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Bill 232
(Private)

An Act to amend the Charter of the city of Québec

Introduction

Introduced by
Mr Jean Leclerc
Member for Taschereau

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Bill 232

(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 statutes 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 17, the following sections:

“17a. Notwithstanding section 65.10 of the Cities and Towns Act (R.S.Q., chapter C-19), a council member who is a member of the executive committee shall receive as an additional annual remuneration and allowance therefor a sum equal to one and one-half times the annual sum payable to a councillor.

“17b. Notwithstanding sections 65.10 and 65.11 of the Cities and Towns Act, a member of the executive committee, other than the mayor, who performs his duties on a full-time basis may receive as an additional annual remuneration and allowance therefor a sum equal to the annual sum payable to a councillor.

Every member of the executive committee who wishes to avail himself of this section shall file with the council a written statement attesting that he performs his duties as councillor and member of the executive committee on a full-time basis. If he ceases to perform his

duties as councillor and member of the executive committee on a full-time basis, he shall file with the council a written statement to that effect at its next sitting.

“17c. Notwithstanding section 65.11 of the Cities and Towns Act, the leader of the opposition shall receive as an additional annual remuneration and allowance therefor a sum equal to the annual sum payable to a member of the executive committee under section 17a.

For the purposes of this section, the leader of the opposition is the councillor designated by the councillors of the political party, other than the political party to which the mayor belongs, having the greatest number of elected representatives. If several political parties, other than the party to which the mayor belongs, have an equal number of elected councillors, the leader of the opposition is the councillor designated by the councillors of the political party having received the greatest number of votes for the office of mayor and for the offices of councillors.

Notice of the designation of the leader of the opposition shall be filed with the council by a councillor of the political party which designated him. The designation may be amended at any time.

The leader of the opposition who performs his duties as councillor and as leader of the opposition on a full-time basis, shall receive as an additional annual remuneration and allowance therefor a sum equal to the annual sum payable to a councillor.

Where the leader of the opposition wishes to avail himself of the preceding paragraph, he shall file with the council a written statement attesting that he performs his duties as councillor and leader of the opposition on a full-time basis. If he ceases to perform his duties as councillor and leader of the opposition on a full-time basis, he shall file with the council a written statement to that effect at the next sitting.

“17d. In no case may a member of the executive committee or the leader of the opposition who performs his duties on a full-time basis lease his services or work for any person other than the city and he shall devote his time exclusively to the duties of his office.

Notwithstanding the foregoing, he may, with the authorization of the council, lease his services or work for public or parapublic bodies or any non-profit organization set up for charitable, scientific, artistic, social or sports purposes. In such case, he shall, before taking office, file a notice of his intention with the council and request its authorization.

“17e. Notwithstanding section 65.11 of the Cities and Towns Act, the chairman of the council shall receive as an additional annual remuneration and allowance therefor a sum equal to forty-five per cent of the annual sum payable to a councillor.

“17f. Notwithstanding section 65.6 of the Cities and Towns Act, the council may, by by-law, order that there will be paid annually to the mayor or the councillors, for the purposes set out in section 65 of the said Act, a sum fixed by it that exceeds the sum computed under sections 65 to 65.5 of the said Act and that may be greater than the total annual sum determined pursuant to section 65.11 of the said Act.

The sum fixed in respect of a councillor under the first paragraph may be greater than one-third of the sum fixed for the mayor.

“17g. Notwithstanding section 65.13 of the Cities and Towns Act and section 115 of chapter 16 of the statutes of 1980, the portion of the remuneration that a council member in office on 1 January 1980 receives for all the services rendered by him to the municipality, in any capacity, to indemnify him for a portion of the expenses attaching to his duties, shall be identical to the portion of the said remuneration he was receiving therefor on 31 December 1979 if the amount he was so receiving was greater than the amount fixed under section 65.13 of the said Act on 1 January 1980. A council member is not deemed to cease to hold office at the expiry of his term if he is reelected or reappointed to that office for a second term.”

2. 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 and by section 3 of chapter 61 of the statutes of 1984, is amended by replacing paragraph *i* by the following paragraph:

“(i) make agreements with any person, partnership or corporation to entrust it with all or part of the execution, carrying out or implementation of the decisions of the council or of the executive committee;”.

3. Section 160 of the said charter, replaced by section 4 of chapter 85 of the statutes of 1966-67 and amended by section 4 of chapter 61 of the statutes of 1984, is amended by adding, at the end of the third paragraph, the words “The executive committee may also suspend

those employees for such period as it may determine and impose disciplinary measures on them.”

4. Section 162*b* of the said charter, replaced by section 5 of chapter 80 of the statutes of 1973, is replaced by the following section:

“**162*b*.** No by-law passed under section 162*a* shall have effect unless it is approved by the Commission municipale du Québec; it shall also be subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17). Moreover, the actuarial deficiency existing on 31 December 1983 must be made up before 31 December 2043. The minimum contribution the city is required to pay annually for such purpose, shall be determined in such a manner that the aggregate of its contribution to the amortization of the deficiency and its contribution to the current service represents a uniform percentage of the total payroll of the participants during the amortization period. The uniform percentage shall be revised at each actuarial valuation of the plan submitted to the Régie des rentes du Québec under the General Regulation respecting supplemental pension plans (R.R.Q., chapter R-17, r. 1) in order that the balance of the deficiency be amortized over the remaining amortization period. Until that date, the contributions of the city must be at least equal to the amount of the contributions paid by employees.”

5. Section 165 of the said charter, replaced by section 30 of chapter 86 of the statutes of 1969, is amended by replacing the first paragraph by the following paragraph:

“**165.** The minutes of the votes and proceedings of the executive committee shall be drawn up and transcribed in a book kept for such purpose by the city clerk. They shall be signed by the chairman of the executive committee and by the city clerk.”

6. Section 173*a* of the said charter, replaced by section 52 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, by section 7 of chapter 68 of the statutes of 1970, by section 10 of chapter 42 of the statutes of 1980 and by section 58 of chapter 61 of the statutes of 1984, is amended by replacing the third paragraph by the following paragraph:

“The director general shall have his domicile within the city at the time of his appointment, or establish it there within six months of such appointment and maintain it there. He shall devote his time exclusively to the performance of his duties and he shall not lease his services or work for any person other than the city except, with the

authorization of the council, for public or parapublic bodies or for any non-profit organization set up for charitable, scientific, artistic, social or sports purposes. In such a case, before taking office, he shall file a notice of his intention with the council and request its authorization.”

7. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and amended by sections 2 and 12 of chapter 85 of the statutes of 1966-67, section 11 of chapter 68 of the statutes of 1970, section 6 of chapter 97 of the statutes of 1974, section 10 of chapter 54 of the statutes of 1976, section 2 of chapter 22 of the statutes of 1979 and section 11 of chapter 42 of the statutes of 1980, 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 amended

(1) by replacing the second paragraph of subsection 1 by the following paragraph:

“Three members constitute a quorum of the executive committee, and the chairman has a casting vote in the event of a tie.”;

(2) by replacing paragraph *d* of subsection 7 by the following paragraph:

“(d) every application for a transfer of funds or appropriations already voted, from one item of the budget to another or from one item of a budget plan to another if the transfer exceeds \$50 000;”;

(3) by adding, in subsection 11, the following paragraph:

“The executive committee may set up rules for transfers of funds or appropriations already voted within a budget program, transfers of items of the budget or of a budget plan if the transfers are equal to or under \$50 000, and transfers from the contingent fund. The rules may provide that the transfers may be authorized by the executive committee, the director general or the head of a department.”

8. The said charter is amended by adding, after section 244, the following section:

“245. Notwithstanding the Amusement Tax Act (R.S.Q., chapter D-14), the city may, in relation to activities taking place during and on the site of the provincial exhibition for which the amount paid to take part in the amusement is not collected in the form of a price of admission, impose an amusement tax based on the metre of frontage of occupation or on any other criteria determined by the council.”

9. Section 266*a* of the said charter, replaced by section 453 of chapter 72 of the statutes of 1979, is amended by replacing the figure and word “1 January”, in the third line, by the figure and word “1 March”.

10. The said charter is amended by adding, after section 289, the following section:

“289*a*. (1) The council may set up a fund called the “working fund”, or increase the amount of that fund, to place at the disposal of the city the sums it may need for any municipal purposes. For that purpose, the council shall pass a by-law

(*a*) to allocate to the working fund the accumulated surplus of its general fund or any part thereof,

(*b*) to allocate thereto the revenue from a special tax provided for that purpose in the budget, or

(*c*) to carry out both operations.

In the case of paragraph *b*, the amount of the fund or of any increase shall be equal to the revenue from the special tax as and when it is collected. In the case of paragraph *c*, the rule applies to that part of the fund or of any increase that derives from the revenue from the special tax.

When a by-law is passed under this subsection, the clerk shall send a certified copy thereof to the Minister of Municipal Affairs.

(2) The amount of the fund shall not exceed ten per cent of the appropriations for the current fiscal year of the municipality. If, however, the amount of the fund exceeds the percentage provided because the budget of a subsequent fiscal year provides for lesser appropriations than the budget used to determine that amount, the amount may remain unchanged.

(3) Regarding any expense of less than \$50 000, the council or the executive committee may, by resolution, borrow from the fund the sums the city may need. The resolution authorizing the loan shall indicate the term for repayment, which shall not exceed five years. The council may also, before the revenues are collected, borrow from the working fund; in such a case, the term for repayment shall not exceed twelve months. Each year, the council shall provide, out of its general fund, an amount sufficient to repay the amount borrowed from the working fund.

(4) The liquid assets of the fund shall be deposited in accordance with section 301.

(5) The interest on the assets of the working fund shall be appropriated as ordinary revenues for the fiscal year in which it is earned.

(6) Any member of the council who knowingly authorizes, by his vote or otherwise,

(a) the setting up or funding of a working fund or any borrowing from such a fund, for an amount exceeding the amount approved, or

(b) the deposit of the sums belonging to the fund otherwise than as prescribed in subsection 4,

may be declared disqualified from holding any municipal office for two years and held personally liable toward the city for any loss or damage suffered by the city.

The liability referred to in the first paragraph of subsection 6 is joint and several and it is applicable to every officer or employee of the municipality who knowingly is a party to the illegal act.

Proceedings for declaration of disqualification shall be taken in accordance with articles 838 to 843 of the Code of Civil Procedure; proceedings for recovery of loss or damage shall be taken by ordinary action. The proceedings may be brought by any ratepayer."

11. Section 304 of the said charter, replaced by section 138 of chapter 27 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

"304. The council may, by by-law, adopt a plan of action or a revitalization program for all or part of the territory of the city. The plan or program may provide, in particular, that the city grant, on the conditions determined by the council, a subsidy for the carrying out of work."

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

"307. The council may, within the scope of a plan of action or revitalization program, 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 or has been carried out. The tax credit granted each year shall not exceed the actual cost of the qualifying work."

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

“307a. The council may order by by-law that the city grant, on the conditions and in the sectors of the city it determines, a tax credit on the real estate tax imposed in respect of lots that are not served by the waterworks or sewer system. The tax credit shall not exceed twenty per cent of the real estate tax.”

14. The said charter is amended by adding, after section 312a, the following section:

“313. The city is authorized to provide, even free of charge, premises, property and services and make grants to any organization which manages a social and recreational club for the employees of the city.”

15. Section 336 of the said charter, replaced by section 22 of chapter 61 of the statutes of 1984, is amended by adding, at the end of subparagraph 19 of paragraph 42a, the following paragraphs:

“(20) regulating or prohibiting the setting up or operation of establishments where erotic shows, in particular, stripteases or dance shows in which one or more participants are nude or almost nude are presented on a frequent or regular basis;

“(21) prescribing, within a zone, the maximum floor area that may be used by establishments where erotic shows, in particular, stripteases or dance shows in which one or more participants are nude or almost nude are presented on a frequent or regular basis, or the maximum number of such establishments within a zone; prohibit the use, for that purpose, of any floor area or establishment in excess of the maximum floor area or number of establishments prescribed by by-law;”.

16. Section 336d of the said charter, enacted by section 18 of chapter 64 of the statutes of 1982, is amended by replacing paragraph 6 by the following paragraph:

“(6) authorize an inspector or person contemplated in section 32 of the Agricultural Products, Marine Products and Food Act or in section 48 of the Dairy Products and Dairy Products Substitutes Act to cause an establishment or a vehicle contemplated in paragraph 1 to cease to operate or to seize or confiscate any food found in that establishment and which he considers to be so deteriorated that it is no longer fit for consumption.”

17. Section 453*a* of the said charter, replaced by section 32 of chapter 42 of the statutes of 1980, amended by section 30 of chapter 61 of the statutes of 1984 and by section 209 of chapter 38 of the statutes of 1984, is amended by replacing the second paragraph by the following paragraph:

“The city is authorized to establish a real estate or housing reserve, transfer to it the immovables acquired under the first paragraph and those that are no longer needed for the purposes for which they had originally been acquired, including the immovables acquired within the scope of the programs established under Divisions III, IV, V and VI of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8). It may hold, lease, administer and equip the immovables and install therein the necessary public services.”

18. Section 453*c* 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 corporation to exercise the powers provided for in the first paragraph. The city and the corporation are authorized to enter into agreements with any person, partnership, group or corporation in order to exercise those powers.”

19. Section 457 of the said charter, replaced by section 35 of chapter 61 of the statutes of 1984, is amended by inserting the words “out of its general funds not otherwise appropriated or out of a subsidy of the Government or any of its ministers or bodies already paid or the payment of which is ensured or out of those two sources of financing” after the word “disposal” in the first line.

20. The said charter is amended by adding, after section 503*b*, the following section:

“**503c.** No person may use a sailboard on the Saint-Charles river above the waterworks dam of the city or on lake Saint-Charles, except riparian owners and their guests who shall enjoy the same rights in that respect as those granted under section 503 in respect of the use of non-motorized boats.”

21. Section 539 of the said charter, replaced by section 29 of chapter 85 of the statutes of 1966-67 and amended by section 16 of chapter 97 of the statutes of 1974, by section 1 of chapter 86 of the

statutes of 1975 and by sections 37 and 58 of chapter 61 of the statutes of 1984, is amended by adding, at the end, the following paragraph:

“No member of the city council who is a member of the commission may be prosecuted under the Act respecting municipal bribery and corruption (R.S.Q., chapter F-6) or under section 21 of this charter for the sole reason that they may be admitted free of charge to immovables managed by the commission to attend various events taking place therein.”

22. Section 545*a* of the said charter, enacted by section 41 of chapter 42 of the statutes of 1980, is replaced by the following section:

“**545*a*.** The city, by a resolution of the executive committee, may exercise the powers mentioned in the second and third paragraphs of section 545. It may also, in the same manner, prohibit certain vehicles, during the periods of the year as it may determine, from using the streets, lanes or public places of the city or any part thereof. A resolution under this section shall have effect from such time the required signs are put up in the places referred to in the resolution.

For each violation of such resolution, the council may, by by-law, impose the penalty provided for in section 394, which becomes applicable as soon as the signs referred to in the first paragraph are put up.”

23. Section 545*d* of the said charter, enacted by section 40 of chapter 61 of the statutes of 1984, is amended

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

“**545*d*.** The city is authorized to order, by by-law, that at the time of a snow removal operation, the head of the police department or any other officer determined in the by-law be authorized to prohibit parking on certain streets or parts of streets by means of a notice broadcast on radio or television not less than five hours before the coming into force of the prohibition.”;

(2) by striking out the third and fourth paragraphs.

24. Section 546*a* of the said charter, replaced by section 18 of chapter 97 of the statutes of 1974 and amended by section 41 of chapter 61 of the statutes of 1984, is again amended by replacing subsection 5 by the following subsection:

“(5) In all cases where it is provided that a vehicle may be removed or towed away, the owner may recover his vehicle only upon payment of the parking costs at the current rate.”

25. Section 546*d* of the said charter, replaced by section 43 of chapter 61 of the statutes of 1984, is amended by replacing the first paragraph by the following paragraph:

“**546*d*.** The council, by by-law, may establish the office of special officer for the purposes of sections 545*d* and 546*a* in cases of violation of a provision relating to parking.”

26. The said charter is amended by inserting, after section 546*e*, the following section:

“**546*f*.** The city, by by-law, may establish a tariff of costs for the removal or towing of vehicles. In all cases where it is provided that a vehicle may be removed or towed away for a violation relating to parking, the fine for the violation shall be increased by the prescribed towing or removal costs. The fine so increased shall be specified on the ticket.”

27. Section 547 of the said charter, replaced by section 15 of chapter 47 of the statutes of 1944 and amended by sections 2 and 40 of chapter 85 of the statutes of 1966-67 and by section 21 of chapter 54 of the statutes of 1976, is again amended by inserting, after the first paragraph, the following paragraph:

“Notwithstanding the Act respecting municipal bribery and corruption (R.S.Q., chapter F-6) and section 65.11 of the Cities and Towns Act (R.S.Q., chapter C-19), the members of the council who are members of the commission, except the mayor and the members of the executive committee who perform their duties on a full-time basis, may receive a remuneration equal to that received by the other members of the commission.”

28. Section 15 of the said charter is repealed.

29. Notwithstanding any general law or special Act, the city of Québec and the Commission de transport de la Communauté urbaine de Québec shall pay, from 1 July 1986, a life annuity to Mr Léonce Bouchard. Should Mr. Bouchard die before 30 June 2001, the annuity shall be payable to his heirs until the said date. The amount of the annuity payable yearly by the city is \$1 504.29 and that payable yearly by the Commission de transport de la Communauté urbaine de Québec is \$3 653.96.

30. No irregularity or illegality may be invoked against by-law 3102 “Établissant un programme de crédits aux débiteurs de taxes foncières imposées à l’égard de bâtiments situés sur les sites commerciaux des artères commerciales et du Centre-Ville de Québec”, passed by the council of the city of Québec on 29 July 1985, on the grounds that at the time the by-law passed second reading, section 309 of the Charter of the city of Québec had been amended by the Act to amend various legislation respecting municipalities (1985, chapter 27). This section does not affect a case pending or a decision or judgment already rendered.

31. The city of Québec and the Commission de l’exposition provinciale de Québec are authorized to waive collection of the amounts due to them, for whatever reason, by Corporation Québec 1534-1984 and the treasurer is authorized to debit the amounts from the reserve account for collection losses.

32. The amendment made to section 160 of the Charter of the city of Québec by section 3 is declaratory. However, it does not affect judgments already rendered or cases pending on (*insert here the date of introduction of this bill*).

33. Any provision of a by-law in force on (*insert here the date of coming into force of this Act*) and made pursuant to a provision replaced by this Act shall remain in force until it is replaced or repealed pursuant to a provision enacted by this Act.

34. Sections 17*a*, 17*b*, 17*c*, 17*e* and 17*f* of the Charter of the city of Québec, enacted by section 1, have effect from 1 December 1985.

35. Section 17*g* of the Charter of the city of Québec, enacted by section 1, has effect from 1 January 1980.

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