



NATIONAL ASSEMBLY

FOURTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 213
(Private)

An Act to amend the charter of the city of Granby

Introduction

Introduced by
Mr Roger Paré
Member for Shefford



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Bill 213

(Private)

An Act to amend the charter of the city of Granby

WHEREAS it is in the interest of the city of Granby that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 356 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Granby by replacing the first paragraph by the following paragraph:

“**356.** Every by-law, on pain of nullity, must be preceded by a notice of motion given at a sitting of the council and be passed at an adjournment or a sitting held on a later day.”

2. Section 412 of the said Act is amended for the city by inserting, after paragraph 23.1, the following paragraph:

“(23.2) (a) To regulate the installation and operation of alarm systems and require a permit for that purpose on such conditions as are fixed by the council; to enable the city to require the repayment of the costs it has incurred in cases of any defect or malfunctioning of such systems;

(b) To make special arrangements with the interested ratepayers to connect their alarm systems to a control centre situated in a municipal building and to authorize an appropriate charge for this service;”.

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

(1) by replacing subparagraph *a* of paragraph 9 by the following subparagraph:

“(9) (a) To prescribe and regulate the laying out and use of cycle lanes on any street, alley or public place.

To order the laying out of pedestrian paths or cycle lanes on any street, lane or public place or any other place on which the city has rights or servitudes and regulate their construction and use, and authorize the city’s appointees to see to the enforcement of the by-law;”;

(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;”.

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

“(23) To regulate, licence or prohibit the sale of goods outside a permanent building.”

5. Section 463 of the said Act is amended for the city by inserting, after paragraph 4, the following paragraph:

“(5) To regulate dumps and dumps for motor vehicles.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the scrapped objects or motor vehicles which were the subject of the infringement, within eight days from the judgment rendered, by the owner, lessee or occupant of the lot, or by the owners of the motor vehicles, and on failure by such person or persons to comply within such time limit, the removal of the scrapped objects or motor vehicles by the city at the expense of such person or persons.”

6. Section 536 of the said Act is amended for the city by adding, after the second paragraph, the following paragraph:

“However, with the previous authorization of the Commission municipale du Québec, the municipality may increase its bid up to the amount of the municipal assessment.”

7. 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, in accordance with the law; for that purpose, the clerk is deemed to be a justice of the peace.

Whenever the signature of the clerk or deputy-clerk of the Municipal Court is required, his signature may be engraved, lithographed or printed. However, warrants of arrest or search warrants must bear the handwritten signature of the judge.”

8. The said Act is amended for the city by inserting, after section 653, the following section:

“**653.1** The council, by resolution, may authorize the destruction of records of the Municipal Court which have been closed for more than five years and relate to offences against the laws and regulations of Québec and the municipal by-laws.”

9. Notwithstanding any proceedings, the real estate surtax on serviced vacant lots prescribed by regulation number 1168-78 of the city of Granby entitled “Règlement décrétant l’imposition d’une surtaxe foncière sur les terrains vagues desservis” applies to the 1979, 1980, 1981 and 1982 fiscal years.

10. The council may establish, by by-law, a reserve fund of up to five million dollars for the purposes of financing its self-insurance program; an amount not exceeding 1% of the revenues provided for in the annual budget is allocated for that purpose.

11. The city may acquire, by agreement or expropriation, any immovable for the purposes of a land bank, housing, community equipment, culture, worship, convention centre or public transit and for works related to those purposes, and any immovable that is obsolete or unfit for occupancy.

The city may hold and manage those immovables. It may equip them and instal therein the necessary public services; it may also demolish, move or restore buildings and other works erected thereon or construct thereon new buildings.

The city may also 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 expenses relating to the immovable, including those incurred for demolition, moving, restoration and construction, where such is the case.

The city may, however, with the approval of the Commission municipale du Québec, alienate those immovables gratuitously or for a lower price in favour of the Government of Canada, of Québec or a regional county municipality or any of their agencies, a school corporation, of the municipal housing bureau or of any other non-profit organization.

The city may, by resolution, sell any immovable it owns at a price approved by the Commission municipale du Québec to the corporation constituted under section 13 or to the Corporation de Gestion de la ville de Granby Cogeg inc.

The city may lease such immovables by emphyteutic lease or otherwise, with the approval of the Commission municipale du Québec, for the purposes provided for in the first paragraph, at a price sufficient to cover the annual expenses related to the immovables or for the amortization of and interest on the purchase price, the cost of services, relevant expenses or costs related thereto, and municipal or school taxes.

The proceeds of leases must be used to pay the obligations entered into by the city for such purposes.

The city may borrow, by by-law approved in the same manner as a loan by-law pursuant to the law governing municipalities, the necessary sums and apply for the subsidies provided for by law for the exercise of its powers and for the purposes of making a loan to the corporation constituted under section 13, or to the Corporation de Gestion de la ville de Granby Cogeg inc.

The acquisition, demolition, moving, construction, management and maintenance may take place under an agreement to which the city, the corporation established under section 13 or the Corporation de Gestion de la ville de Granby Cogeg inc. is a party.

12. In addition to the powers conferred on it in the first paragraph of section 11, the city of Granby may acquire, by agreement or expropriation, any immovable the acquisition of which is considered appropriate for the purposes of business, management, the hotel business or industry or for works related to those purposes.

The city may exercise the power provided for in the first paragraph in the territory of the centre of the city described in the schedule.

The city may hold and manage those immovables. It may equip them and instal therein the necessary public services; it may also demolish, move or restore buildings and other works erected thereon or construct thereon new buildings.

The city may also 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 expenses relating to the immovable, including those incurred for demolition, moving, restoration and construction, where such is the case.

The city may, however, with the approval of the Commission municipale du Québec, alienate those immovables gratuitously or for a lower price in favour of the Government of Canada, of Québec or a regional county municipality or any of their agencies, of a school corporation, of its municipal housing bureau or of any other non-profit organization.

The city may, by resolution, sell any immovable it owns at a price approved by the Commission municipale du Québec to the corporation constituted under section 13 or to the Corporation de Gestion de la ville de Granby Cogeg inc.

The city may lease such immovables by emphyteutic lease or otherwise, with the approval of the Commission municipale du Québec, for the purposes provided for in the first paragraph at a price sufficient to cover the annual expenses related to the immovables or for the amortization of and interest on the purchase price, the cost of services, relevant expenses or costs related thereto, and municipal or school taxes.

The proceeds of leases must be used to pay the obligations entered into by the city for such purposes.

The city may borrow, by by-law approved in the same manner as a loan by-law pursuant to the law governing municipalities, the necessary sums and request the subsidies provided for by law for the exercise of its powers and for the purposes of making a loan to the corporation constituted under section 13 or to the Corporation de Gestion de la ville de Granby Cogeg inc.

The acquisition, demolition, moving, construction, management and maintenance may take place under an agreement to which the city, the corporation established under section 13 or the Corporation de Gestion de la ville de Granby Cogeg inc. is a party.

13. On an application by the city, the Government may, on such conditions as it may determine, issue under the Great Seal of Québec letters patent incorporating a person as a non-profit corporation whose object is to acquire immovables, built upon or not, in view of the erection of buildings for the purposes contemplated in the first paragraph of section 11 and in the first paragraph of section 12.

The city may alienate the immovables for the purposes 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), to build parking lots, to manage the fund established in the second paragraph of section 15 and to exercise such other powers as may be conferred on the city under this Act.

The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges and the rules respecting the exercise of its powers and the appointment of its members and directors. Notice of the issue of the letters patent must be published in the *Gazette officielle du Québec*.

On an application by the corporation constituted under the first paragraph or of the Corporation de Gestion de la ville de Granby Cogeg inc., the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in the first paragraph or the content of the letters patent of the Corporation de Gestion de la ville de Granby Cogeg inc. Notice of the issue of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

14. The city may, by by-law of its council, on the conditions and in the sectors of the municipal territory it determines order that the municipality grant subsidies for the following purposes:

(a) the renovation, restoration, enlargement, construction, reconstruction, conversion, moving and demolition of residential buildings;

(b) the renovation, restoration, conversion, moving and demolition of commercial buildings or parts of commercial buildings;

(c) the renovation, restoration, construction and conversion of passages open to the public, located on any immovable that may be situated on any private property of the city or of any of its agencies, linking up two or several public places such as streets, parks, public places, parking lots, pedestrian crossings;

(d) the renovation, restoration, conversion and construction of boarding zones and waiting areas for public transportation and transportation by taxi;

(e) land improvement such as landscaping, the planting of trees and shrubs and land cut and fill works;

(f) the putting in place of a parking lot on a private immovable appropriate for the combined needs of two or more residential, commercial or institutional buildings or a combination of them;

(g) alterations made to the electric power lines, telephone and cable television connections and their accessories on burying cables or moving them off a street.

The maximum amount of a subsidy may in no case exceed the actual cost of the works.

This section applies notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

15. The city may, by by-law of its council, on the conditions it determines and in the centre of the city described in schedule to this Act, amend the zoning by-law to remove the requirement to furnish land for parking purposes as a condition for the issue of building permits and replace it by a compensatory amount for all or part of the parking spaces required by the zoning by-law.

The city may, by by-law of its council, establish a “centre of the city parking fund” which, in addition to the sums specifically allocated, would comprise, among others, the sums collected under the first paragraph. The fund is to be used exclusively in the territory of the centre of the city described in the schedule for the acquisition of immovables, the demolition or moving of buildings and the construction and maintenance of public parking lots. Any income from interest on the investment of all or part of the fund shall be allocated exclusively for the purposes described in this paragraph.

The acquisition, demolition, moving, construction, management and maintenance may take place within the framework of an agreement between the city and the corporation established under section 13 or the Corporation de Gestion de la ville de Granby Cogeq inc.

16. Paragraphs 20 and 20.1 of section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, *mutatis mutandis*, to the municipal by-laws of the city of Granby, except by-laws relating to traffic, parking or public safety, in which case paragraphs 20 and 20.1 of section 412 apply.

The amount fixed by by-law as a fine must in no case exceed the greater of the two amounts fixed in paragraph 20 of section 412 of the said Act.

Any person or agency responsible for the enforcement of any municipal by-law other than those contemplated in paragraph 20 of section 412 of the said Act may fill at the scene of the offence, a notice of summons indicating the nature of the offence, give the offender a copy of the notice and take the original to the place fixed by by-law.

The preceding paragraph does not prevent the authorized person, where he deems it expedient, from filing a complaint and causing a summons to be issued according to law, without issuing any notice of summons to the offender.

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

SCHEDULE

BOUNDARIES OF THE CENTRE OF THE CITY

A territory comprising, with reference to the cadastres of the village and township of Granby, the lots or parts of lots and their present and future divisions and the highways, streets, roads, railway rights of way, watercourses or parts thereof, the whole bounded within the perimetre hereinafter described, to wit: starting from the intersection of the centre lines of Elisabeth and Elgin Streets; thence, successively, the following lines: with reference to the cadastre of the village of Granby, the centre line of Elgin Street to the extension of the south line of Victoria Park; the dividing line between Victoria Park and the immovable bearing street number 84 southwesterly to the centre line of Lorne Street, the said line being situated five metres and fifty-three hundredths (5.53 m) south of the dividing line between lots 144 and 163; the centre line of Lorne Street southerly and southeasterly to the centre line of Ottawa Street; the centre line of Ottawa Street northeasterly to the extension of the dividing line between lots 166 and 167; the dividing line between the said lots 166 and 167 southeasterly to the northerly line of lot 174; the northerly line of the said lot 174 southwesterly to the west corner of the said lot; the westerly line of lots 174, 175, 176, 179, 180 and 181 southeasterly to the southwest corner of the said lot 181; the northerly line of lots 184, 183, 182, 125 and its extension, 124, 123, 122 and 99 northeasterly to the centre line of Aberdeen Street; on the centre line of Aberdeen Street southeasterly to the centre line of Drummond Street; the centre line of Drummond Street southwesterly to the extension of the dividing line between lots 100 and 101; the said extension and the dividing line between the said lots 100 and 101 southerly to a point situated seventy-six hundredths of a metre (0.76 m) from the southeasterly corner of the said lot 101; a distance of six metres and fifteen hundredths (6.15 m) easterly; a distance of sixteen metres and thirty-four hundredths (16.34 m) southerly; a distance of nine metres and fourteen hundredths (9.14 m) easterly, that is to the dividing line between lots 97 and 100; the dividing line between the said lots 97 and 100 and its extension southerly to the centre line of the north branch of the Yamaska river; the centre line of the north branch of the Yamaska river southeasterly to the extension of the westerly line of lot 609-19-1 of the cadastre of the township of Granby; the said extension and the westerly line of the said lot 609-19-1 southwesterly to the centre line of Denison Street East; the centre line of Denison Streets East and West, westerly to the centre line of Dorchester Street; the centre line of Dorchester Street northwesterly and southwesterly to the centre line of Saint-Charles Street South; northwesterly to the southeasterly corner of lot 543-1-1 of the cadastre of the township of Granby; with reference to the said cadastre, the easterly line of lots 543-1-1 and 542-34-26 to its intersection with the centre line of Edouard Street; the said extension and the westerly line of lot 542-30 northerly

to its intersection with the centre line of Sainte-Cécile Street; the easterly line and its extension of lot 542-12 northerly to the southwest side of the CNR's right of way; the southwest and west sides of the CNR's right of way northwesterly and northerly to its intersection with the centre line of Albert Street; the centre line of Albert Street northwesterly to its intersection with the centre line of Laval Street; the centre line of Laval Street northeasterly to its intersection with the centre line of Principale Street; the centre line of Principale Street northwesterly to its intersection with the centre line of Dollard Street; the centre line of Dollard Street northeasterly to its intersection with the centre line of Saint-Charles Street North; the centre line of Saint-Charles Street North, northwesterly to the extension of the northerly line of lot 443-7 of the cadastre of the village of Granby; with reference to the said cadastre, the extension of the dividing line between the said lot 443-7 and lot 443-8, a distance of thirty-eight metres and ninety-nine hundredths (38.99 m); a distance of twenty-five metres and fifteen hundredths (25.15 m), southeasterly, that is to the dividing line between lots 443-6 and 443-7; the dividing line between the said lots 443-6 and 443-7 northeasterly to the southeasterly corner of the said lot 443-7; northerly to the northwesterly corner of lot 443-134; the southerly line of lots 443-337, 443-338, 443-141, 443-137, 443-135 and its extension easterly to the centre line of Saint-Hubert Street; the centre line of Saint-Hubert Street northeasterly to the extension of a line forming part of lot 443-128 and situated five metres and ninety-two hundredths (5.92 m) south of the northerly line of the said lot 443-128; the said line forming part of the said lot 443-128 southeasterly to a point situated four metres and twenty-seventh hundredths (4.27 m) south of the northeasterly corner of the said lot 443-128; the dividing line between lots 443-127 and 443-128 southwestwardly over a distance of two metres and eighty-eight hundredths (2.88 m); the southerly line of lot 443-127-4 southeasterly to the centre line of Laurier Street; the northerly line of lots 443-126-4, 443-116-3, 443-115-7, 443-115-4, 443-114-2, 443-114-6, 443-113-6, 443-113-5, 443-112-4, 443-99-3 and its extension southeasterly to the centre line of Saint-Antoine Street North; the centre line of Saint-Antoine Street North, northeasterly to the extension of the northerly line of lot 443-98-3; the northerly line of lots 443-98-3, 443-97C-1, 443-97B and 444-106 southeasterly to the centre line of Paré Street; southwestwardly, the centre line of Paré Street, a distance of five metres and fifty-seven hundredths (5.57 m); a line parallel to the northerly line of lot 444-103 southeasterly to its intersection with the westerly line of lot 444-134; the northerly line of lots 444-135, 444-144, 444-172, 444-175, 444-203, 444-358, 444-360, 444-361, 444-362 and its extension southeasterly to the westerly line of lot 444-21; southwestwardly to the southwestwardly corner of the said lot 444-21; the northerly line of lot 444-20 and its extension southeasterly to the centre line of Dufferin Street; the centre line of Dufferin Street southwestwardly to its intersection with the centre line of Elisabeth Street; finally, the centre line of Elisabeth Street easterly to its intersection with the centre line of Elgin Street, the starting point.