

NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

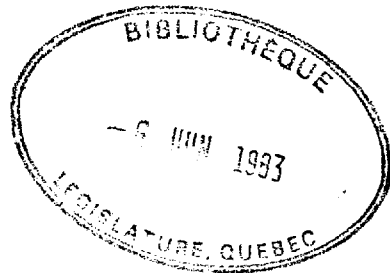
FOURTH SESSION

Bill 225

(PRIVATE)

An Act to amend the Charter of the city of Sainte-Foy

First reading



Introduced by
Mr Raymond Brouillet
Member for Chauveau

Bill 225

(PRIVATE)

An Act to amend the Charter of the city of Sainte-Foy

WHEREAS it is in the interest of the city of Sainte-Foy that its charter, chapter 56 of the statutes of 1976, amended by chapter 38 of the statutes of 1981, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 47 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced for the city by the following section:

“**47.** The city shall be represented and its affairs administered

(a) by a council composed of the mayor and fourteen councillors, one for each ward described in Schedule II;

(b) by an executive committee composed of the mayor, as chairman, and four councillors.”

2. Section 7 of the Charter of the city of Sainte-Foy (1976, chapter 56) is amended by adding, at the end of section 51*b*, the following subsection:

“(25) The executive committee has authority on all matters dealing with traffic. It holds the powers set down in the by-law concerning traffic and parking in the city of Sainte-Foy.”

3. Section 65.10 of the Cities and Towns Act is replaced for the city by the following section:

“**65.10** The total payroll for the executive committee is not increased and must be equally apportioned among the five members of the executive committee.”

4. Section 113 of the said Act, amended for the city by section 11 of chapter 56 of the statutes of 1976, is amended by repealing paragraph 7*t*.

5. Section 320 of the said Act is replaced for the city by the following section:

“320. If the day fixed for an ordinary sitting falls upon a holiday, such sitting shall be held on a day fixed by resolution of the council.”

6. The said Act is amended for the city by adding, after section 369, the following section:

“369.1 (1) In cases of violation of a municipal by-law relating to traffic or parking,

(a) a peace officer who ascertains an infraction may fill out, at the place of the infraction, an infraction ticket stating the nature thereof, deliver to the driver of the vehicle or deposit in a conspicuous place on such vehicle a copy of such ticket and bring the original thereof to the police department;

(b) the peace officer may also, except in the case of a parking infraction, fill out at the place of the infraction, a notice of summons and give a copy thereof to the driver of the vehicle, which constitutes legal service.

Another copy must be remitted to the clerk of the municipal court within the following forty-eight hours.

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

(2) This section does not prevent the peace officer from filing a complaint or causing the issuance of a summons against an offender, in the usual manner, if he deems it expedient.

(3) In no case may the officer give a notice of summons to an offender involved in an accident; in such a case, a summons must be served.

(4) The notice of summons shall consist of a document prepared in triplicate over the signature of the peace officer who ascertained the violation and intercepted the vehicle.

It shall contain

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

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

(c) an order summoning the offender to appear before the Municipal Court at the time and on the date indicated on the notice of summons by the peace officer.”

7. Section 412 of the said Act is amended for the city

(1) 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) by replacing the third and fourth paragraphs of paragraph 20 by the following paragraphs:

“Notwithstanding any general law or special Act to the contrary, in every case where it is provided by by-law that a vehicle may be moved, removed or towed, by order of a constable or peace officer, the owner may resume possession thereof only on payment of the costs of moving, removing or towing the vehicle, as well as the impounding costs, at the current rate.

Any person to whom a notice of summons deposited in a conspicuous place on his vehicle has been issued for a parking violation, to whom a notice of summons has been given or to whom a summons has been sent by certified or registered mail for a violation of any Act or municipal by-law relating to traffic or public safety, may free himself from any penalty relating to such violation by paying as a fine or as fine and costs, at the place and within the time limit prescribed by the city council, the amount fixed by the city council, which must not exceed \$25 in the case of a violation of a by-law relating to parking and \$500 in the case of a violation of any by-law contemplated in this paragraph, nor exceed the combined amounts of the fine and costs provided for in the Highway Safety Code (R.S.Q., chapter C-24.1) for substantially equivalent violations.”

8. 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.”

9. Section 481 of the said Act is replaced for the city by the following section:

“481. Taxes and any accounts or sums due to the city bear interest from the day they become due without its being necessary to make a special request therefor. At the time of the adoption of the budget, the council shall fix by by-law, according to such terms and conditions as it may determine, the rate of interest applicable for the subsequent fiscal year.

The rate also applies, during that year, to all debts outstanding before that year. However, where the budget is adopted during the fiscal year for which it was prepared, the rate of interest fixed for the previous fiscal year continues to apply until the date determined by by-law at the time of the adoption of the budget.

Subject to the Act respecting municipal taxation (R.S.Q., chapter F-2.1), and to any provision of the charter, by-laws, orders, contracts and agreements that may fix another date for the exigibility of sums due to the city, all sums due are exigible thirty days after the sending of the account.

The council may grant to any ratepayer who pays his taxes before they are due a discount at the rate, for the period and on the conditions fixed by resolution of the council.”

10. The said Act is amended for the city by inserting, after section 617, the following section:

“617.1 In the absence of the judge of the Municipal Court, the clerk of the Court may adjourn any case appearing on the roll of the Court; such adjournments must not exceed thirty days.

Every time the signature of the clerk or deputy-clerk of the Municipal Court is legally required, his name may be engraved, lithographed or printed.”

11. Section 28 of the Charter of the city of Sainte-Foy is replaced by the following sections:

“28. 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 may exercise the power provided for in the preceding paragraph within the territory described in the schedule.

This section applies subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

“28.1 The city is authorized to hold, lease and manage the immovables acquired under section 28. 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 preceding paragraph with respect to immovables that it already owns.

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 sufficient to cover all the expenses relating to the immovable concerned including those incurred for restoration, demolition and construction, where such is the case.

The city may alienate, gratuitously or for a price less than the price provided for in this section, such an immovable or building in favour of the Government, a government agency, a school corporation or its municipal housing bureau.

“28.2 The city may, by resolution, sell at such cost price as may be determined by a certificate of its auditor, to a corporation created under this section any immovable that it has acquired under this Act or that it already owns.

“28.3 The city may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the sums necessary, and apply for the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under this Act.

“28.4 On an application by the city, the Government may issue, on such conditions as it may determine, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as its object the acquisition of housing for persons or families other than those of low or moderate income contemplated in section 57 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that this Act confers on the city.

“28.5 The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members and directors.

“28.6 Notice of the issuance of the letters patent must be published in the *Gazette officielle du Québec*.

“28.7 A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatar of the city and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21).”

12. The said charter is amended by inserting, after section 32, the following section:

“32.1 Every time the city of Sainte-Foy undertakes works for burying electrical, or telephone cables or cables for cable television, it has the power to require from all the owners in the sectors concerned, that they bury the said cables in their respective property, on such conditions as it may establish by by-law.”

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