
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

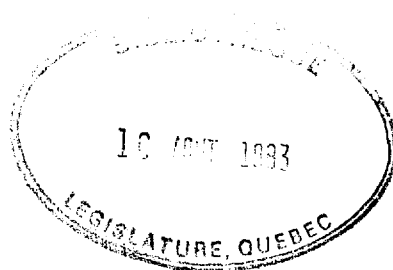
FOURTH SESSION

Bill 207

(PRIVATE)

An Act to amend the charter of the city of Lachine

First reading



Introduced by
Mr Claude Dauphin
Member for Marquette

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WHEREAS it is in the interest of the city of Lachine that its charter, chapter 86 of the statutes of 1909 and any Acts amending it, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by replacing paragraph 17 by the following paragraph:

“(17) To regulate or prohibit the keeping of animals or certain categories of animals and limit the number of such animals a person may keep on or in his immovable; to require from the owner or keeper of such animals a licence; to prevent the straying of such animals in the city and authorize their elimination in a summary manner or the impounding and sale thereof for the benefit of the city or of any society or person the city may designate; to require the owner or keeper of such animals to remove their excrements both on public and private property and determine the manner of disposing thereof; to compel him to keep at all times the implements required therefor; to enable the city to make agreements with any person or body authorizing such person or body to collect the cost of animal licences and apply any municipal by-law respecting animals; for that purpose, the persons or agencies with whom or with which the council has made an agreement and, where such is the case, their employees, are deemed to be municipal officers;”.

2. Section 415 of the said Act is amended for the city

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

“(1.1) The council may transfer, gratuitously or by onerous title, all or part of the bed of a lane closed pursuant to paragraph 1 to any owner of an immovable that is adjacent to the bed of the lane so closed;”;

(2) by inserting, after paragraph 30, the following paragraph:

“(30.1) To regulate or prohibit the parking of vehicles on any land or in any building intended for parking determined by by-law after an agreement has been reached with the owner;”.

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

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

“(24) To regulate massage parlours;

“(25) To regulate, licence, prohibit or restrict to certain areas the sale of food or any other articles outside a permanent building.”

4. Section 463 of the said Act is amended for the city by adding, at the end of paragraph 2, the following paragraph:

“All the expenses incurred by the city to remove those nuisances or have them removed constitute against the property where they were situated a charge assimilated to the real estate tax, privileged at the same rank and recoverable in the same manner;”.

5. The said Act is amended for the city by inserting, after section 467, the following:

“§ 22.3—*Subsidies for the restoration of immovables*

“**467.8** The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the restoration of any building used for commercial or industrial purposes.

“**467.9** The council may, by by-law and on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the restoration of any structure presenting an architectural, historical or cultural interest.

“**467.10** The council may, by by-law and on such conditions as it may determine, order that the city grant to the owner of any building or structure restored under a housing restoration program initiated by by-law of the council under sections 467.8 and 467.9, a subsidy to compensate for the increases of the real estate taxes resulting from the new assessment of the restored structure or building.

For the first fiscal period following such works, the amount of the subsidy shall be equal to the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due.

For the second fiscal period following the works, the amount of the subsidy shall be equal to fifty per cent of the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due."

6. The Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by adding, after section 642, the following section:

"642.1 The council, by resolution, may authorize the destruction of records closed for more than five years relating to offences against the Acts of Québec, the municipal by-laws or any other legislation in force in the territory of the city."

7. Notwithstanding any Act to the contrary, every fine claimed and recovered before the Municipal Court belongs to the city and forms part of its general account.

8. The city is authorized to acquire, by agreement or expropriation, any immovable the acquisition of which is considered appropriate for land bank or housing purposes and for works related to those purposes, and any immovable that is obsolete or the occupancy of which is harmful.

The city is authorized to hold, lease and manage the immovables, and the structures erected thereon, acquired under the first paragraph. It may equip those immovables and instal therein the necessary public services; it may also demolish or restore buildings and other works erected thereon or construct thereon new buildings for purposes of housing, recreation, amusement and other accessory purposes.

The city is authorized to exercise the powers provided for in the second paragraph with respect to immovables of which it is already the owner.

The city may alienate the immovables on such conditions as it may determine, with the approval of the Commission municipale du Québec, provided that the price of alienation is not less than the real value of those immovables nor less than the cost price. That approval is not required where the alienation is made by public tender or public auction. It may also alienate gratuitously or on such conditions as it may determine, such an immovable or building in favour of the Government, a government agency or a school corporation.

9. In order to permit the rational development of the centre of the city, the city is, in the territory described in Schedule “A”, authorized

(a) to acquire, by agreement or expropriation, the immovables necessary to achieve that purpose;

(b) to promote the influence of the centre of the city as a public place of a social and community, cultural, artistic, sports, commercial, and recreational interest;

(c) to sell all or part of such immovables by auction, public tender or agreement, with the approval of the Commission municipale du Québec, for residential, community, commercial, public or governmental purposes, at a price not lower than the cost of acquisition including services and related expenses and costs;

(d) to demolish or restore any buildings or other works erected thereon or to build thereon any new building or complex for public market, amusement, cultural, community, residential, commercial, public or governmental purposes or for parking or garage purposes;

(e) to rent such immovables by emphyteutic lease or otherwise, with the approval of the Commission municipale du Québec, for residential, community, commercial, public or governmental purposes, at a price sufficient to cover the annual expenses in connection with such immovables or for the amortization and interest on the purchase price, the cost of services, relevant expenses or costs related thereto, and municipal or school taxes.

The proceeds of such sales or leases must be used to pay the obligations entered into by the city for that purpose;

(f) to exercise the powers provided in paragraphs *b*, *d* and *e* in respect of immovables situated in the territory described in Schedule “A” and of which it is already the owner.

10. (1) The council, by by-law, may establish a fund called the “snow removal expenses stabilization fund” to place at its disposal the amounts which it may need to meet snow removal expenses.

(2) For this purpose the council shall prepare a five-year budget of snow removal expenses and appropriate each year, out of the revenues derived from the general real estate tax, an amount equal to the aggregate of all snow removal expenses provided for in the corresponding year of the five-year budget.

(3) For the purposes of this section, the expression “snow removal expenses” includes all direct expenses incurred for snow removal and street and sidewalk maintenance during the period from the first of October in any year to the first of May in the next year.

In particular, such expenses include:

- (a) salaries and fringe benefits of employees;
- (b) purchase of materials, supplies and fuel;
- (c) lease of equipment and tools;
- (d) job contracts;
- (e) cost of repairing and maintaining vehicles and equipment;
- (f) other expenses relating to the use of vehicles and equipment;
- (g) annual payments into the working fund for renewal and purchase of equipment and tools;
- (h) debt service of the loans contracted for the purchase of equipment and tools;
- (i) claims for damage to persons and property during snow removal.

(4) Any annual surplus or deficit shall be carried forward from one year to the next, until the five-year budget expires. At the end of such period the accumulated surplus or deficit shall form part of the general budget for the next year.

11. The council may, out of the revenues provided for in the budget, establish a fund, of not over \$500 000, referred to as the “self-insurance reserve fund”, to dispose of sums that it may require to meet the pecuniary consequences of civil liability that may be incumbent on the city for damage, including bodily injury, suffered by any person by reason of flooding caused by the backing up of public sewage, a break in the public waterworks or any other cause that may be imputed to the city.

The council shall appropriate each year, out of the revenues provided for in the budget, a sum not exceeding one-fifth of the maximum amount of the fund.

The expenditures that may be charged to the fund include, in particular,

- (a) expenditures required for inquiry, appraisal, negotiation or defense purposes in respect of any claim or proceedings resulting from such a loss;
- (b) the total amount of a transaction or settlement effected by the city in relation to any claim or proceedings resulting from such a loss;

(c) the amount of any judgment against the city in any proceedings resulting from such a loss together with the interest accrued on the amount of the judgment and the costs and fees imposed on the city;

(d) the expenses required by the city to appeal from a judgment against it in any proceedings resulting from such a loss.

12. The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the demolition and clearing of any main or secondary building that is beyond repair, unfit for its destination or unsuited to its surroundings, and for reconstruction and improvement works required by reason of the demolition. The amount of the subsidy shall not in any case exceed the actual cost of the work authorized.

13. The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the restoration of all the residential parts of a building not in conformity with the standards of habitability prescribed by the laws and by-laws in force or for the conversion, for residential purposes, of all the parts of a building that could be so converted.

The amount of such subsidy shall not in any case exceed fifty per cent of the actual cost of the restoration or conversion work or one-quarter of the actual value of the restored or converted building as entered for the first time on the valuation roll.

The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for demolition-reconstruction, that is, the demolition of any partly or wholly residential building deemed unfit for habitation and the construction of a new building having a floor area intended for residential purposes equal to or greater than the floor area of the building demolished.

The amount of the subsidy shall not in any case exceed the value of the building to be demolished as shown on the real estate assessment roll, or one-sixth of the actual value of the new building, as entered for the first time on the valuation roll.

14. The council may, by by-law, on such conditions as it may determine, order that the city grant a subsidy for the carrying out of works required to replace the insulation of a residential building insulated with urea formaldehyde foam. The amount of the subsidy shall not in any case exceed the sum of \$1 000.

15. The council may, by by-law, authorize for one or several immovables, minor derogation from a city by-law dealing with a matter contemplated in subparagraphs 5 and 6 of section 113 and in paragraphs

1 and 3 of section 115 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) if it is of the opinion that such derogation does not affect the general objective contemplated in the concerned by-law.

A by-law contemplated in the first paragraph must be submitted for consultation in accordance with sections 124 to 130 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

16. The council may, by by-law, amend in the manner provided for in section 585*a* of the charter of the city, enacted by section 11 of chapter 82 of the statutes of 1949 and amended by section 3 of chapter 68 of the statutes of 1962, having effect from their passing, by-laws 1635, 1658, 1661, 1668, 1676, 1681, 1682, 1689, 1730, 1743, 1752, 1801, 1822, 1824, 1826, 1827, 1892, 1896, 1940, 1965, 2143, 2144, 2145 and 2262, in respect of all or part of original lot 886 of the cadastre of the Parish of Lachine and original lots 547, 548, 549 and 550 of the cadastre of the Parish of St-Laurent in the registration division of Montréal.

17. 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).

18. The legislative provisions mentioned in Schedule “B” are repealed to the extent indicated therein.

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

SCHEDULE “A”

CENTRE OF THE CITY

A territory, bounded on the north by Victoria street, on the east by 6th Avenue, on the south by Lake Saint-Louis and the Lachine Canal and on the west by 34th Avenue.

SCHEDULE "B"

LEGISLATIVE PROVISIONS OF THE CHARTER OF THE CITY
OF LACHINE REPEALED UNDER SECTION 17

YEAR	CHAPTER	PROVISIONS REPEALED
1909	86	Sections 12, 16, 18, 27, 28, 29, 41, 50, 54, 55, 56, 57, 59, 61, 62
1912	61	Sections 4, 7, 8
1912	57	Sections 5, 6, 7, 8, 9, 15, 16, 18
1914	79	Sections 19, 20, 21
1915	96	Sections 10, 11, 12
1916	69	Sections 1, 3, 4, 5, 9
1919	99	Sections 2, 4, 5
1921	116	Sections 1, 3
1924	90	Section 6
1927	83	Section 7
1929	101	Sections 2, 3
1931	126	Section 3
1935	120	Sections 6, 12
1937	108	Section 3
1939	109	Section 4
1940	85	Section 4
1941	76	Sections 1, 2, 3
1942	80	Section 6
1945	78	Sections 1, 2, 5, 17, 20
1946	61	Section 10
1948	56	Section 4
1949	82	Section 6
1951	72	Sections 2, 4, 5
1953	68	Section 1
1953	71	Sections 2, 4, 5, 7, 9
1955	56	Section 10
1956	74	Sections 6, 7
1957	76	Sections 1, 2, 3, 8, 9, 10
1958	58	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 18, 19
1959	56	Sections 1, 5, 6
1964	79	Section 2
1967	103	Sections 5, 7
1968	105	Section 1
1974	92	Section 1