
NATIONAL ASSEMBLY

IRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 200

(PRIVATE)

An Act to amend the Charter of the city of Montréal

First reading



Introduced by
Mr Patrice Laplante
Member for Bourassa

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(PRIVATE)

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city of Montréal

WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Article 521 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 148 of chapter 55 of the statutes of 1972, by section 46 of chapter 77 of the statutes of 1977 and by sections 9 of chapter 40 and 8 of chapter 41 of the statutes of 1980, is amended by replacing paragraph 3 by the following paragraph:

“3. Fix the amount, conditions and mode of issue of the permits and licences which the city is authorized to grant and provide for the revocation thereof;”.

2. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, by section 54 of chapter 59 of the statutes of 1962, by section 19 of chapter 70 of the statutes of 1963 (1st session), by section 9 of chapter 71 of the statutes of 1964, by section 23 of chapter 86 of the statutes of 1966-67, by section 47 of chapter 77 of the statutes of 1977 and by section 16 of chapter 22 of the statutes of 1979, is amended

(1) by inserting, after paragraph 1, the following paragraph:

“1a. Transfer lands acquired for streets or lanes purposes from the public domain to the private domain of the city where it appears

from a report of the head of the competent department that the streets or lanes are neither laid out nor used by the public for those purposes;”;

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

“2. Cause the alignment and level of any street, lane, or public place to be established by its officers, compel every person erecting a building on any street, lane or public place to obtain from the city the alignment and level thereof and to sign a minute to that effect, a copy of which may be obtained by him at his request on payment of an amount fixed by resolution of the executive committee;”.

3. Article 528*b* of the said charter, enacted by section 24 of chapter 84 of the statutes of 1965 (1st session) and amended by section 24 of chapter 71 of the statutes of 1982, is replaced by the following article:

“**528*b*.** The council may also exercise by resolution the powers provided in paragraph 5 of article 520, in paragraph 1*a* of article 522, in paragraph 10 of article 526, in paragraph 9 of article 527 and in paragraphs 3, 4, 6 and 11 of article 528.”

4. Article 543*b* of the said charter, enacted by section 26 of chapter 71 of the statutes of 1982, is amended by replacing subarticle 24 by the following subarticle:

“(24) The assessments are ordered on the ratepayers having a place of business during the fiscal period for which the budget is deposited. A ratepayer who begins or ceases to occupy a place of business during the year shall pay the assessment pro rata to his occupancy only. Any occupancy occurring or ceasing after the first day of a month is deemed to be an occupancy occurring or ceasing on the first day of the following month.”

5. Article 594 of the said charter is amended

(a) by replacing the word “forty” in the second paragraph by the word “twenty”;

(b) by striking out the last sentence of the third paragraph.

6. Article 652 of the said charter, amended by sections 24 and 77 of the statutes of 1979, is amended by replacing paragraph *a* by the following paragraph:

“(a) of the probable receipts from the real estate tax, water-rate, service tax and business tax for the following fiscal period, calculated as indicated in article 653, and of the payment, by real estate owners other than the city, of the assessments for local improvements, to become due during the fiscal period;”.

7. Article 787*a* of the said charter, enacted by section 66 of chapter 59 of the statutes of 1962 and amended by section 33 of chapter 84 of the statutes of 1965 (1st session), by section 15 of chapter 76 of the statutes of 1972, by section 113 of chapter 77 of the statutes of 1977, by sections 38 and 68 of chapter 40 of the statutes of 1980 and by section 58 of chapter 71 of the statutes of 1982, is again amended by striking out the words “on burying electric cables or moving them off the street” in subparagraph *d* of the first paragraph.

8. The said charter is amended by inserting, after article 788, the following article:

“789. The city may, by by-law, grant a subsidy to the owner of an immovable to compensate any increase in the general real estate tax, except school taxes, exceeding 10% of the average increase in the general real estate tax.

The by-law determines categories of immovables that may benefit from the subsidy. It establishes the method of computing the average increase in the general real estate tax and prescribes any other modality relating to the subsidy.”

9. Paragraph *s* of article 803 of the said charter is repealed.

10. Article 813 of the said charter is replaced by the following article:

“813. The executive committee may refuse, in the interest of good morals or public order, the issue of any permit or licence or cancel any permit or licence.”

11. Article 814 of the said charter, amended by sections 35, 72 and 82 of chapter 22 of the statutes of 1979, is replaced by the following article:

“814. The city, at the discretion of the council, on such conditions and according to such modalities the council may determine, may impose and levy in the form of a permit or licence the special taxes provided for in Division 3 of this chapter.”

12. Article 892 of the said charter, amended by section 473 of chapter 72 of the statutes of 1979, is again amended by replacing the fourth paragraph by the following paragraph:

“The sheriff shall cause such notice to be published, at least one month before the date fixed for the sale, in a daily French newspaper and in a daily English newspaper published in the city. He shall also cause to be published in the *Gazette officielle du Québec* a notice indicating in what newspapers and on what dates the publications were made.”

13. Article 964*c* of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980 and amended by section 23 of chapter 41 of the statutes of 1980, is again amended by striking out the words “residential, industrial or commercial”.

14. Article 984*a* of the said charter, enacted by section 18 of chapter 76 of the statutes of 1972 and amended by section 136 of chapter 38 of the statutes of 1973, is again amended by replacing the expression “more than 75 feet” by the expression “not less than 15 metres”.

15. The said charter is amended by inserting, after article 1018, the following article:

“1019. The city may apportion among the bordering proprietors all or part of the cost of the construction of malls, covered or not, or of shelters.

The apportionment is made in proportion to the number of metres of frontage of the immovables and is subject to the other rules of this title concerning municipal works and local improvement taxes.”

16. Article 1140 of the said charter, replaced by section 170 of chapter 77 of the statutes of 1977 and amended by section 76 of chapter 71 of the statutes of 1982, is again amended

(1) by replacing the words “Bureau des véhicules automobiles”, in the second paragraph, by the words “Régie de l’assurance automobile du Québec”; and

(2) by inserting, after the fourth paragraph, the following paragraph:

“Notwithstanding article 1131, a summons for a violation of any Act or by-law contemplated in the first paragraph is legally served by sending it by ordinary mail to the address of the offender, given to the city by the Régie de l’assurance automobile du Québec.”

17. Article 1140*b* of the said charter, replaced by section 77 of chapter 71 of the statutes of 1982, is amended by striking out subarticles 7 and 8.

18. Article 1140*e* of the said charter, enacted by section 77 of chapter 71 of the statutes of 1982, is replaced by the following articles:

“1140*e*. (1) A bailiff, a member of the police department of the Communauté urbaine de Montréal or any person designated by the executive committee may have a vehicle immobilized, towed and impounded in the case of a vehicle registered in the name of a person who, since 1 May 1980, is guilty of not less than four violations relating to any provision of any Act, regulation or by-law respecting traffic or

parking, and who has failed to pay the fines and costs claimed from him, if at least one conviction has been pronounced in respect of any of the violations and the penalty imposed remain unpaid at the expiry of the time limit fixed by the court, or if at least one summons in respect of any of the violations has been served unsuccessfully at the address of the offender given to the city by the Régie de l'assurance automobile du Québec.

(2) Where the vehicle of the offender is registered outside Québec, the measures provided in subarticle 1 may be enforced in respect of that vehicle if four violations remain unpaid at the expiry of the time limit prescribed in each case, unless the offender has served on the court a written notice of his intention to contest any of the four violations and has furnished his identity and address, in which case the conditions set forth in subarticle 1 apply.

(3) The immobilization or the towing of any vehicle may be effected anywhere on the public domain of the city or on any land owned by the city.

(4) Where a vehicle is immobilized, a notice is deposited in a conspicuous place of the vehicle to warn the driver that the vehicle has been immobilized and, that any attempt to move it might damage it and the notice indicates the measures to be taken to remove the immobilizing device.

(5) Where a vehicle has been immobilized or towed pursuant to subarticle 1, the offender may resume possession of the vehicle only if,

(a) in respect of any conviction relating to a traffic or parking violation, he pays the amount of the fine and costs, even if a warrant of imprisonment or a writ of seizure has already been issued; and

(b) in respect of a violation for which judgment has not yet been rendered,

i. he pays the amount of the minimum fine required as full payment, and the costs, or

ii. he furnishes security in an amount equal to the minimum fine required as full payment for each violation, and the costs.

(6) The costs include all costs incurred, including those incurred for immobilizing, towing and impounding the vehicle.

(7) The security furnished by a defendant under subarticle 5 is reimbursed to him, wholly or in part, depending on whether the defendant is acquitted or sentenced to a fine lower than the amount paid; if he is sentenced to a fine equal to or higher than the amount

paid, the security is then allocated immediately to the payment of the fine and costs.

(8) Notwithstanding subarticle 5, the persons authorized by the executive committee may, at any time, authorize the return of the vehicle to a defendant.

(9) Where a vehicle towed in accordance with this article has been impounded for sixty days without the owner of the vehicle satisfying the conditions prescribed in subarticle 5, the vehicle may be sold by bailiff and the provisions of the Code of Civil Procedure relating to the judicial sale of movable property apply, *mutatis mutandis*.

The proceeds of the sale are first allocated to the costs of the sale, immobilization, towing and impounding; the balance is paid to the city up to the amount of the fines and legal costs relating to the violations that remained unpaid.

The sale of a vehicle under this subarticle does not discharge the debt of a defendant to the city if the proceeds of the sale are not sufficient to cover the total fines and costs claimed from the defendant.

(10) A person whose vehicle has been immobilized or towed pursuant to this article may apply to the Municipal Court for a review of an administrative decision relating to his vehicle, if it appears that the decision results from an erroneous application of a provision of this article.

(11) The driver of a stopped or parked vehicle who is informed that his vehicle is the object of a verification for the purposes of carrying out a measure prescribed in subarticle 1 or 2 may set his vehicle in motion only when authorized to do so. The verification must be carried out with dispatch and must not exceed 30 minutes. A driver who does not comply with this subarticle may be arrested immediately and is guilty of an offence for which he is liable to a fine of \$100 to \$500.

(12) This article has effect notwithstanding any provision of any general law or special Act.

“1140f. The council, by by-law, may fix the amount of the costs of immobilizing, towing or impounding a vehicle and collection costs payable by an offender whose vehicle is the object of a measure prescribed in articles 1140b and 1140e. These costs belong to any person designated by the executive committee to carry out a program for the enforcement of those articles.”

19. The said charter is amended by adding, after article 1164, the following article:

“1164a. Subject to article 95 of the Code of Civil Procedure, the constitutionality of any article of the charter or the validity of a by-law, order or resolution of the city cannot be put in question before the courts of Québec, unless the clerk of the city has been notified thereof at least ten days before the date of the hearing.

Such notice is given by the party who intends to raise the question and must set forth both the nature of his pretensions and the grounds upon which he relies which will be the only grounds upon which the court can adjudicate.”

20. Section 92 of chapter 71 of the statutes of 1982 is replaced by the following section:

“92. The city of Montréal may, by by-law, impose and levy a surtax of not over \$0.35 per one hundred dollars of assessment for its fiscal period 1984, and of not over \$0.25 per one hundred dollars of assessment for its fiscal period 1985, on the immovables the taxable value of which entered on the assessment roll exceeds \$100 000, which immovables are classified in categories I and II determined and defined by regulation 1976-I of the Commission municipale du Québec adopted on 29 December 1976 and amended by regulation 1977-I of the Commission adopted on 21 January 1977 under the Act respecting the Olympics deficit of the City of Montréal and amending the Charter of the City of Montréal (1976, chapter 52). This surtax applies only to the amount of the taxable value that exceeds \$100 000.

The city may determine the sectors where it intends to levy the tax in the case of immovables of category I.

This surtax is secured by privilege upon those immovables and the proprietors are personally liable therefor.”

21. The following agreements are ratified for all legal purposes:

- the agreement made between the city and the Commission de la Caisse de retraite de certains employés municipaux on 17 March 1983, under number 4598 of the repertory of Normand Latreille, notary;

- the agreement to be made between the city and the Commission de la Caisse de retraite des fonctionnaires municipaux and the Commission du régime de retraite des cadres de la Ville de Montréal, approved by resolution number 83 02467 of the municipal council on 12 April 1983 and deposited in the archives of the city;

- the agreement to be made between the city and the Commission de la Caisse de retraite des fonctionnaires municipaux and the Commission du régime de retraite des fonctionnaires de la Ville de

Montréal, approved by resolution number 83 02466 of the municipal council on 12 April 1983 and deposited in the archives of the city;

— the agreement to be made between the city and the Commission de la Caisse de retraite des fonctionnaires municipaux and the Commission du régime de retraite des contremaîtres de la Ville de Montréal, approved by resolution number 83 04408 of the municipal council on 22 June 1983 and deposited in the archives of the city.

22. Paragraph *a* of section 5 applies to a debt contracted by the city for expenses incurred from 1 January 1983.

23. Form 33 of the said charter, amended by section 178 of chapter 77 of the statutes of 1977, is replaced by the following form:

“33.—(*Article 883*)

Writ of seizure for taxes

Province of Québec,
City of Montréal.

In the Municipal Court of
the City of Montréal.

ÉLIZABETH II, By the grace of God, of the United Kingdom, Canada and her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

Debt			To any bailiff of the municipal court of the City of Montreal
Interest			
Costs			
Writ			
\$			

Whereas..... (*name and designation of debtor*)
has been required by the director of finance of the city to pay into his
hands, for and on behalf of the city, the sum of.....,
being the amount due by him to the city, as appears by the collection
roll of real estate taxes for the year one thousand nine hundred
.....(*in the case of another roll the form shall be varied
accordingly*), and whereas the said..... has neglected
and refused to pay to the director of finance of the city, within
the period prescribed by law, the said sum of.....; you are,

therefore, hereby commanded to make distress forthwith of the movable goods and effects subject to the privilege securing such taxes; and if the aforesaid sum is not paid, with the legal costs of the seizure, within eight days after the making of such distress; you shall, on such day as shall be indicated to you by the said director of finance, sell the goods and chattels so detained by you and pay to him the money arising from such sale, that he may apply it as directed by law, and may render the surplus, if any, on demand, to the said

..... or to his representatives; and if no such distress can be found, you shall certify that fact to me, so that appropriate legal proceedings may be taken.”

Given under the hand of the clerk of the Municipal Court, at Montréal, this day of 19....

(Signature of Clerk of the Court)
Clerk of the Municipal Court.”

24. Article 172 of the said charter, amended by section 19 of chapter 97 of the statutes of 1960-61, by section 14 of chapter 96 of the statutes of 1971 and by section 5 of chapter 71 of the statutes of 1982, is amended by adding the following paragraph:

“The council may also establish, by by-law, a common fund in which the contributions of several supplemental pension plans of its employees may be deposited and where the assets of the plans are commingled.”

25. Paragraph *b* of section 5 is declaratory.

26. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

27. This Act comes into force on the day of its sanction.