

THIRD SESSION

THIRTY-SECOND LEGISLATURE

# NATIONAL ASSEMBLY OF QUÉBEC

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## Bill 244

(PRIVATE)

**An Act to amend the charter of  
the city of Charlesbourg**

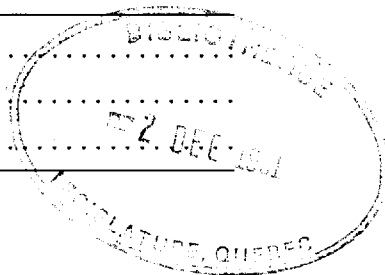
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M. DENIS DE BELLEVAL

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QUÉBEC OFFICIAL PUBLISHER

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## **Bill 244**

**(PRIVATE)**

An Act to amend the charter of the city of Charlesbourg

WHEREAS it is in the interest of the city of Charlesbourg that its charter be amended;

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

**1.** Section 15 of the charter of the city of Charlesbourg, enacted by section 2 of the Act to regroup certain municipalities in the region of Québec (1975, chapter 91), is replaced by the following section:

**“15.** Notwithstanding the Act respecting land use planning and development (1979, chapter 51), the council may adopt a planning programme within the meaning of section 81 of the said Act, a zoning by-law within the meaning of section 113 of the said Act, a subdivision by-law within the meaning of section 115 of the said Act and a building by-law within the meaning of section 118 of the said Act. Those by-laws are applicable to the entire territory of the city, with no other formality than that provided in the second and third paragraphs and without no other approval than that of the Minister of Municipal Affairs.

The clerk shall, in accordance with the law, publish a notice of the adoption of the by-law; such notice shall reproduce the text of this section and mention that the proprietors concerned who wish to oppose the by-law may make known the reasons for their opposition by applying in writing to the Commission municipale du Québec within thirty days after publication of the notice.

Upon the expiry of such time limit, the Commission municipale du Québec shall hold a public inquiry and shall report thereon to the Minister of Municipal Affairs and to the municipal

council. The latter, by resolution, may amend the by-law to give effect to the recommendations contained in the report.

Once it is in force, the by-law adopted under this section shall not be repealed or amended except in accordance with the Act respecting land use planning and development.”

**2.** Schedule 1 to the Act to amend the charter of the city of Charlesbourg (1977, chapter 87) is amended by adding the following subsection:

“3. Original lot 929-1 of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette.”

**3.** Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Charlesbourg by adding, at the end, the following subsection:

“4. The council may acquire, by agreement or by way of expropriation, the immoveables or a right of way on all or some of the immoveables situated in the territory of the municipal corporation of Lac-Saint-Charles described in the Schedule to chapter (*insert here the chapter number of Bill 244*), for the purposes of organizing and operating recreation centres and public places for sports and amusements.”

**4.** The said Act is amended for the city by inserting, after section 29.1, the following section:

“**29.2** Without the authorization of the city, no person shall in any manner use the name of the city or of any of its services, or its seal, emblem or graphic symbol.”

**5.** The said Act is amended for the city by inserting, after section 72, the following section:

“**72.1** Section 72 does not apply to an officer or employee holding the office of principal private secretary to the mayor of the city.”

**6.** Section 73 of the said Act is replaced for the city by the following section:

“**73.** Subject to section 72.1, section 72 applies to all city and town municipalities, even to those not contemplated by section 1 of this Act, and any provision of a charter that repeals, replaces or amends section 71, directly or indirectly, in whole or in part, or which enacts a section 72, does not exclude the application of section 72.”

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

*“II.I — Traffic and parking by-laws*

**“369.1** (1) In cases of violation of a municipal by-law relating to traffic and parking:

(a) the peace officer who ascertains the offence may fill out on the spot a ticket stating the nature of the offence; he shall issue a copy thereof to the driver 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 driver of the vehicle, which issue shall constitute legal service of such notice.

Another copy of it 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 (R.S.Q., chapter P-15), and returnable on the date fixed.

(2) This section shall not prevent the peace officer from lodging a complaint or having a summons issued against an offender in the ordinary manner if he considers it advisable.

(3) The peace officer shall not issue a notice of summons to an offender who is implicated in an accident. In such case, a regular summons must be served.

(4) Any peace officer may remove or have removed by means of a service vehicle or tow-car any vehicle parked in contravention of a by-law or ordinance.

(5) In all cases where it is provided, by by-law, that a vehicle may be removed or towed away on the order of a constable or peace officer, the owner may recover his vehicle only upon payment of the removal or towing costs and costs of impoundment at the current rate.

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

It shall contain:

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

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

(c) an order to the offender to appear before the Municipal Court at the time and on the date indicated on such notice by the officer.

**“369.2** Prior to any penal proceeding for infringement of its by-laws respecting vehicular traffic and parking, the city may send by mail to the owner or driver of the vehicle at the address given to the Bureau des véhicules automobiles a summary notice describing the offence and indicating the minimum penalty and the place where it may be paid within the ensuing ten days together with the notification costs of two dollars or any other amount the council may determine.

Any person to whom an infraction notice or ticket, a notice of summons or a summons has been sent or served for a traffic and parking violation may free himself of any penalty relating to such violation by paying as fine and costs, at the place and within the time limit determined by the executive committee, the amount fixed by the council and shown on the document delivered to him. However, such payment shall cover only a first violation within a period of twelve months, except in cases relating to parking.

Following payment, the accused shall be considered to have been found guilty of the violation.

The accused being prosecuted by way of summons cannot in any case allege that he did not receive an infraction ticket or a preliminary notice of proceedings.

If the accused who has been served a summons does not avail himself of the provisions respecting payment in full, the proceedings shall be continued and he must appear before the court on the date mentioned. If he fails to do so, he may be convicted by the judge for the offence mentioned in the summons without it being necessary to prove the offence or the signature or appointment of the peace officer.

Service of any summons regarding the infringement of a by-law respecting traffic and parking is legally made by mailing it to the address given to the Bureau des véhicules automobiles by the owner of the vehicle with which the offence was committed.

**“369.3** Notwithstanding any general law or special Act to the contrary, when a peace officer observes a violation of the Highway Code (R.S.Q., chapter C-24), he may fill out on the spot a ticket or a notice of summons and give a copy thereof to the driver of the vehicle.

Such ticket or notice of summons replaces the prior notice under the Highway Code, provided such ticket or summons con-

tains a description of the violation, specifies the minimum fine and indicates the place where it may be paid within the next six days. Costs for the notice are exigible only if the notice is given in accordance with section 369.

Such ticket or notice of summons otherwise has the same force and effect and must be treated in the same manner as the ticket or notice of summons provided for in cases of violation of a municipal by-law relating to traffic or parking.”

**8.** Section 460 of the said Act is amended for the city by replacing paragraph 3 by the following paragraph:

“(3) To license, regulate, or prohibit pin-ball machines, billiards, pool, pigeon-hole tables, bagatelle boards, shooting galleries, electronic games and games arcades;”.

**9.** Section 463 of the said Act is amended for the city by inserting, at the end of paragraph 2, the following paragraph:

“The cost of removal of nuisances incurred by the corporation constitutes a charge against the property assimilated to the real estate tax and is recoverable only before the Municipal Court.”

**10.** The said Act is amended for the city by inserting, after section 465, the following section:

**“465.1** The city may make with the government of Canada or of a province, a corporation or an institution having a retirement pension plan, any agreement allowing the years of service that every new employee of the city has accumulated while at the employ of a former employer to be counted in whole or in part for the purposes of a pension plan and providing for the payments to be effected by the retirement fund of the city on behalf of its employee who is to be employed by such governments, corporation or institution.

Such agreements may include the employees already employed by the city or by such governments, corporation or institution.”

**11.** The said Act is amended for the city by inserting, after section 649, the following section:

**“649.1** Each remission must be authorized by a resolution adopted by the vote of two-thirds of the members of the council present, on petition of the person liable for such fine; such petition shall be filed with the clerk and submitted to the executive committee which may make the appropriate recommendation to the council; no other procedure is admissible for such purpose.

However, in a case of violation of the by-laws relating to traffic and parking 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 subsequently to the payment of the sum due, on an affidavit to that effect signed personally by the director of the police department or one of his officers he authorizes in writing therefor, and filed in the Municipal Court, the proceedings, judgments and debts shall be cancelled from the date of such filing and, in that case, such court or one of its judges shall certify the cancellation and the applicant shall be reimbursed.

When a person has been condemned by default for a violation of the by-laws relating to traffic and parking, 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 because he had a good defense which he had no opportunity to present, 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 twenty-four 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 it is presented may reject it summarily or order an inquiry on such date as he determines. After inquiry, the court, or the judge, shall uphold or revise the judgment and issue the orders deemed necessary."

**12.** Section 3 of chapter 87 of the statutes of 1977 is amended by replacing paragraph 14 of section 51*b*, enacted by the said section, by the following paragraph:

"(14) The committee, without the authorization of the council, may award any contract not amounting to over twenty-five thousand dollars provided it complies with section 574 of the Cities and Towns Act (R.S.Q., chapter C-19) if the contract concerned is a contract contemplated in that section.

However, after calling for and receiving tenders and without the authorization of the council, it may award alone any contract not amounting to more than the amount placed at its disposal for such purpose."

**13.** The Act respecting land use planning and development (1979, chapter 51) is amended for the city of Charlesbourg by inserting, after section 119, the following sections:

**"119.1** In the case of the permits or certificates of authorization mentioned in section 119, the executive committee, where it



deems it advisable and on the recommendation of the planning advisory committee, may require, as a prior condition to the issue of a permit or certificate of authorization, the deposit of a performance bond of a value of not more than ten per cent of the value of the work planned. The bond shall be returned to the applicant when the work that was the object of the permit or certificate of authorization is completed. If the work is not completed within the time mentioned in the permit or certificate, the amount of the bond deposited may be confiscated by the executive committee on the recommendation of the planning advisory committee. Such confiscation does not affect the rights and recourses of the city in enforcing its by-laws.

**“119.2** Where the deposit of a performance bond is required by the executive committee in accordance with section 119.1, the officer designated under paragraph 7 of section 119 shall not issue a permit or a certificate of authorization unless, in addition to the requirements mentioned in section 120, the performance bond has been deposited with the city treasurer.”

**14.** Section 126 of the said Act is amended for the city by replacing the word “fifteen” in the first line of the first paragraph by the word “ten”.

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

## SCHEDULE

A piece of land formed by part of lots NINE HUNDRED AND THIRTY-THREE and NINE HUNDRED AND THIRTY-FOUR (933 pt and 934 pt) of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, measuring six hundred and twenty-seven feet (627') on the southeast boundary and approximately five hundred and eighty-five feet (585') on the southwest boundary the whole in English measure, and bounded as follows: on the north by a winding river forming the south boundary of lots 933-1 and 934-1; on the southeast by lot 934-1, and on the southwest by another part of lots 933 and 934, the said southwest boundary being a straight line connecting a point situated on the de la Pageau road at the intersection of the west corner of lot 934-1 to the west boundary of lot 933-1.