

# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

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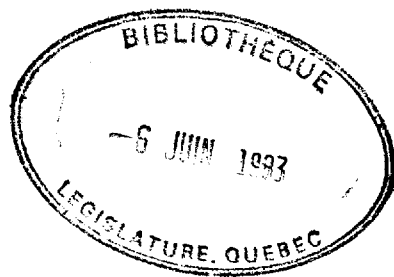
## Bill 210

(PRIVATE)

### An Act to amend the Charter of the city of Sillery

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First reading



Introduced by  
Mr Jean-Claude Rivest  
Member for Jean Talon



# **Bill 210**

**(PRIVATE)**

## **An Act to amend the Charter of the city of Sillery**

WHEREAS it is in the interest of the city of Sillery and necessary for the proper administration of its affairs that its charter, chapter 90 of the statutes of 1947, and the Acts amending it, be amended and consolidated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** This Act may be cited under the name of “CHARTER OF THE CITY OF SILLERY”.

**2.** The inhabitants and ratepayers of the territory described in Schedule I and their successors shall continue to form a corporation under the name of “city of Sillery”.

**3.** Subject to this Act, the city is governed by the Cities and Towns Act (R.S.Q., chapter C-19).

**4.** The city of Sillery shall be composed of six wards, numbered from 1 to 6 the limits of which are to be determined by by-law of the council and allotted by the same by-law to each of the seats of the council according to a consecutive number.

**5.** The municipal council of the city of Sillery is composed of a mayor and six councillors elected in the manner prescribed by the Cities and Towns Act.

**6.** The number of wards and the number of councillors determined pursuant to sections 4 and 5 of this charter may be changed by by-law of the council by a vote of two-thirds of its members.

This section and sections 4 and 5 of this charter must not be construed as preventing the city from availing itself of sections 34 and 35 of the Cities and Towns Act (R.S.Q., chapter C-19) or of the Act respecting elections in certain municipality (R.S.Q., chapter E-2.1).

**7.** Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the city of Sillery, by adding, after paragraph 9, the following paragraph:

“(9.1) To order the expropriation, within the limits of the city, of houses or other dwelling places recognized as unhealthy, unsanitary and unfit for habitation by the municipal health authority and whose owners refuse or neglect to comply with the orders of the authority to improve the sanitation and remove the causes which make the houses or other places unhealthy, unsanitary and unfit for habitation.

After the expropriation, the city is authorized to sell the expropriated immovable on condition that its purchaser destroy the existing building.”

**8.** Section 415 of the said Act is amended for the city

(1) by adding, after paragraph 4c, the following paragraphs:

“(d) To lease, purchase, operate, improve and maintain a beach known by the name of Plage des Foulons, within the limits of the city of Sillery, on the north shore of the St Lawrence river, with all accessory services, including the operation of a restaurant and to enact by by-law a tariff for admission to the said beach;

“(e) The city may borrow by by-law requiring no other formality than the approval of the Minister of Municipal Affairs an amount of fifty thousand dollars, repayable in five years, for the erection of various constructions on such beach.

Notwithstanding any inconsistent provision, the territory described in Schedule II, without any prejudice to the vested rights of the Québec Yatch Club, are constituted permanent public park and beach and may be used only for those purposes.”;

(2) by adding, after paragraph 11, the following paragraph:

“(a) To grant, by by-law, 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;”;

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

“(a) To order that the city take charge of snow and ice removal in its streets or in some of its streets or in certain parts of its streets as well as from the sidewalks of its streets or parts of streets by scraping, blowing or removing the snow and ice and, in order to pay the cost of such service, to impose annually a tax on all taxable immovables according to their value entered on the assessment roll, the rate whereof may differ according to the mode used by the city to remove ice and snow from certain streets or parts of streets as well as from sidewalks or parts of sidewalks;

“(b) Where the city decides, by by-law, to remove the snow on certain streets of the city and carry it away by truck, the cost of transportation is charged to the bordering proprietors of all the streets or part of streets where snow is removed, by a tax on all lots bordering such streets or part of streets, according to the width of those lots fronting the street or according to their taxable value, or charged to all the ratepayers of the city by a tax imposed annually on all taxable immovables according to the value entered on the assessment roll;

“(c) The city is authorized to make, with any adjoining municipal corporation, in particular, the city of Québec, arrangements for the carrying out of works of any kind, including maintenance, snow removal and widening operations, in the public streets, on sidewalks or public places situated partly in the city and partly in the other municipality, or entirely in one or the other but bordering upon the dividing line between them.

The city is authorized to apportion among its ratepayers their share of the cost of such works, including expropriations and all incidental expenses, in the same manner and with the same effect as if the work had been carried out within their own limits and without restricting the generality of the foregoing, the city may, in particular, apportion the costs of such works in such a manner that at no time certain ratepayers be required to assume, for such works, costs that would be greater than if they had been carried out by the city of Sillery or under its full control.

Failing an arrangement, the city or the adjoining municipal corporation may apply to the Commission municipale du Québec to compel the adjoining municipalities to carry out or pay for the works in the proportion determined by the Commission municipale du Québec.

However, no adjoining municipal corporation and, in particular, the city of Québec, with which the city of Sillery would have made an arrangement as provided above or, against which the city of Sillery would have been granted an order by the Commission municipale du Québec for the execution of such an arrangement, as stipulated above, would be entitled to bill the city of Sillery for any sum that the latter

would be unable to recover from those of its ratepayers which are contemplated in an arrangement, on the ground that the ratepayers owned immovables that are not taxable within the meaning of the Act.”

**9.** Section 436 of the said Act is replaced for the city by the following section:

**“436.** The municipality shall lay the distribution pipe to the line of the street, and may exact payment of the water-rate from the property-owner, even although the latter refuses or neglects to connect such pipe with his house or building.

In the case of a lot not built upon, the water-rate may be imposed on a strip of one hundred feet long of the lot fronting on a road, street or avenue according to the real value of the strip on the assessment roll but the annual amount of such tax shall not exceed four per cent of the real value of the strip, and moreover, in such cases, the municipality shall not be bound to lay the distribution pipes to the line of the street provided the main pipe of the waterworks and sewer system are laid along the road, street or avenue in front of such lot not built upon. Whatever be the value of the land entered on the assessment roll, the annual amount of the tax mentioned above shall not be less than twelve dollars.”

**10.** Section 567 of the said Act is amended for the city by adding, after subsection 3, the following subsection:

“(4) Notwithstanding any general law or special Act, the city may, by by-law requiring no other formality than the approval of the Minister of Municipal Affairs, borrow annually a sum not exceeding one hundred and fifty thousand dollars for urgent permanent works and urgent expenses.”

**11.** Section 571 of the said Act is amended for the city by adding, at the end, the following paragraph:

“However, the city may, without such approval, expropriate servitudes on the land of a fabrique or any religious, charitable or educational institution or corporation for the establishment, repair and maintenance of a waterworks and sewer system except on immovables utilized for workshop.”

**12.** Resolution No. 77-81 passed on 6 June 1977 and resolution No. 78-53 passed on 3 April 1978 by the council of the city of Sillery granting to the corporation “Le Théâtre du Bois de Coulonge Inc.” a subsidy by way of a credit on the collection of the amusement tax, and every subsequent action of the city of Sillery, in relation to the extension of the application of the resolutions, are hereby declared valid

up to the percentage of the credit provided under the resolutions and their subsequent application.

**13.** Section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended for the city by adding, after paragraph 22, the following paragraph:

“(23) Order in matters of planning a transfer of the gross or net density of dwellings permitted on a property or territory, or any part thereof, to another part of the property or territory where such a transfer of density is justified for the preservation of green areas or the preservation of the natural character or state of certain areas.

For the purposes of this section, “gross density” of dwellings means the total number of dwellings comprised within the perimeter of the property or territory directly concerned, divided by the total number of hectares contemplated, and including the streets and any land intended for public or institutional use situated within the perimeter.

For the purposes of this section, “net density” of dwellings means the number of dwellings comprised or planned on one hectare of land to be built (property) for the specific purpose of habitation, and excluding any public or private street and any land intended for public or institutional use.”

**14.** Chapter 90 of the statutes of 1947 and its amendments are repealed. However, such repeal shall not affect any acquired right, existing obligation, pending procedure, penalty incurred, or any thing performed, decided, ordered or done or which must be done under such Acts and their amendments; in particular, but without restricting the generality of the foregoing, they shall not affect by-laws or resolutions adopted, decisions taken, orders given, contracts made, acquisitions effected, expropriations, franchises or privileges granted or any other thing done under the authority of such Acts or their amendments; nor the assessment rolls, tax collection rolls or apportionment rolls, nor the rights and duties of the officers and employees of the city, who shall continue to exercise their duties until otherwise decided under this Act; nor the notes, bonds or other securities or evidences of indebtedness issued by the city, nor the amortization funds already constituted or to be constituted. Such rights, obligations, procedures, penalties, deeds, contracts, acquisitions, expropriations and things shall continue to be governed by the provisions of such Acts and their amendments until amended, replaced or revoked under this Act.

**15.** 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).

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

## SCHEDULE I

OFFICIAL DESCRIPTION OF THE BOUNDARIES  
OF THE TERRITORY OF THE CITY OF SILLERY

A territory comprising, with reference to the cadastres of the parishes of Saint-Colomb-de-Sillery and Sainte-Foy, the lots or parts of lots and their present and future divisions and the highways, streets, roads, railway rights of way, watercourses or part thereof, the whole bounded within the limits hereinafter described, to wit: starting from the point of intersection of the southeast side of Saint-Cyrille boulevard and the southwest side of Belvédère avenue, that is, the north corner of lot 222-A-1-A of the cadastre of the parish of Saint-Colomb-de-Sillery; thence, successively the following lines and boundaries: with reference to the cadastre of the said parish, along the southwest side of Belvédère avenue, the northwest side of Saint-Louis road, the extension of the southwest side of Delaune avenue and the southwest and south sides of the said avenue to the northeast line of lot 228-1; a broken line dividing lot 227 from lots 228-1, 229, 230-5, 230-2, 230-1 and 230-6; the northeast line of lots 230-6, 232-3 and 232-2, the last line extended to the centre line of the St Lawrence river; the centre line of the river upstream to the extension of the southwest line of lot 334-17; the said extension and the said southwest line; the southwest line of lots 373 and 333 to the summit of the cape; the summit of the cape, generally northeasterly, to the southwest line of lot 320-A-8 of the cadastre of the parish of Sainte-Foy; with reference to the said cadastre, the said southwest line extended across the right of way of a railway (lot 379); part of the southwest line of lot 320-A-9, that is, to the southwest line of lot 394; the southeast, southwest, northwest lines and part of the northeast line of the said lot 394 to the northwest line of lot 320-A-9; a broken line limiting on the northwest lots 320-A-9 to 320-A-19 to the southwest line of lot 5 of the cadastre of the parish of Saint-Colomb-de-Sillery; with reference to the said cadastre, the southwest line of the said lot and its extension to the northwest side of Saint-Louis road; the northwest side of the said road northeasterly to the southwest line of lot 2; the southwest line of the said lot; the broken line limiting lot 1-A on the southwest; the southwest line of lot 1 extended to the centre line of former Gomin road; the centre line of that former road northeasterly, the said centre line, coinciding in part with the north line of lots 393, 394 and 395, to its intersection with the extension of the southwest line of lot 127-1-1 of the cadastre of the parish of Sainte-Foy (Painchaud avenue); the extension of the said line southeasterly to the southeast side of Saint-Cyrille boulevard; finally, the southeast side of the said boulevard northeasterly to the starting point.



## SCHEDULE II

TERRITORY FORMING A PARK AND A BEACH  
(ANSE AU FOULON)

A territory comprising, with reference to the cadastre of the parish of Saint-Colomb-de-Sillery, part of lots 232-2, 260 and 261 and their present and future divisions and bounded as follows: on the northeast by the southwest limit of the property occupied by Imperial Petroleum Company Ltd and its southeasterly extension to the southeast limit of lot 232-2, on the southeast by the southeast limit of lots 232-2, 260 and 261, being the line of natural low tide of the St Lawrence river; on the southwest by the dividing line between lots 261 and 265, on the northwest by the southeast right of way of the land belonging to the Canadian National Railway Company.

A major part of this territory is now occupied by the Club de Tennis Montcalm and the Club de Yacht du Québec.