



NATIONAL ASSEMBLY

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THIRTY-THIRD LEGISLATURE

Bill 249

(Private)

An Act to amend the charter of the city of Laval

Introduction

**Introduced by
Mr Jean-Pierre Bélisle
Member for Mille-Îles**

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(Private)

An Act to amend the charter of the city of Laval

WHEREAS it is in the interest of the city of Laval that its charter and the Acts amending it be again amended and that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 13 of the Act to amend the charter of the city of Laval (1978, chapter 112), replaced by section 3 of chapter 89 of the statutes of 1984, is amended

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

“13. The city is authorized to acquire by agreement or expropriation any immovable or part of an immovable belonging to one or several owners where its acquisition is considered appropriate for the purposes of a land reserve or for housing or agricultural purposes and for works related to these purposes, and any immovable that is obsolete or unfit for occupancy.”;

(2) by replacing the second paragraph by the following paragraphs:

“The city is authorized to hold, lease and manage an immovable acquired under the first paragraph. It may also equip the immovable and instal the necessary public services thereon. It may also alienate it, on conditions determined by it, in accordance with the Act governing it, provided that the price of alienation is sufficient to cover the expenses

incurred in respect of the immovable. The alienation is then deemed to have been made for valuable consideration.

The city is authorized to erect, on any immovable acquired under the first paragraph, a building for public and governmental purposes or a building to be used by a non-profit body and lease it for such purposes. It may also alienate the immovable, whether built-upon or not, for an amount less than the amount of the expenses incurred for the immovable, or gratuitously in favour of the Government, any of its ministers or agencies, a school board, its municipal housing bureau or any other non-profit body.

For the purposes of this section, the city may, before acquiring an immovable or part of an immovable by agreement or expropriation, agree on the terms and conditions concerning the resale of the immovable with any person wishing to acquire it. Any acquisition proposal by agreement or expropriation may concern, generally, only one immovable or part of an immovable which is owned by only one person.”;

(3) by replacing the third paragraph by the following paragraph:

“In case of alienation by emphyteutic lease, the price of alienation must correspond to the total amount of annual dues, of the value of the improvement to be made by the purchaser, and the charges to be assumed by him; moreover, that price must be sufficient to cover the price of acquisition of the immovable concerned, the cost of services and related expenses or costs, as well as all expenses incurred for the immovable, including, as the case may be, the expenses incurred for construction, renovation, demolition and moving. The alienation is then deemed to have been made for valuable consideration.”;

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

“The city is authorized to exercise the power provided for in the second paragraph for housing, agricultural, educational, research, leisure, recreational and other related purposes.”

2. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by replacing paragraph 2 of subsection 1 by the following paragraph:

“(2) Acquire for purposes of its competence movable and immovable property, even property held in divided or undivided co-ownership, by purchase, donation, legacy or otherwise;”.

3. Section 51*a* of the Cities and Towns Act (revised statutes, 1964, chapter 193), enacted for the city of Laval by section 12 of chapter

89 of the statutes of 1965 (1st session) and amended by section 4 of chapter 96 of the statutes of 1968 and by section 1 of chapter 112 of the statutes of 1978, is again amended by replacing subsection 16 by the following subsection:

“(16) All contracts shall be signed in the name of the city by the chairman of the executive committee and by the clerk or the assistant-clerk or clerks. The chairman of the executive committee may, however, authorize, generally or specially, in writing, another member of the executive committee to sign the contracts in his stead. Contracts may also be signed by any other person to whom such power has been delegated by the council by a by-law made under section 477.2 of the Cities and Towns Act.”

4. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by replacing paragraphs 20 and 20.1 by the following paragraphs:

“(20) To prescribe that in the case of an offence against a municipal traffic, parking or public safety by-law,

(a) any police officer or constable or, in the case of an offence against a municipal parking by-law, any special officer may fill out at the scene of the offence a ticket stating the nature of the offence, hand a copy to the offender or deposit it in a conspicuous place on the vehicle and bring the original to the police department;

(b) the police officer or constable may also, when it is not a parking violation, fill out a notice of summons at the scene of the offence and hand a copy to the offender, which constitutes legal service thereof.

Another copy must be delivered to the clerk of the Municipal Court within the ensuing forty-eight hours.

On the day set for appearance, unless payment in full has been made, the clerk shall open a record and file the document therein, which becomes thereupon a summons duly authorized and served within the meaning of the Summary Convictions Act (R.S.Q., chapter P-15), and returnable on the date fixed.

This section does not prevent the police officer, constable or special officer from filing a complaint or having a summons issued against an offender in the ordinary manner if he considers it advisable.

Any police officer, constable or special officer may remove or have removed, by means of a service vehicle or tow-truck, any vehicle parked in contravention of a traffic by-law or ordinance.

The ticket, notice of summons or summons must mention such removal and the city shall collect from the person who presents himself at the place designated on the ticket to pay the fine as provided in this section, or who pleads guilty or is convicted in respect of the complaint filed against him under this section, an additional sum to be fixed by by-law as removal or towing and impounding costs;

“(20.1) To prescribe that any person to or on whom a notice or ticket, a notice of summons or a summons has been sent or served for an offence against a municipal traffic, parking or public safety by-law may free himself of any penalty relating to the offence by paying as fine and costs, at the place and within the time determined by the executive committee, the amount fixed by the council and shown on the document delivered to him. However, such payment covers only a first offence within a period of twelve months, except in cases relating to parking.

If the amount indicated on the ticket is not paid within the prescribed time, the city may send by mail to the address given by the offender when the offence was committed, or to the address given by him to the Régie de l'assurance automobile du Québec, a preliminary notice of proceedings, allowing him to free himself through payment, within the time indicated, of the amount of the fine and a sum of two dollars, or such other amount as the council may determine, for costs.

Following the payment referred to in the first or second paragraph, the offender shall be considered as having been convicted of the offence.

If the offender who has received a notice of summons or a summons does not avail himself of the provisions governing full payment, proceedings are continued and he shall appear in court on the date indicated. If he does not appear, the judge or the clerk under the authority of the chief judge of the Municipal Court may condemn him for the offence described in the summons or in the notice of summons, without it being necessary to prove the offence or the officer's signature or his appointment.

In the case of a second offence, any payment pursuant to a notice of summons or a summons bearing the name of the same offender and the same vehicle licence number constitutes *prima facie* evidence of the previous condemnation of the offender without it being necessary to prove his identity.

An offender being prosecuted by way of summons cannot in any case allege that he did not receive a ticket or a preliminary notice of proceedings;

“(20.2) To prescribe that where a police officer or a constable ascertains an offence against a municipal traffic, parking or public safety by-law and where he has reasonable grounds to believe that the offender will elude justice, he may require from the offender security for an amount equal to the amount of the prescribed minimum fine.

If the offender refuses or is unable to furnish the security, the police officer or the constable may have the vehicle impounded until a judge of the Municipal Court, on a motion of the offender or of the peace officer or constable, authorizes it to be returned with or without security. The motion is heard and decided by preference.

However, as soon as the amount of the minimum fine prescribed for the alleged offence and that of the costs incurred, including the costs for towing and impounding the vehicle, are paid, the offender is authorized to resume possession of his vehicle.

The security must be sent to the clerk of the Municipal Court at the same time as the copy of the notice of summons;

“(20.3) To create the function of special officer for the purposes of paragraph 20 in cases of violation of a parking by-law.

In the performance of their duties and only for the purposes of the first paragraph, the special officers shall enjoy all the powers and immunities of constables or police officers of the city.

Every special officer shall, before beginning his duties, swear before a judge of the Municipal Court that he will perform his duties well and faithfully.

The council may also, by by-law, entrust the special officers with the duty of ascertaining whether by-laws other than those concerning traffic, peace, public order, decency and good morals are being complied with.”

5. Section 415 of the said Act is amended for the city by adding, at the end of paragraph 17, the following paragraph: “to install all wires, pipes and conduits beneath the surface at such places as the council indicates, in which case section 487 applies.”

6. Section 460 of the said Act is amended for the city by adding, after paragraph 22, the following paragraphs:

“(23) To regulate shops where items having an erotic character are sold or offered for sale;

- “(24) To regulate massage parlours;
- “(25) To regulate sun tan salons;
- “(26) To regulate escort service agencies;
- “(27) To regulate introduction service agencies;
- “(28) To regulate dancers’ agencies;
- “(29) To regulate establishments presenting nude dancing shows.”

7. Notwithstanding section 573.4 of the said Act, section 573 of the said Act is amended for the city by replacing the figure “\$25 000” in the first line of subsection 1 by the figure “\$50 000”.

8. Notwithstanding section 573.4 of the said Act, section 573.1 of the said Act is amended for the city by replacing the figures “\$5 000” and “\$25 000” in the fourth line of the first paragraph by the figures “\$15 000” and “\$50 000”.

9. Section 626 of the said Act is replaced for the city by the following section:

“626. The proceedings held in respect of each case or complaint brought before the court shall be recorded each day in the manner determined by a resolution of the executive committee.

It shall not be necessary to record at full length the proceedings, judgments and convictions of the court; it shall suffice to indicate the name of the defendant, the nature of the debt or of the offence, and the date and the terms of the judgment.

Such entries may also be validly made on the summons or complaint.”

10. Section 627 of the said Act is replaced for the city by the following section:

“627. Every summons, order, writ or warrant, issued by the court, shall be in the name of Her Majesty, Her heirs or successors.

Every summons, warrant for imprisonment and writ of seizure in execution and every notice emanating from the Municipal Court that must be sent under an Act, regulation or by-law must bear the signature of the judge or of the clerk. Such signature may be affixed by any method approved by a by-law of the council.

Every warrant of arrest and search warrant must bear the handwritten signature of the judge.”

11. Section 628 of the said Act is replaced for the city by the following sections:

“628. Where a person is accused of an offence against the provisions of this Act, or of the charter, or of any by-law of the council, he may be summoned by a writ of summons to appear before the court, to answer the complaint, which shall be clearly and explicitly set forth in the writ.

The writ shall be served on the defendant by a bailiff or constable; in the case of an offence against the Highway Safety Code, this Act or a by-law of the council, the writ may also be served validly by addressing it, by registered or certified mail with acknowledgement of receipt or notice of delivery, to the address given by the defendant to the Régie de l’assurance automobile du Québec.

However, in the case of an offence punishable by a fine or imprisonment under an Act or a by-law, it shall be lawful to proceed against the defendant either by writ of summons as provided above, or by warrant of arrest issued by a judge of the Municipal Court upon an affidavit made before him or, in the case of an offence against a municipal by-law only, by a notice of summons issued by a police officer; a copy shall be delivered to the defendant, which constitutes legal service thereof.

Another copy must be sent to the clerk of the Municipal Court within the ensuing forty-eight hours.

Upon receiving the copy, the clerk shall open a record and shall file the document therein, which becomes thereupon a summons duly authorized and served within the meaning of the Summary Convictions Act, and returnable on the date fixed in the notice.

The notice of summons shall consist of a document prepared in triplicate over the signature of the police officer who ascertained the offence.

It shall contain

- (a) the name, given name and address of the offender;
- (b) the nature, date, time and place of the offence;
- (c) an order to the offender to appear before the Municipal Court at the time and on the date indicated on the notice by the officer;

(d) an attestation from the police officer that he has delivered the notice to the offender.

“628.1 Any officer may, when reporting an offence against a by-law of the city other than those contemplated in paragraphs 20 and 20.1 of section 412, issue a ticket to the offender, instead of a notice of summons.

The ticket shall consist of a document prepared in triplicate over the signature of the police officer who ascertained the offence.

It shall contain

(a) the name, given name and address of the offender;

(b) the nature, date, time and place of the offence;

(c) an attestation from the police officer that he has delivered a copy of the ticket to the offender.

A copy of the ticket may be delivered either to the offender or any reasonable person living at his residence or in charge of his place of business, or by depositing the ticket in any place intended for his mail.

“628.2 Any person to whom a notice of summons, a ticket or a summons has been issued may free himself of any penalty relating to the offence by paying as fine and costs, at the place and within the time determined by the executive committee, the amount fixed by the council and shown on the document delivered or sent to him.

However, such payment covers only a first violation within a period of twelve months.

Following payment, the offender shall be considered as having been convicted of the offence.

In the case of a second offence, the payment of a notice of summons, ticket or summons bearing the name of the same offender and the same address constitutes *prima facie* evidence of the previous condemnation of the offender without it being necessary to prove his identity.

An offender being prosecuted by way of summons cannot in any case allege that he did not receive a notice of summons or a ticket.

For the issue of a writ of summons following the issue of a ticket, the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the executive committee.

If an offender who has received a notice of summons or a summons does not avail himself of the provisions governing full payment, proceedings are continued and he shall appear in court on the date indicated.

Each time an offender fails to appear as required by a notice of summons or summons, the judge or the clerk acting under the authority of the chief judge of the Municipal Court may condemn him for the offence described on the ticket or the summons, without it being necessary to prove the offence or the officer's signature or his appointment.

"628.3 For the purposes of issuing a notice of summons or a ticket, the director of any department of the city, with the authorization of the executive committee, may himself exercise or have any employee of his department having the responsibility of a by-law in regard to which a ticket or a notice of summons may be issued exercise all the powers and duties conferred on police officers by sections 628 and 628.1.

This section does not prevent the police officer, the director of a department or the employee he designates from filing a complaint or having a summons issued against an offender in the ordinary manner if he considers it advisable."

12. Section 629 of the said Act is replaced for the city by the following section:

"629. The service of any document of procedure issued by the Municipal Court, a judge or the clerk shall be made by delivering a copy of the document, by bailiff, to its recipient, wherever he may be, or to a reasonable person living at his residence or in charge of his place of business.

Such service may also be made by sending a copy of the document by registered or certified mail together with an acknowledgement of receipt or a notice of delivery.

The service is deemed to have been made on the date on which the acknowledgement of receipt or notice of delivery has been signed.

Where service cannot be made in any such manner, the judge, upon report of the bailiff charged with the delivery or of the clerk of the court, may prescribe any other means of service he deems expedient."

13. The said Act is amended for the city by inserting, after section 651, the following section:

“651.1 The clerk of the court may, in the absence of the judge of the Municipal Court, adjourn the cases appearing on the roll of the court according to law. Whenever the signature of the clerk or assistant-clerk of the Municipal Court is legally required, his name may be engraved, lithographed or printed. However, every warrant of arrest and search warrant must bear the hand-written signature of the judge.”

14. The council may authorize, by resolution, the destruction of records of the Municipal Court closed for over five years concerning offences against Québec laws, municipal by-laws and any other law in force in the territory of the city.

15. The council may establish, by by-law, a reserve fund for the purposes of financing its self-insurance program, which must correspond to at least 0.5% of the estimated income for each annual budget. For that purpose, the by-law shall appropriate, out of the estimated income of the budget, a sufficient annual amount to ensure that the reserve is, at the beginning of each fiscal year, equal to at least 0.5% of the estimated annual budget. Any reallocation, for other purposes, of the sums so appropriated may be made only by a special by-law to that effect approved by the Minister of Municipal Affairs.

16. Section 264 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended for the city of Laval by replacing, in the second paragraph, what precedes paragraph 1 by the following:

“Except section 170 and section 204, as the latter section read before being replaced by section 24 of the Act to amend various legislation (1984, chapter 27), this Act applies, adapted as required, to the city of Laval, with the following changes:”.

17. Section 1 has effect from 22 December 1978.

This section does not apply to cases pending or decisions or judgments made or rendered on or before 24 September 1987.

18. Section 16 has effect from 18 March 1981.

This section does not apply to cases pending or decisions or judgments made or rendered on or before 24 September 1987.

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