the City or any of its departments, and to provide for the towing and impounding of any such vehicle at the expense of its owner;

“(30.3) To grant to certain groups or categories of persons, the exclusive right to park their vehicles on certain streets on the conditions stated in the by-law;

“(30.4) To establish pounds under the supervision and control of the council for the storage of automobiles and other movable effects that may, according to law, be removed, seized, confiscated or towed;

“(30.5) To determine by resolution the location of such pounds and the fees exigible for the storing, towing and transportation of such automobiles or other movable effects;

“(30.6) To delegate to a third party the power to establish and administer such municipal pounds;”.

6. Section 460 of the said Act is amended for the City

(1) by replacing paragraph 5 by the following paragraph:

“(5) To grant licenses to pawn-brokers, second-hand dealers and dealers in bric-a-brac and impose requirements on them regarding, in particular, the keeping of records relating to their transactions, the disclosure of such records, the issue, within certain time limits and in accordance with certain forms, of extracts from such records to any municipal officer charged with the enforcement of the by-law, the content of such extracts, and the manner of preserving articles that are the object of such transactions.

To revoke licenses, subject to the conditions prescribed by by-law, following the holder's refusal to comply with any demand or order, without prejudice to the imposition of any fine, penalty or other proceedings or lawful claim.

For the purposes of this paragraph, every merchant including a jeweler who buys precious metals, precious stones or jewelry of any kind from a person other than a dealer in similar articles is deemed to be a dealer in bric-a-brac;”;

(2) by adding, after paragraph 23, the following paragraphs:

“(24) To regulate, license or prohibit the sale of goods other than food outside a permanent building;

“(25) To regulate, license or prohibit the carrying out of film-making and related operations in the City and to require the applicant to provide the City with monetary guarantees of their compliance with the by-laws of the City as a condition of the issuance of such licenses.”

7. Section 461 of the said Act is amended for the City by adding, at the end, the following paragraph:

“The council may entrust to a third party the power to sell or otherwise dispose of, with or without consideration, motor vehicles left in the City’s custody, abandoned or found and unclaimed after 60 days or after 10 days in the case of a vehicle without a motor or fit only for scrap.”

8. The said Act is amended for the City by inserting, after section 605, the following section:

“605.1 The council may, by resolution, authorize the destruction of records of the Municipal Court closed for more than five years relating to offences against the Acts of Québec, the municipal by-laws and any other legislation in force in the territory of the City.”

9. The said Act is amended for the City by inserting, after section 617, the following section:

“617.1 In the absence of the judge of the Municipal Court, the clerk of the court may adjourn any case appearing on the roll of the Court, according to law; for that purpose, the clerk is deemed to be a justice of the peace.

Whenever the signature of the clerk or assistant-clerk of the Municipal Court is required by law, his name may be engraved, lithographed or printed. However, warrants of arrest and search warrants must bear the handwritten signature of the judge.”

10. The council of the City of Westmount may, by by-law, impose and levy annually a surtax at a rate not exceeding \$0.50 per \$100 on the amount by which the value of any immovable property as entered on the valuation roll for the year in question exceeds \$10 000 000.

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