

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 264 (PRIVATE)

**An Act to amend the charter of the city
of Trois-Rivières**

First reading
Second reading
Third reading



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QUÉBEC OFFICIAL PUBLISHER

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WHEREAS it is in the interest of the city of Trois-Rivières that it be granted certain powers;

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

1. The council of the city of Trois-Rivières may grant, by by-law, to every person who was a member of the council on 31 December 1974, who held that office for not less than eight years and has ceased to hold office since that date, an annual pension of \$8 000 in the case of the mayor and \$4 000 in the case of the other members of the council, payable at sixty years of age in equal and consecutive instalments. The repeal of the by-law cannot be set up against persons respecting whom it applies or has already applied.

The payment of the pension is suspended during the period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

In computing any period of eight years, every part of a year shall be counted as a full year; every year or part of a year, either before or after 31 December 1974, must be counted in the computation.

2. The council may grant, by by-law, to every person who was a member of the council on 31 December 1974 and held office as mayor or as member of the council for not less than twelve years and who has ceased to hold that office after the first day of the month following the month during which the by-law is passed, an annual pension equal to fifty per cent of his annual remuneration.

The pension shall be payable at sixty years of age, in equal and consecutive instalments, on the first day of each month.

In order to benefit from such pension payments, the members of the council must pay into the general administration fund a contribution equal to five and a half per cent of their annual remuneration for each year during which the members of the council have been in office.

If a member does not hold office for twelve years, the amounts paid shall be reimbursed to him without interest.

In computing any such period of twelve years, a part of a year shall be counted as a full year.

The council may also, by by-law, grant to any person who has been a council member for more than twelve years and ceases to hold that office after the first day of the month following the month during which the by-law is passed, an additional annual pension of \$ 200 for each such additional year. The repeal of such by-laws cannot be set up against persons respecting whom they apply or have already applied.

However, the pension paid to the members of the council under this section shall in no case exceed sixty per cent of the remuneration to which they are entitled in their last year in office.

The payment of the pension is suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

If the beneficiary dies after acquiring the right to a pension but has collected pension payments for fewer than fifteen years, the city shall pay the pension to the heirs until that period of fifteen years expires. The pension granted is payable in advance in equal monthly instalments on the first day of each month. To entitle the heirs to benefit from pension payments, the members of the council must pay into the general administration fund a total contribution equal to six and a half per cent of their annual remuneration for each year they have been in office.

All the council members elected before 1 January 1975, including those who have joined the pension plan for mayors and councillors, may avail themselves of this section by notifying the council of it in writing. In such a case, section 1 does not apply to them.

3. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Trois-Rivières

(1) by replacing the fourth and fifth subparagraphs of paragraph 20 by the following subparagraphs:

“Notwithstanding any general law or special Act to the contrary, 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.

Every person to whom a notice of summons has been issued by deposit in a conspicuous place on his vehicle for a violation relating to parking, to whom a notice of summons has been remitted or to whom a summons has been served by registered or certified mail for any violation of an Act or municipal by-law relating to traffic or public safety, may free himself of any penalty relating to the violation by paying, as fine, or fine and costs, at the place and within the time limit prescribed by the city council, the sum fixed by the city council, which may in no case exceed \$25 in the case of violation of a parking by-law and \$500 in the case of violation of any other by-law contemplated in this paragraph, nor exceed the combined amount of the fine and costs provided in the Highway Code for substantially equivalent violations.”;

(2) by inserting after paragraph 20 the following paragraph:

“(20.1) To enact that no penal proceedings may be instituted under a municipal by-law relating to traffic, parking or public safety, without the clerk’s having sent by mail to the owner or operator of the vehicle, a notice of summons describing the infraction and indicating the minimum penalty and also the place where such penalty, plus an additional \$5 for costs, may be paid within the time limit prescribed in the by-law.

The payment of the amount required within the time limit fixed in the notice precludes the institution of penal proceedings.

However, such payment may in no case be invoked as an admission of civil responsibility.

After such payment, the accused is considered to have been found guilty of the infraction. However, if the infraction involves the suspension or cancellation of a permit or registration certificate, the accused may, if not so informed thereof in the notice, renounce the immunity from prosecution resulting from the payment and thus render his admission of guilt void.

If the offender does not avail himself of the provisions respecting payment in full provided in paragraph 20, the filing of a complaint is not required for the opening of a record or the issue of a writ of summons.

The offender being prosecuted by way of a summons may in no case allege that he received no summons or notice of summons, or that he did not see the notice of summons deposited on his vehicle.

Upon the payment made following the issue of a writ of summons, the offender is deemed to have been found guilty of the violation. The provisions of the fourth subparagraph relating to permits or registration certificates apply to this subparagraph."

4. Section 415 of the said Act is amended, for the city, by adding the following subparagraphs to paragraph 6:

"Require from the owner of any commercial or industrial immovable, in a zone to be determined by the council, the payment of a sum not exceeding ten per cent of the real value of the land where such immovable is erected.

The proceeds from such payment must be paid into a special fund to be used exclusively for the purchase or lay out of areas, structures or space permanently reserved and laid out for off-street parking of vehicles."

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

"617.1 In the absence of the judge of the Municipal Court, the clerk of the court may adjourn any case appearing on the roll of the court; such adjournment may in no case exceed thirty days.

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

6. 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 the records of the Municipal Court closed for more than five years relating to offences against the laws of Québec, the municipal by-laws or any other legislation in force in the territory of the city."

7. Section 1 of the Act to amend the charter of the city of Trois-Rivières (1977, chapter 84) is amended by replacing paragraph *a* by the following paragraph:

"(a) operate and administer any horse race track, including any pari mutuel system, and more specifically, the race track now situated on its own land;"

8. The city of Trois-Rivières is authorized to acquire, by agreement or expropriation, any immovable whose acquisition is considered appropriate for land bank or housing purposes or for

works relating thereto, and any obsolete immovable and any immovable whose occupancy is considered harmful.

The city is authorized to hold, lease and administer any immovable acquired under the first paragraph. It may also equip these immovables and install therein the required public services.

It may, furthermore, alienate them on such conditions as it may determine with the approval of the Commission municipale du Québec.

That approval is not required where the alienation is made by means of public tender or auction within a programme to alienate land by means of public offer or where the alienation is made in favour of the Government, any of its bodies or agents, a school corporation, a rental housing cooperative or a non-profit organization.

This section does not apply to the acquisition of immovables for industrial purposes. Its application is subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

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

Such notice of summons replaces the prior notice under the Highway Code, provided that it contains a description of the violation, specifies the minimum fine and indicates the place where it may be paid within the time limit prescribed by the city council.

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

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