

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 200 (PRIVATE)

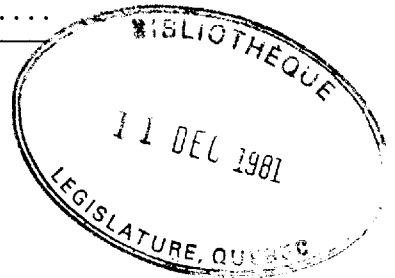
**An Act to amend the Charter
of the city of Montréal**

First reading

Second reading

Third reading

M. PATRICE LAPLANTE



QUÉBEC OFFICIAL PUBLISHER

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(PRIVATE)

An Act to amend the Charter
of the city of Montréal

WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-1960, be amended;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Charter of the city of Montréal (1959-1960, chapter 102) is amended by inserting, after article 34, the following division and article:

“DIVISION 2

“ELECTORAL DISTRICTS

“**35.** The council may give names to the electoral districts of the city.”

2. Article 36 of the said charter, amended by section 1 of chapter 90 of the statutes of 1968, is replaced by the following articles:

“**36.** The head of the competent department shall cause the streets, lanes, highways and public squares acquired in whole or in part by the city or open for public use for five years or more to be described and recorded in a register to be kept exclusively for such purpose. Such of these streets, lanes, highways or public squares as are public in part only shall be registered and described for such part alone.

Upon such registration, such streets, lanes, highways and squares shall be deemed to be public.

“36a. The city becomes the owner of the streets, lanes, highways and public squares described in the register referred to in article 36, and of the lots or parts of lots shown on the official plan of the cadastre as streets or lanes, upon complying with the following formalities:

(a) the publication of a notice to that effect, once a week for three consecutive weeks, in a French daily newspaper and in an English daily newspaper published in Montréal;

(b) the registration, at the registry office of the registration division of Montréal, of a notice to the same effect, signed by the clerk and stating that the publication referred to in subparagraph *a* has been complied with. Registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the index of immoveables.

The right to an indemnity in respect of such acquisition must be exercised by judicial action within the year following the last publication of the notice in the newspapers.

“36b. The city may free itself from the restrictions affecting its titles on the future use of a street, lane, highway or park, as follows:

(a) by publishing a notice in the newspapers;

(b) by paying the indemnity fixed by the court where, within twelve months from the publication of the notice, the donor or his assigns or successors have exercised their recourses, except that the city is automatically freed if the recourse is not exercised within the prescribed time; and

(c) by registering at the registry office of the registration division of Montréal a notice signed by the clerk and stating that the formalities have been complied with. Registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the index of immoveables.”

3. Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), by section 10 of chapter 96 of the statutes of 1971, by section 14 of chapter 77 of the statutes of 1977 and by section 2 of chapter 41 of the statutes of 1980, is amended by replacing paragraph *q* by the following paragraph:

“(q) sell any corporeal moveable belonging to the city the value whereof does not exceed \$10 000; authorize the head of the competent department to sell, at public auction or by calling for public tenders, any corporeal moveable, whatever may be its value;”.

4. Article 132 of the said charter, replaced by section 28 of chapter 77 of the statutes of 1977, is replaced by the following article:

“132. The council may establish, by by-law, the city departments and services entrusted by it to apply this Act; it may amalgamate, abolish or replace any such department or service, except that it shall not amalgamate, replace or abolish the auditor’s office.

Any specific reference to a department head, department or service, in this Act, in any by-law or resolution made under this Act and in any agreement, contract, form or document made under this Act, includes, where such is the case, any other department head, department or service the council may, under the first paragraph, have entrusted with the application of the provision to which such reference is made.

For administrative purposes, the auditor’s office, the electrical commission and the civil service commission are considered departments, and the city auditor, the chairman of the electrical commission and the chairman of the civil service commission rank with the department heads of the city.”

5. Article 172 of the said charter, replaced by section 14 of chapter 96 of the statutes of 1971, is replaced by the following article:

“172. The council may establish, by by-law, supplemental pension plans for the permanent officers and employees of the city, to which they must contribute. The plans shall be administered by committees composed of representatives of the employer and representatives of the employees.

The by-law must determine the required age and number of years of service a person must have to be authorized to receive a pension.

Every by-law to amend a by-law establishing a plan must have previously been the object of a recommendation by the majority of each of the two groups of representatives present at the committee meeting when the proposed amendment is voted on. However, unless the representatives of the employees have unanimously approved the amendment, the by-law may be passed only after being approved by the majority of the employees by a referendum held for that purpose.”

6. Articles 174 and 178 of the said charter are repealed. However, the by-laws and resolutions made under those provisions remain in force until the pensions, annuities, indemnities or allowances provided for therein cease to be exigible.

7. Article 243 of the said charter is replaced by the following article:

“243. The returning officer shall deliver to each deputy returning-officer, within forty-eight hours before the voting, a ballot-box to receive the ballot papers of the electors.”

8. Article 286 of the said charter, replaced by section 36 of chapter 77 of the statutes of 1973, is replaced by the following article:

“286. They must be bound or stitched so as to form a book and be numbered on the counterfoil by the printer.”

9. Article 288 of the said charter is amended by adding the following paragraph:

“A school board and any establishment constituted under the Act respecting health services and social services (R.S.Q., chapter S-5) must grant free use of their premises for the setting up of polls.”

10. Article 311c of the said charter, enacted by section 44 of chapter 77 of the statutes of 1973, is replaced by the following article:

“311c. Only the persons designated hereunder shall be admitted to vote in a special poll:

(a) the members of the election staff, the special constables and the members of the Police Department of the Communauté urbaine de Montréal on duty on polling day;

(b) the persons whose movements are restricted due to illness or disability or to the fact that they use an orthopedic device or a wheel-chair; and

(c) any person who has reason to believe he will be absent from the polling subdivision or unable to vote on polling-day.

Except in the case of a handicapped person, the elector, before exercising his right to vote in a special poll, shall apply personally therefor by means of form 23b, indentify himself and prove to the satisfaction of the returning officer that he is a person referred to in this article.”

11. Article 460 of the said charter is amended by adding the following paragraph:

“For the purposes of the first paragraph the council may determine the terminology and set forth rules respecting the drafting, reference to and publication of the revised by-laws; it

may also set forth all the rules necessary in respect of the coming into force of the revised by-laws and provide for an annual updating method that will allow for continuous consolidation."

12. Article 462 of the said charter, amended by section 25 of chapter 97 of the statutes of 1960-1961, by section 51 of chapter 59 of the statutes of 1962, by section 2 of chapter 91 of the statutes of 1969, by section 18 of chapter 96 of the statutes of 1971 and by section 56 of chapter 77 of the statutes of 1973, is replaced by the following article:

"462. The council may impose, for each infringement of a by-law within its competence, a fine, with or without judicial costs, or imprisonment.

If the penalty is a fine, the by-law may prescribe imprisonment for failure to pay the amount of the condemnation within the period fixed by the court.

The prescribed period may in no case exceed ninety days but the court may, before or after the end of the prescribed period, on request of the defendant and with the consent of the plaintiff, grant an additional period of not more than ninety days.

Subject to any contrary provision of this charter, the fine shall not exceed three hundred dollars; however, the council, in cases of several infringements of the same provision of one of the hereinafter mentioned by-laws, committed by the same person within a period of twelve months, may impose a fine not exceeding, in addition to judicial costs, the following limits:

(a) for a second infringement, not less than one hundred dollars and not more than five hundred dollars;

(b) for any additional infringement, not less than five hundred dollars and not more than one thousand dollars.

Subject to any contrary provision of this charter, imprisonment may in no case exceed sixty days."

13. Article 463 of the said charter, replaced by section 3 of chapter 91 of the statutes of 1969, is replaced by the following article:

"463. If, within twelve months from the date on which an offence against a by-law is committed, the offender is guilty of a second offence against the same provision after being served notice of the first offence, this other offence is a second offence within the meaning of this Act and the court to which the case is referred must deal with it as a second offence provided a condemnation for the first offence was pronounced.

Likewise, if within the same period of twelve months the offender is guilty of another offence against the same by-law, after receiving notice of the second offence, the new offence is a subsequent offence within the meaning of this Act and the court to which the case is referred must deal with it as a subsequent offence provided a condemnation for the previous offence was pronounced."

14. Article 465 of the said charter, replaced by section 4 of chapter 90 of the statutes of 1968, is replaced by the following article:

"465. Notwithstanding article 462, the council may impose, for failure to hold a permit or licence required under a by-law, the following penalties, in addition to judicial costs:

(a) for a first offence, a fine at least equal to the amount of the special tax imposed for the object of the permit or licence or failing which, to the cost of the permit or licence, the fine, however, must in no case exceed five hundred dollars;

(b) for a second offence, a fine at least equal to twice the minimum fine provided for a first offence, the fine, however, must in no case be less than two hundred nor more than one thousand dollars;

(c) for every subsequent offence, a fine equal to at least twice the minimum fine provided for a second offence, the fine, however, must in no case exceed two thousand dollars.

The execution of the judgment against the offender does not exempt him from payment of the special tax or from obtaining the permit or licence required, if he is entitled thereto."

15. The said charter is amended by adding, after article 465, the following article:

"466. The council may provide, by by-law, that if an offender who contravenes a by-law it specifies is a corporation, the fine that may be imposed by a judge as a penalty for the offence, in the case of a minimum fine, be twice the amount of that fine and, in the case of a maximum fine, twice the amount of that fine."

16. Article 467 of the said charter is replaced by the following article:

"467. No prosecution for the infringement of a by-law may be instituted after the expiration of one year following the date on which the infringement was committed."

17. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-1961, by section 8 of chapter 71 of

the statutes of 1964, by section 21 of chapter 84 of the statutes of 1965 (1st session), by section 5 of chapter 90 of the statutes of 1968, by section 4 of chapter 91 of the statutes of 1969, by section 205 of chapter 19 of the statutes of 1971, by section 20 of chapter 96 of the statutes of 1971, by section 57 of chapter 77 of the statutes of 1973 and by section 45 of chapter 77 of the statutes of 1977, is amended by adding the following paragraph:

“(85) Require, whenever the city ascertains the presence of rats, mice or noxious insects in a building, that the owner or occupant has, upon the order and as directed by the competent department, someone proceed with the fumigation of the premises or with any other operation to exterminate the vermin and desinfect the premises within a period fixed, and report thereon to the department; authorize the head of the department to satisfy himself that the operations comply with the directives; and prescribe that, where the operations do not comply with the directives or if the owner refuses or fails to comply, the city shall itself have someone proceed with the operations at the expense of the owner of the building, with the guarantees provided for in paragraph 84.”

18. Article 521 of the said charter, 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 11 by the following paragraphs:

“(11) (a) Authorize or prohibit the posting and sale of bills, placards or advertisement;

(b) Provide requirements on how such bills, placards or advertisement are to be made, where it is allowed or prohibited to post or have them posted or maintained, and how they are to be posted;

(c) Order, where a by-law has not been complied with, that they be brought into conformity or be removed and, if necessary, that the premises be restored to their original condition within the time prescribed;

(d) Provide, in case of an offence, for their removal by the city at the expense of the offender;

(e) Order that failure to comply with those requirements may further be imputed to those having made such bills, placards or advertisement, to those on behalf of whom they are posted, maintained, sold or made and require that specific mention of such persons appear on any bill, placard or advertisement;

“(11a) Regulate or prohibit graffiti, drawings, paintings, engravings or photographs, on trees, walls, fences, posts, side-

walks, pavements or any other similar structure; apply the penalties provided for in subparagraphs *c*, *d* and *e* of paragraph 11, in case of infringement.”

19. The said charter is amended by adding, after article 521, the following article:

“**521 a.** No by-law respecting bills, placards or signs made under this charter, a general law or a special Act shall apply to prohibit or limit the use of bills, placards or signs in connection with an election or a referendum held under an Act of the Legislature.

However, the council may, by by-law,

(a) prescribe that the bills, placards or signs posted for an election or referendum be removed after the election or referendum, within such period as the council may fix; and

(b) compel the official agents of a candidate, the official agent and the local agents in the case of a referendum, or any other agent, representative or person in charge of the posting or advertisement, to remove, within the period fixed under subparagraph *a*, the bills, placards or signs posted for an election or referendum.

The first paragraph is not to the effect of authorizing the posting up of such bills, placards and signs on public or private property without the consent of the owner.”

20. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-1961, 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 statute of 1964, by section 23 of chapter 86 of the statutes of 1966-1967, 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 replacing paragraph 4 by the following paragraph:

“(4) (a) Specify the requirements respecting fences and hedges, namely:

(1) their distance from public thoroughfares;

(2) their maximum and minimum height;

(3) the places where they may or must be located;

(4) the material of which they must be made and the manner in which they must be erected and maintained according to requirements of preservation and architecture;

(b) Provide for the bringing into conformity of fences and hedges, for their removal and, if necessary, the restoration of the

premises, or for the installation of fences or hedges within a prescribed time;

(c) Provide, in case of failure to comply with any requirement of the by-law respecting public safety, whether the offender refuses or fails to comply or cannot be found, that such fences or hedges be corrected, removed or installed by the city at the expense of the offender; the costs of such correction, removal or installation, in addition to any recourse provided by law to recover such costs, may, after registration of a notice of the clerk received in authentic form before a notary and bearing the number of his minutes, constitute a charge against the immovable, assimilated to a municipal tax and privileged at the same rank;"

(2) by striking out paragraph 5;

(3) by replacing paragraph 33 by the following paragraph:

"(33) Compel the owner of a bicycle or any other cycle to carry on his vehicle a registration plate in conformity with the by-law; specify the classes of vehicles subject to that requirement; provide for the payment of registration duties; authorize the seizure by a peace officer or any employee of the city designated for that purpose, of any bicycle or other cycle used on public property without the required registration plate, except if the owner of the vehicle resides in another municipality; prescribe the impounding, at the expense of the owner, of any vehicle so seized, for a period determined and until proof of ownership is given and the vehicles are registered;"

(4) by adding the following paragraphs:

"(43) Prescribe the requirements respecting traffic and parking, the stopping of vehicles in parking lots with a view to ensuring public safety and facilitate access to persons who must use a wheelchair or orthopedic devices;

"(44) Prohibit the parking or leaving of vehicles on private property without the written authorization of the owner or occupant, or on a lot owned by the city or any of its agencies wherever public parking is not authorized; provide for the towing and impounding of the vehicles at the expense of their owners;"

21. Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-1967, by section 7 of chapter 90 and by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of

chapter 77 of the statutes of 1977 and by section 10 of chapter 40 of the statutes of 1980, is again amended by replacing

(1) the first paragraph of subparagraph *b* of paragraph 2 by the following paragraph:

“*b*. Divide the municipality into zones, of such number, shape and area as seems suitable; regulate and restrict differently according to the location in such zones, parts or sections of certain zones or in certain streets, parts or sections of certain streets or at any place whatever, the use and occupancy of lots, the kind, destination, occupancy and use of buildings which may be erected as well as the maintenance, reconstruction, alteration, repair, enlargement, destination, occupancy and use of buildings already erected, except in such case the indemnity, if any, payable to the owners, lessees or occupants having vested rights; and, for the purposes of restricting the occupancy of the above lands and buildings, limit the number of occupancies of the same category or class authorized for a single zone or part of a zone;”;

(2) paragraph 6 by the following paragraph:

“6. Subject to article 610*a*, determine the conditions which the executive committee shall set for its approval or refusal of any modification to cadastral plans and define the nature of the works which the executive committee may require and the servitudes necessary for the installation of the public services which must be granted before a plan is approved; authorize the executive committee to refuse to approve the modification whenever public utility services are not installed at the place contemplated in the modification;”.

22. Article 526 of the said charter, amended by section 26 of chapter 86 of the statutes of 1966-1967, by section 5 of chapter 76 of the statutes of 1972 and by section 466 of chapter 72 of the statutes of 1979, is amended by replacing paragraph 5 by the following paragraph:

“5. Fix the rate for water and regulate the mode of payment thereof, the time when it shall be payable and the manner in which the same may be imposed and levied; provide that it may be paid by instalments; determine the minimum amount the account for such rate must reach to entitle the debtor to pay by instalments; prescribe that the interest and the period of prescription applicable to such rate apply to each instalment, that the balance of the account becomes payable whenever an instalment is not paid in due time and establish any other modality of application; provide hydrometers and place them in the buildings of consumers to measure the quantity of water used, fix the price of such water, the rent of the hydrometers and the manner in which the same shall be paid;”.

23. Article 541 of the said charter is replaced by the following article:

“541. The signs, placards and other similar objects existing on 1 July 1977 and not in conformity with the by-law passed under No. 5128 must, before 1 January 1983, be removed or brought into conformity with the by-laws then in force.

The signs, placards and other similar objects installed before 1 January 1982 and in conformity with by-law No. 5128 or installed after 1 January 1982 and in conformity with the by-laws in force when they were installed, must, not later than ten years after the coming into force of any by-law which they infringe, be removed or brought into conformity with the by-laws in force at the end of that period.

Whenever the signs, placards and other similar objects are not brought into conformity within the period prescribed in this article, the city may remove them after a six month notice has been sent to the owner, subject to its right to remove them at any time when required for public safety.”

24. Article 543*b* of the said charter, enacted by section 11 of chapter 41 of the statutes of 1980, is amended

(1) by inserting, after the words “certified mail” in the fourth line of the third paragraph, the words “or remit” and replacing the words “is being sent”, in the fourteenth line, by the words “is being mailed or remitted”;

(2) by striking out the words “to whom the notice was addressed” in the first and second lines of the fourth paragraph;

(3) by replacing the eleventh paragraph by the following paragraph:

“On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may, by by-law, impose on all the ratepayers paying a business tax in the district a special business tax based on the value of each place of business entered on the roll of rental values at the time of its coming into force the yield from which is equal to the revenue indicated in the budget as derived from that source. This tax is imposed on every person who occupies premises on the first day of the fiscal period for which the budget is deposited; it is not refundable on the ground that the ratepayer ceased to occupy the whole or part of the place of business referred to during the above fiscal period. The council may, for the purposes of imposing the tax, determine that the rental value of any premises is not to exceed a maximum percentage of the aggregate of the rental values of the district.”

25. The said charter is amended by inserting, after article 610c, the following article:

“610d. (1) The council may, by by-law, exempt any person proposing to erect a building for which parking units must under another by-law be provided and maintained, from the obligation to provide and maintain parking units, to such extent as the council may determine in each case.

(2) The by-law must provide that the exemption is granted upon compensatory payment of a sum established in accordance with a computing formula prescribed under paragraph 4.

(3) The sums collected in application of paragraph 2 are accounted for in view of using them to establish or erect public parking garages or parking lots.

(4) The council shall determine, by by-law, the terms and conditions of applications for exemption and prescribe the formulas for computing the compensation; the formulas may differ from one sector of the city to the other.

(5) In the case of a compensation not effected in cash, the clerk shall deposit in the registry office of the registration division of Montréal a certified copy of the by-law granting exemption for the immoveable referred to in such by-law; the registration shall be made by deposit and the registrar is bound to accept it and make mention of it in the index of immoveables.

The registration constitutes, up to the amount of compensation fixed in the by-law, a charge against the immoveable, assimilated to a municipal tax and privileged at the same rank.”

26. Article 611 of the said charter, replaced by article 60 of chapter 59 of the statutes of 1962 and amended by section 29 of chapter 86 of the statutes of 1966-1967, is replaced by the following article:

“611. No building, improvement or enlargement permit, except for repairs, shall be granted for an immoveable from the date of the resolution of the executive committee reserving the immoveable for municipal purposes, or of a resolution of the council ordering its expropriation.

Such prohibition shall cease after one year from the date of the resolution, except if proceedings for the imposition of a reserve or for expropriation are commenced before the expiry of the prescribed period.”

27. Article 611a of the said charter, enacted by section 26 of chapter 84 of the statutes of 1965 (1st session), is repealed.

28. Article 612*a* of the said charter, replaced by section 17 of chapter 40 of the statutes of 1980, is amended by replacing the first paragraph by the following paragraph:

“612*a*. The council may, by by-law, approve a plan of construction or alteration or allow the occupancy of one or more buildings or other works under, above or on any area of land, in favour of any person whose title includes the right to construct or occupy buildings thereon, provided that such land has a continuous area of at least eight thousand square metres (8000 m²) for an industrial project, four thousand square metres (4000 m²) for a commercial and housing project and two thousand square metres (2000 m²) for a housing project; these area requirements do not apply in the case of projects for the erection of educational establishments, of any establishment contemplated in the Act respecting health services and social services (R.S.Q., chapter S-5), of public administration or public service buildings, of abandoned public buildings, of residential buildings under a municipal or governmental housing program, of buildings classified or recognized as cultural property or situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site.”

29. Article 619 of the said charter, replaced by section 18 of chapter 40 of the statutes of 1980, is replaced by the following article:

“619. The roll of rental values shall not be altered and no water and service tax shall be levied, for residential premises, from any person who, during the same fiscal period, occupied other residential premises in the city in respect of which he has paid that tax in full to the city.

Notwithstanding the first paragraph, the roll of rental values shall be altered and the water and service tax shall be levied from any person who, during the same year, leaves an immovable in respect of which the owner is bound to pay such tax, and occupies another immovable in respect of which he is bound to make such payment.

Such person is bound to pay the tax proportionately to the unexpired portion of the fiscal period at the time the occupation begins.”

30. Article 620 of the said charter, replaced by section 19 of chapter 40 of the statutes of 1980, is amended by adding the following paragraphs:

“Notwithstanding the first paragraph, the water and service tax may be reimbursed to any person who, during the same year,

leaves an immoveable where he is bound to pay such tax and occupies another immoveable in respect of which the owner is bound to pay such tax.

The reimbursement is proportionate to the unexpired portion of the fiscal period at the time when ceases the occupation of the building in respect of which the person has paid to tax to the city. The reimbursement shall be made upon request of the person entitled thereto, upon presentation of vouchers, namely the receipt from the city and a copy of the new lease."

31. Article 634 of the said charter, replaced by section 9 of chapter 76 of the statutes of 1972, is replaced by the following article:

"634. The owner of any building occupied by more than one tenant, subtenant or family shall be liable for payment of the water and service tax and his name shall be entered on the roll of rental values, as an occupant, except in the case of a tenant under a written lease for one year or longer when the owner has installed a separate supply pipe for each apartment so occupied, so that the city may, at any time, establish the supply of water to each occupant."

32. Article 635 of the said charter, replaced by section 24 of chapter 40 of the statutes of 1980, is amended by adding at the end the following paragraph:

"Whenever an immoveable is, for a fiscal period, contemplated in a by-law made under this article, the payment of the water and service tax shall continue, for subsequent fiscal periods, to be payable by the owner of the immoveable even if the number of all the dwellings or the rental value thereof has been reduced below the standards established by the by-law."

33. Article 649*a* of the said charter, enacted by section 31 of chapter 40 of the statutes of 1980, is replaced by the following article:

"649*a*. Notwithstanding any zoning by-law, the executive committee, on the conditions it imposes in each case, may grant a personal and untransferable authorization to lay out and operate a parking lot. The executive committee may revoke that authorization at any time, after a thirty day notice has been given in writing to the owner by the clerk."

34. Article 666 of the said charter is replaced by the following article:

"666. The executive committee may add to the probable revenue of the next fiscal period the whole or part of any surplus of

the general fund established by the head of the competent department in his last annual report and still unappropriated for the current fiscal year under article 667.

However, upon the recommendation of the executive committee, the council may add the whole or part of the declared surplus still unappropriated under article 667, to the revenue of the current fiscal period, and amend the budget of the current period accordingly."

35. Article 667 of the said charter is replaced by the following article:

"667. The executive committee may add to the probable revenue of the next fiscal period the whole or part of any surplus of the current fiscal period, as estimated by the head of the competent department."

36. Article 668 of the said charter is repealed.

37. Article 669 of the said charter, replaced by section 14 of chapter 41 of the statutes of 1980, is replaced by the following article:

"669. Not later than 1 December each year, the executive committee shall approve the budget and the draft by-laws required for the imposition of the taxes for the next fiscal period."

38. Article 670 of the said charter, amended by section 37 of chapter 97 of the statutes of 1960-1961, by section 11 of chapter 76 of the statutes of 1972, by section 27 of chapter 22 of the statutes of 1979 and by section 15 of chapter 41 of the statutes of 1980, is amended by replacing paragraph *a* by the following paragraph:

"a) the draft by-laws made in application of article 669;"

39. The said charter is amended by inserting, after article 670, the following articles:

"670a. In the year of a general election, the approval of the budget and of the draft by-laws for the imposition of taxes by the executive committee, and their deposit in the clerk's office in conformity with article 670, may be made after that date but not later than three months after the date of the elections.

"670b. Where delays are incurred under article 670a, the head of the competent department, until 31 March of the year following that of the general election, may deliver certificates of available funds as if, on 1 January of the year following that of the

elections, three-quarters of the budget of the fiscal period in which the election is held had been adopted.”

40. Article 675 of the said charter, replaced by section 35 of chapter 40 of the statutes of 1980, is amended by adding the following paragraph:

“Notwithstanding the first paragraph, in the case of article 670*a*, the budget, by-laws and resolutions referred to in article 670, which have not been adopted within fifteen days after their deposit in the clerk’s office, become automatically in force on the first day of the month following the month during which falls the fifteenth day after the deposit.”

41. Article 708 of the said charter is replaced by the following article:

“**708.** The head of each department is responsible for the management of the appropriations put at the disposal of his department, as prescribed by this charter, under the authority of the executive committee and the council.”

42. Article 709 of the said charter is replaced by the following article:

“**709.** The executive committee shall establish the rules governing the transfer of appropriations within the same program of the budget.”

43. Article 710 of the said charter, replaced by section 82 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

“**710.** The executive committee shall not transfer the appropriations voted under one item of the budget to another item or one program of the budget to another program, except with the approval of the council.”

44. Article 717*a* of the said charter, enacted by section 35 of chapter 96 of the statutes of 1971, is replaced by the following article:

“**717*a*.** Notwithstanding any inconsistent legislative or regulatory provision, the city is authorized to use, by resolution of the executive committee, the actual revenue from any fiscal period as estimated or established by the head of the competent department, for the purposes of meeting any expenses it is authorized to incur.”

45. Article 721 of the said chapter, amended by section 85 of chapter 77 of the statutes of 1977, is amended by adding, at the end of the first paragraph, the following sentence:

“However, such approval is not necessary in the case of an agreement compelling the city to pay fees for professional services.”

46. Article 730 of the said charter, amended by section 31 of chapter 22 of the statutes of 1979, is amended by inserting, after the second paragraph, the following paragraphs:

“Before 30 April, he shall further forward to the Minister of Municipal Affairs a financial report for the last completed fiscal period. The report must include:

- (a) the financial statements;
- (b) the report of the city auditor, on such financial statements;
- (c) the report prepared in conformity with article 734 by the auditors appointed under that article; and
- (d) any other information required by the Minister.

Upon request of the city, the Minister may extend the period provided for in the third paragraph.”

47. Article 734 of the said charter, amended by section 33 of chapter 22 of the statutes of 1979, is amended:

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

“If the head of the competent department does not submit the report within the period provided in article 730, the Minister may cause a report to be prepared, for any period, at the expense of the city, by an officer of the Ministère des Affaires municipales or any other person legally qualified to prepare such report.

If the report referred to in the third paragraph is prepared by a person other than an officer of the Ministère des Affaires municipales, his fees shall be paid by the city, unless the Minister decides to make the payment, in which case he may have the city reimburse him.”;

(2) by striking out the third paragraph.

48. Article 755 of the said charter, replaced by section 100 of chapter 77 of the statutes of 1977, is replaced by the following article:

“755. The evidences of indebtedness issued by the city for short or long term loans shall be signed by the mayor or by a person authorized in accordance with article 67, and by the head of the competent department.

With the authorization of the council, such signatures may be affixed by means of an automatic device or by means of an engraved, lithographed or printed facsimile.”

49. The said charter is amended by inserting after article 777, the following article:

“777 a. The city of Montréal may, by by-law, impose and levy annually a surtax of \$0.435 per one hundred dollars of assessment of the immoveables the taxable value of which entered on the assessment roll exceeds \$100 000, which immoveables are classified in categories I and II determined and defined by regulation 1976-1 of the Commission municipale du Québec adopted on 29 December 1976 and amended by regulation 1977-1 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 such tax in the case of immoveables of category I.

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

50. Articles 787a to 787h of the said charter are replaced by the following articles:

“787 a. 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 subsidies for the following purposes:

(a) the demolition of buildings beyond repair, unfit for their intended purposes or incompatible with their surroundings;

(b) the reconstruction, renovation and restoration of buildings and the construction of residential buildings as well as the conversion of buildings into residential buildings; and

(c) landscaping.

For such purposes the maximum amount of any subsidy may in no case exceed the actual cost of the work.

“787 b. 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, for the buildings or parts of buildings reconstructed, renovated, restored or converted in conformity with any by-law made under article 787a, subsidies to compensate for the increase of the real estate taxes that might result from the reassessment of such buildings after the end of the work.

The amount of such subsidies may in no case exceed the aggregate of the maxima hereinafter established:

(a) for the first fiscal period following such works, the amount of the subsidy shall be equal to not more than 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; and

(b) for the second fiscal period following the works, the amount of the subsidy shall be equal to not more than fifty per cent of the difference between the amount of the real estate taxes that would be due if the value of the building had not been reassessed, and the amount of the taxes actually due.

Subsidies shall be paid only if the proprietor shows, in the manner prescribed by by-law, that the rent paid by his tenants was not increased by reason of an increase of the real estate taxes."

51. The said charter is amended by inserting, after the title of Division 1 of Chapter II of Title XI, the following article:

"818. Notwithstanding section 32 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, chapter 72), a building must be entered on the roll whenever it is occupied, for the most part, for the purposes of its initial destination or of a new destination or if three years have elapsed from the beginning of the work. However, the time limit ceases to run in cases of irresistible force.

This article also applies to a building being altered or converted."

52. The said charter is amended by inserting, after article 850, the following article:

"851. The city may, by-law, provide that the payment of a personal tax may be made by instalments and determine the minimum amount that must attain the account relating to that tax to entitle the debtor to pay by instalments; prescribe that the interest and the time limits applicable to that tax apply to each instalment, that the balance of the account becomes payable whenever an instalment has not been made when due, and establish any other terms and conditions of application."

53. Article 903 of the said charter, amended by section 19 of chapter 90 of the statutes of 1968, is replaced by the following article:

“903. Except on behalf of the city, no employee of the city shall directly or indirectly bid at a sale of any immovable for taxes, or become the purchaser of such an immovable, on pain of the nullity of such bid or adjudication.”

54. Article 904 of the said charter, replaced by section 46 of chapter 96 of the statutes of 1971, is replaced by the following article:

“904. An immovable sold for taxes may be redeemed by the proprietor or his representative, within six months after the date of the sale, upon payment to the purchaser of the price of sale, including the sheriff's costs, plus ten per cent of such sum. In the case of a vacant lot, the amount payable to the purchaser must also include the general, special and local improvement real estate taxes paid by the latter.

In addition, the proprietor shall, upon redeeming his immovable, reimburse to the purchaser the amount of the real estate transfer duties paid by the latter, plus ten per cent of such sum, or pay to the city such duty or any unpaid portion thereof.”

55. Article 958*a* of the said charter is repealed.

56. Article 964*g* of the said charter, enacted by section 26 of chapter 40 of the statutes of 1980, is replaced by the following article:

“964*g*. Any corporation constituted pursuant to article 964*b*, 964*c* or 964*d* which owns an immovable must pay in respect thereof any tax that may be exigible from a real estate owner in the city, to the exclusion of any surtax that may be imposed by reason of the amount of the assessment.”

57. The said charter is amended by adding, after article 964*g*, the following article:

“964*h*. Notwithstanding the Industrial Funds Act (R.S.Q., chapter F-4), the city, with the approval of the Minister of Municipal affairs and the Minister of Industry and Commerce, may acquire by agreement or expropriation any immovable for industrial purposes.

With the same authorizations, the city may

(*a*) sell, lease or otherwise alienate for industrial purposes any immovable owned by it, and

(b) sell for cash, for commercial purposes, any immoveable acquired under this article where it appears that such immoveable cannot be adequately used for industrial purposes.”

58. Article 966 of the said charter, amended by section 55 of chapter 97 of the statutes of 1960-1961 and by section 78 of chapter 59 of the statutes of 1962, is amended by inserting, after the first paragraph, the following paragraphs:

“Notwithstanding section 53 of the Expropriation Act (R.S.Q., chapter E-24), the city becomes the absolute owner of the servitudes mentioned in this article, upon depositing in the registre office

(a) an affidavit of the attorney of the city on the case, certifying that, to his personal knowledge, the expropriated party

(1) declared that he was satisfied with the value established in conformity with paragraph b; or

(2) failed to inform the city or the Expropriation Tribunal, within the period mentioned in section 46 of that Act, of the amount of his claim;

(b) a certificate stating that the city has paid to the expropriated party, offered him or deposited for him, in conformity with the Act, the amount corresponding to the value of the servitude as determined by a certified assessor.

This article does not have the effect of preventing the expropriated party from claiming before the Expropriation Tribunal an indemnity higher than the amount he has been so paid.”

59. The title of Division 2 of Chapter II of Title XII of the said charter is replaced by the following title:

“TRANSFER OF PROPERTY”.

60. Article 985 of the said charter, amended by section 95 of chapter 59 of the statutes of 1962, is replaced by the following article:

“**985.** Upon complying with the requirements of section 49 of the Expropriation Act (R.S.Q., chapter E-24), the city becomes the owner of the immoveable expropriated, subject to the payment of the indemnity fixed by the tribunal to the expropriated party within thirty days of the final judgment.

If the immoveable expropriated is encumbered with a registered real right, the city may ask for the distribution of the provisional indemnity. It may also, with the agreement of the expropriated party, pay the balance payable to the holder of the right, in

accordance with the order of collocation, and that payment is ascribed to the final indemnity.”

61. The said charter is amended by adding, after article 1038, the following article:

“1038 a. The city may, with the consent of the owner, make improvements on private property, within the scope of an improvement program. The cost of such improvements may be assumed in full by the city or charged to the owner, according to the terms and conditions fixed for the program by the executive committee.”

62. Article 1051 of the said charter, replaced by section 34 of chapter 41 of the statutes of 1980, is replaced by the following article:

“1051. Local improvement taxes are payable in a lump sum or by yearly instalments over a period not exceeding twenty years.

The executive committee may order the readjustment of the interest on the instalments every five years from the date of the imposition of the taxes or of their conversion into instalments.

The executive committee may order that the balances due on local improvement taxes shall be apportioned in the future in the form of yearly instalments covering any period not exceeding twenty years from the first date of their exigibility.”

63. Article 1126 of the said charter, replaced by section 167 of chapter 77 of the statutes of 1977, is replaced by the following article:

“1126. The summonses, warrants for imprisonment and writs of seizure in execution and every notice that are required to be sent by an Act, regulation or by-law shall bear the signature of the judge or of the clerk. Such signature may be affixed by any method approved by a by-law of the council.

Warrants of arrest shall bear the signature of the judge.”

64. Article 1129a of the said charter, enacted by section 55 of chapter 40 of the statutes of 1980, is amended by adding the following paragraph:

“4. A copy of the infraction ticket may be served either to the offender or any person living at his residence or in charge of his place of business, or by depositing the ticket in any place intended for his mail.”

65. Article 1129*b* of the said charter, enacted by section 55 of chapter 40 of the statutes of 1980, is amended by replacing:

(1) paragraph 1 by the following paragraph:

“1129*b*. (1) Any person to whom an infraction ticket, a notice of summons or a summons has been issued may free himself of any penalty relating to such violation by paying as fine and costs, at the place and within the period determined by the executive committee, the amount fixed by the council and shown on the document delivered or sent to him.”;

(2) paragraph 8 by the following paragraph:

“(8) Each time an offender fails to appear, after he has been assigned or summoned to do so, the judge or the clerk acting under the authority of the chief judge may condemn him and it shall not be necessary to prove the violation or the officer’s signature or his appointment.”

66. Article 1131 of the said charter is replaced by the following article:

“1131. (1) The service of any document of procedure issued by the court, a judge or the clerk of the court shall be made by delivering a copy of the document, by bailiff, to its recipient, at the last known address of his residence or place of business, or to a reasonable person living at his residence or in charge of his place of business.

(2) Such service may also be made by sending a copy of the document by registered or certified mail together with a reception or delivery notice.

(3) The service is deemed to have been made on the date on which the reception or delivery notice has been signed by the recipient or a reasonable person living at his residence or in charge of his place of business.

(4) Whenever service cannot be made in any such manner, the judge, upon report of the bailiff charged of the delivery or of the clerk of the court, may prescribe any other means of service he deems expedient.”

67. The said charter is amended by inserting after article 1138, the following article:

“1138*a*. In any prosecution relating to a proceeding brought before the Municipal Court or any of its judges, for an offence against a city by-law respecting traffic or the use of a motor vehicle or its accessories, or for any offence against the Highway Code

(R.S.Q., chapter C-24), the Highway Safety Code (1981, chapter 7) or the Transport Act (R.S.Q., chapter T-12) or any regulation made under such Acts, the filing of a document containing any information transmitted electronically by the Régie de l'assurance automobile du Québec and stating that the prosecuted person is the owner of a vehicle the number of the registration plate of which is given in the denunciation, the notice of summons or the summons, is proof of the fact in the absence of proof to the contrary."

68. Article 1139 of the said charter, replaced by section 88 of chapter 77 of the statutes of 1973 and amended by section 169 of chapter 77 of the statutes of 1977, is amended by replacing paragraph 1 by the following paragraph:

"1139. (1) In the case of violation of any by-law of the city relating to traffic, public safety or the use of a vehicle or of any accessory to such a vehicle

(a) the peace officer who notices the offence may fill out on the spot a ticket stating the nature of the offence; he shall issue a copy thereof to the offender or deposit it in a conspicuous place on the vehicle and bring the original thereof to the police department;

(b) the peace officer may also, when it is not a parking violation, fill out, on the spot, a notice of summons; he shall issue a copy to the offender, which issue shall constitute legal service of such notice.

Another copy must be sent to the clerk of the Municipal Court within the ensuing forty-eight hours.

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

69. Article 1140*b* of the said charter, replaced by section 89 of chapter 77 of the statutes of 1973 and amended by section 171 of chapter 77 of the statutes of 1977, is replaced by the following articles:

"1140*b*. (1) Notwithstanding any general law or special Act, when a peace officer observes a violation of any law or by-law relating to traffic, public safety or the use of a vehicle or of any accessory to such a vehicle and has reasonable ground to believe that the offender will elude justice, the officer may remit a summary notice to the driver. The notice may also be remitted to the person assisting a learner driver.

(2) The summary notice orders the offender to appear before the competent court at the time and place indicated. This notice is made in the form prescribed by by-law and states, in particular,

(1) the surname, given name, address and number of the driver's licence or learner driver's licence of the offender;

(2) the make, model and identification number of the vehicle;

(3) the nature, date, time and place of the infraction;

(4) the amount of the minimum fine and, if necessary, the number of demerit points entailed by a condemnation; and

(5) if need be, the amount of the security furnished by the offender.

(3) On remitting a summary notice, the peace officer must require security for an amount fixed by by-law of the council.

(4) If the offender refuses or is unable to furnish the security, the peace officer may have the vehicle impounded until a judge or the court, on a motion of the offender or of the peace officer, authorizes it to be returned with or without security. The motion is heard and decided by preference.

However, as soon as the amount of the minimum fine provided for the infraction alleged and that of the costs incurred, including the costs for towing and impounding the vehicle, are paid, the offender is authorized resume possession of his vehicle.

(5) The summary notice constitutes a summons duly authorized and served, returnable on the date fixed therein.

(6) A copy of the summary notice and, where such is the case, the security, must be sent to the clerk of the court within forty-eight hours of the issue of the notice.

(7) Any peace officer or any employee designated by the head of the competent department may immobilize and have towed and impounded any vehicle for which more than three parking infractions have been reported, whenever it is impossible to find out the identity or actual address of the owner of the vehicle or where it has been impossible to serve summons on him or to execute judgments condemning him to the payment of a fine.

(8) The provisions of paragraph 4 respecting the conditions for resuming possession of a vehicle apply, *mutatis mutandis*, to any case of application of a measure provided for in paragraph 7.

“1140 c. The clerk of the Municipal Court must comply with the requirements of the Highway Safety Code (1981, chapter 7) as regards the notice to be sent to the Régie de l'assurance automobile du Québec in the application of a system of demerit points, of

the suspension or revocation of a driver's licence, and he may affix his signature thereto according to the same means.

“1140d. (1) Whenever a person commits an offence against section 32, 87 or 89 of the Highway Safety Code (1981, chapter 7), the peace officer may deliver a notice to him requiring him to furnish, within forty-eight hours, proof that he was the holder of the required documents at the time of the arrest. Should the offender fail to furnish such proof to a peace officer within that period, the notice constitutes an infraction ticket under any of such sections.

(2) Whenever a person commits an offence against section 28, 29, 31, 195, 196, 197, 200 to 203, 208, 209, 211, 213 to 217, 222, 231, 241 to 247, 250 or 251 of that Code, the peace officer may deliver to him a notice requiring him to make or have made the necessary repairs or alterations within forty-eight hours. Should the offender fail to have such repairs or alterations made, and furnish proof thereof to a peace officer within that period, the notice constitutes an infraction ticket under any of such sections.

“1140e. (1) Whenever a peace officer or an employee designated by the head of the competent department immobilizes a vehicle referred to in paragraph 7 of article 1140b, he shall deposit a notice in a conspicuous place on the vehicle to warn the driver that the vehicle has been immobilized, that any attempt to move it might damage it; the notice indicates the measures to be taken to remove the immobilizing device.

(2) Whenever a person resumes possession of a vehicle that was so immobilized, the city may require the payment of an additional sum to be fixed by by-law but not exceeding twenty-five dollars.

(3) Any vehicle immobilized may be towed and impounded at any time; if the owner of the vehicle or his authorized representative has not claimed the vehicle or complied with the obligations provided for in article 1140b, within 60 days of the towing, the city may dispose of the vehicle in conformity with article 1176.”

70. Article 1149a of the said charter, replaced by section 90 of chapter 77 of the statutes of 1973, is replaced by the following article:

“1149a. On recommendation of the chief attorney, the executive committee may authorize the destruction of files closed for more than three years relating to violations of the statutes of Québec or municipal by-laws.

The executive committee may also authorize the destruction of files closed

(a) for more than three years, whenever they relate to the prosecution of criminal offences by means of a summary declaration of guilt; and

(b) for more than ten years, whenever they relate to the prosecution of indictable offences.”

71. Article 1160 of the said charter is replaced by the following article:

“1160. Whenever a corporation is condemned to a fine, such fine may be levied, with costs, by the seizure and sale of the moveable and immoveable property of the party condemned, by means of a writ of execution issued by the court. The execution of such writ shall be subject to the rules of the Code of Civil Procedure.”

72. Article 1162 of the said charter, replaced by section 22 of chapter 76 of the statutes of 1972 and amended by section 91 of chapter 77 of the statutes of 1973, by section 173 of chapter 77 of the statutes of 1977 and by section 56 of chapter 40 of the statutes of 1980, is amended by replacing the third and fourth paragraphs by the following paragraphs:

“However, in the case of a parking or traffic violation, when, by error, a person has received a ticket, has been sued, has been convicted or has paid an amount, or proceedings have been taken subsequent to the payment of the amount due, on an affidavit to that effect signed personally by the head of the police department or the head of the competent department or by an officer or assistant authorized by one of them in writing to that effect, and filed in the Municipal Court, the proceedings, judgments and debts shall be cancelled from the date of such filing and, as the case may be, such court or one of its judges shall certify the cancellation and the head of the competent department shall write off the account and remit any amount paid. The affidavit issued by a department head or his representative is valid only in the case of a ticket or of the proceeding arising from a violation ascertained by a member of such department.

When a person has been condemned by default for a parking or traffic violation, the filing in the office of the court, or the delivery to any peace officer detaining him of a mere written declaration by such person, supported by an affidavit, that he requests that the judgment be reviewed either because he had a good defense which he had no opportunity to present or because he was not aware, without any negligence on his part, that proceedings against him had been instituted, shall stay the order or suspend any execution of the judgment and constitute a motion for revision. If the person is detained, he must be released immediately and the person detaining him and receiving such declaration must file it in

the office of the court within seventy-two hours. At the diligence of the person so condemned, such motion for revision must be presented within three days to a judge of the court, failing which it shall become null and void.

The judge to whom the motion for revision of the judgment is presented shall hear the proof submitted under oath by the applicant in support of the allegations contained in his motion. If the judge is satisfied that the applicant had a good defense which he had no opportunity to present, the judge shall quash the condemnation and order a trial to be held on the date he determines. If the judge is of opinion that the applicant does not have a good defense to present, he shall maintain the declaration of guilt but he may change the condemnation as regards the costs, by reducing them to what they should have been, whenever the applicant proves to his satisfaction that the costs are too high without its being his fault."

73. Article 1162*a* of the said charter, enacted by section 174 of chapter 77 of the statutes of 1977, is replaced by the following article:

"1162*a*. In addition to his powers under article 1162, the Chief Judge of the Municipal Court may, on the substantiated motion of the head of the police department, of the head of the competent department or the clerk of the Municipal Court,

(1) cancel the uncollected portion of the fine and costs incurred for its recovery and annul the warrant for imprisonment issued therefor when it proves impossible or useless to proceed;

(2) annul any warrant for imprisonment or writ of seizure in execution issued by the clerk or a municipal judge, in connection with a violation of a municipal by-law or a law of the province of Québec, when it has been impossible to execute the warrant within five years after the date on which it was issued."

74. Article 1172 of the said charter, replaced by section 175 of chapter 77 of the statutes of 1977, is replaced by the following article:

"1172. The executive committee may authorize any officer he designates to sign, by means of a stamp bearing a facsimile of his signature previously approved by the executive committee and used exclusively for that purpose, the certificates, notices and other documents issued or signed pursuant to any provision of this charter or a by-law.

The signature so stamped shall be as valid as a hand-written signature."

75. The said charter is amended by adding, after article 1176, the following heading and article:

“Sale of immoveables at public auction

“1176a. Where an immoveable against which the city has a claim is sold at public auction, if there is no bidder or if the amount obtained at the auction is not higher than the amount of the claim, the sheriff shall adjudicate the immoveable in favour of the city and inform it thereof within three days.”

76. The said charter is amended by replacing the heading “Clubs” following article 1178 by the following headings and articles:

“Bad cheques

“1179. Whenever a cheque is remitted to the city as a payment and is refused by a banking institution on which the cheque is drawn, administration costs may be charged by the city to the debtor, at a rate the executive committee shall fix.

“Registration of births

“1179a. The registration of a birth with the clerk of the city may be made by means of a typewritten entry in a loose-leaf register.

The entries and pages must be numbered consecutively and without interruption.

The pages must subsequently be bound into a separate volume for each year. A duplicate of each volume must be made.

Each volume and its duplicate must be presented to the prothonotary who shall authenticate it in the manner provided in article 45 of the Civil Code.

All the volumes duly authenticated constitute the birth register of the city.”

77. Form 23b of the said charter is replaced by the following form:

“23b. (Articles 311c, 311g)

Declaration under oath or solemn affirmation of an elector wishing to vote in advance

Polling subdivision No.

Serial number of the elector

I, the undersigned, declare before the deputy returning-officer, the following:

(a) My name is entered on the electoral list of the district of....., polling subdivision No....., serial number....., as follows:

.....
 (name) (address) (occupation)

(b) I am the person referred to above;

(c) I am a person

i. referred to in paragraph *a* of article 311c of the charter of the city of Montréal;

ii. referred to in paragraph *b* of article 311c of that charter;

iii. referred to in paragraph *c* of article 311c of that charter and I have reasons to believe that I will be

absent from my polling subdivision, or

unable to vote

on the polling day and consequently, I wish to vote in advance.

I acknowledge that after having voted at a special poll I will not be entitled to vote or seek to vote in any other special or regular pool during the current election.

(signature of the elector)

Declared under oath
 (or solemnly affirmed)
 before me, at Montréal,
 this.....day
 of the month of.....19.....

(signature of the deputy returning-officer)".

78. The territory described in Schedule I is detached from the city of Verdun and attached to the city of Montréal.

79. The territory described in Schedule II is detached from the city of LaSalle and attached to the city of Montréal.

80. The territory described in Schedule III is detached from the city of Côte Saint-Luc and attached to the city of Montréal.

81. The immoveables exempted from real estate tax under the Act respecting municipal taxation and providing amendments to certain legislation (1979, chapter 72) are not subject to the special olympics tax imposed 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 article has effect from 1 January 1980.

82. Section 8 of the Act respecting the Olympics deficit of the City of Montréal and amending the Charter of the City of Montréal (1976, chapter 52), amended by section 446 of chapter 72 of the statutes of 1979, is repealed.

83. The clerk, within the meaning of section 1 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, chapter 72), is the person on whom the council confers the power to act in that capacity.

84. Article 5 comes into force on the date of the coming into force of the Act respecting the abolition of compulsory retirement and providing amendments to certain legislation (1981, chapter *insert here chapter number of Bill 15*).

85. Paragraph 3 of article 24 and article 30 take effect from 1 January 1981.

86. Article 69 comes into force on the date of the coming into force of Chapter IX of the Highway Safety Code (1981, chapter 7).

87. Subject to sections 84, 85 and 86, this Act comes into force on the day of its sanction.

SCHEDULE I

Starting from the southwest corner of lot 3401-611-1 of the cadastre of the parish municipality of Montréal; thence, northwesterly along the southwest line of lots 3401-611-1, 3401-610-1, 3401-598-1, 3401-1264 and 4692-1 to its intersection with the north line of lot 4692-1 (present limit between the cities of Verdun and Montréal); thence, generally southwesterly, along the said present limit between the city of Verdun and the city of Montréal, to the dividing line between lot 3406 and lots 4692 and 3401; thence, southeasterly along the said dividing line between lot 3406 and lots 4692 and 3401 to the northeast side of Dupuis avenue; thence, southeasterly along the said northeast side of Dupuis avenue to the arc of a circle of a radius of ninety feet (90.0 ft, that is 27.432 m) joining the northeast side of Dupuis avenue and the northwest side of Joseph street; along the said arc of a circle and thence, northeasterly along the said northwest side of Joseph street to the starting point.

SCHEDULE II

Starting from the point of intersection of the northeast line of lot 978-20 (street) of the cadastre of the parish of Lachine with the southwest line of the right of way of the Canadian Pacific Railway thence, southeasterly along the said southeast line of the right of way of the Canadian Pacific Railway to the dividing line between lots numbers 979 and 980 of the said cadastre; thence, southeasterly along the said dividing line between lots numbers 979 and 980 of the said cadastre to the northwest side of de La Vérendrye boulevard; thence, southwesterly along the said northwest side of de La Vérendrye boulevard to the northeast side of Dollard avenue; thence, northwesterly along the said northeast side of Dollard avenue to the southeast line of the right of way of the Canadian Pacific Railway, the starting point.

SCHEDULE III

(1) Starting from the point of intersection of the dividing line between lots 75 and 76 of the cadastre of the parish municipality of Montréal with the dividing line between the cadastres of the parish municipality of Montréal and of the parish of Saint-Laurent; thence, northeasterly along the said dividing line between the said cadastres of the parish municipality of Montréal and of the parish of Saint-Laurent to its intersection with the dividing line between the cadastres of the parish municipality of Montréal and of the village of Côte-des-Neiges; thence, southeasterly along the said dividing line between the cadastres of the parish municipality of Montréal and of the village of Côte-des-Neiges, to its intersection with the dividing line between lot 75 and lots 73 and 74 of the cadastre of the parish municipality of Montréal; thence, southwesterly along the said dividing line between lot 75 and lots 73 and 74 of the said cadastre to its intersection with the dividing line between lots 75 and 76 of the said cadastre; thence, northwesterly along the said dividing line between lots 75 and 76 of the said cadastre to the starting point.

(2) Starting from the point of intersection of the northwest line of lot 45-19 of the cadastre of the parish municipality of Montréal with the west line of lot 4712 (right of way of the Canadian Pacific Railway) of the said cadastre; thence, northeasterly along the dividing between the cadastres of the village of Côte-des-Neiges and of the parish municipality of Montréal to its intersection with the northeast line of lots 45-1, 45-2, 45-3, 45-4 and 45-5 of the cadastre of the parish municipality of Montréal; thence, southeasterly along the said northeast line of lots 45-1, 45-2, 45-3, 45-4 and 45-5 of the said cadastre to its intersection with the dividing

line between lots 45-5 and 46-126 of the said cadastre; thence, southwesterly along the dividing line between lot 45 and lots 46, 50, 51, 65, 68 and 69 of the cadastre of the parish municipality of Montréal to the southwest line of lot 69-1084-22 of the said cadastre; thence, southeasterly along the dividing line between lots 45 and 69 of the said cadastre to its intersection with the dividing line between lots 45 et 72 of the said cadastre; thence, southwesterly along the said dividing line between lots 45 and 72 to its intersection with the dividing line between lots 45 and 73 of the said cadastre; thence, northwesterly along the said dividing line between lots 45 and 73 to its intersection with the east line of lot 4712 (right of way of the Canadian Pacific Railway) of the said cadastre; thence, northerly along the said east line of lot 4712 (right of way of the Canadian Pacific Railway) to its intersection with a line across lot 4712 and perpendicular to the intersection of the northwest line of lot 45-19 with the west line of the said lot 4712; thence, northwesterly along the said line across lot 4712 to the starting point.

(3)(a) Starting from the point of intersection of the centre line of Aumont street with the extension of the southwest line of lots 68-246 to 68-256 of the cadastre of the parish municipality of Montréal; thence, northwesterly along the said southwest line of lots 68-246 to 68-256 of the said cadastre to the southeast side of Queen Mary road; thence, northeasterly along the said southeast side of Queen Mary road to the centre line of Macdonald avenue; thence, southeasterly along the said centre line of Macdonald avenue to the centre line of Aumont street; thence, southwesterly along the said centre line of Aumont street to the starting point;

(b) Starting from the point of intersection of the northwest side of Queen Mary road with the southwest line of lots 68-258 to 68-308 of the cadastre of the parish municipality of Montréal; thence, northwesterly along the said southwest line of lots 68-258 to 68-308 to the southeast side of Langhorne road; thence, northeasterly along the said southeast side of Langhorne road to the centre line of Macdonald avenue; thence, southeasterly along the said centre line of Macdonald avenue to the northwest side of Queen Mary road; thence, southwesterly along the said northwest side of Queen Mary road to the starting point.

