

THIRD SESSION

THIRTY-SECOND LEGISLATURE

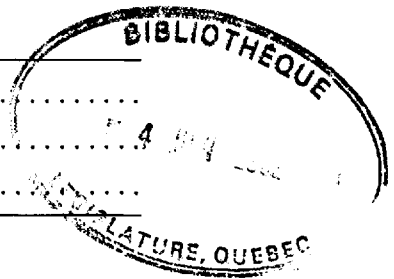
NATIONAL ASSEMBLY OF QUÉBEC

Bill 258

(PRIVATE)

An Act respecting the city of Grand' Mère

First reading
Second reading
Third reading



M. MARCEL GAGNON

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(PRIVATE)

An Act respecting the city of Grand'Mère

WHEREAS it is in the interest of the city of Grand'Mère that certain powers be granted to it;

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

1. To secure and amortize the loans contracted to finance the system of electric power distribution sold by the city to Hydro-Québec, the city of Grand'Mère must, by by-law, constitute a special fund and deposit therein the proceeds of the sale.

The fund and the revenue therefrom must be liquidated over a period of fifteen years in the manner determined by by-law and be allocated for the following purposes:

- (1) for the fiscal year 1982, the repayment into the general fund of inventory losses and net revenue losses provided for in the budget and related to the system;
- (2) payment of the costs of selling the system and of establishing and operating the fund;
- (3) payment of the indicated portion of the amount due annually, in capital and interest, on loans relating to the system and contracted under the by-laws indicated.

By-law nos	Percentage
164-A	17.2 %
184-A	7.0 %
193-A	7.61%
224-A	52.15%
241-A	3.20%
270-A	3.08%
275-A	8.83%
302-A	15.0 %
322-A	7.3 %
339-A	18.0 %
340-A	7.0 %
341-A	7.0 %
379-A	16.0 %
430-A	8.0 %
445-A	100.0 %
482-A.A.S.	33.0 %
498-A	100.0 %
520-A	19.0 %
544-A.S.	15.0 %

After payment of those expenses is ensured, the council shall use the balance of the available sums of the fund to amortize the loans contracted to finance the capital expenditure that is to be repaid by means of a special general real estate tax.

The available sums of the fund must be invested in conformity with section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The operations of the fund must be entered in a special account of the town and appear in a special chapter of the annual financial statement.

2. To protect the water supply sources of the town, the council may, by by-law, prohibit, restrict or regulate any construction, work, activity, use or operation, in lake des Piles, lake Giguère, and lake Chrétien and in their protected area, that is likely to alter or affect the quality of the water of the lakes; the council may also divide the territories into sectors and adopt specific by-laws for each sector. The by-laws require no other approval than that of the Minister of the Environment and that of the Minister of Municipal Affairs.

Every by-law made under this section must, to have effect in any portion of a lake or of a protected area situated in the municipality of Saint-Jean-des-Piles or in the parish of Saint-Gérard-des-Laurentides, be approved by those municipalities or, failing that approval, be the object of an order of the Minister of Municipal Affairs. From such approval or from publication of the notice of the

issue of the order in the *Gazette officielle du Québec*, those territories form part of the city of Grand'Mère for the purposes of the application of the by-law.

On recommendation of the Minister of the Environment, the Minister of Municipal Affairs may, at any time, amend his approval and order, or revoke them.

3. The agreement signed on 11 May 1931 before Dakers Cameron, notary, by The Shawinigan Water and Power Company, Laurentide Company, Limited and the city of Grand'Mère, under number 15775 of his minutes, establishing an industrial fund, is hereby ratified.

The amendments made to the fund are ratified by

(1) an agreement signed on 28 June 1935 before the same notary, by The Shawinigan Water and Power Company, Consolidated Paper Corporation Limited and the city of Grand'Mère under number 17291 of his minutes;

(2) an agreement signed on 29 May 1941 by the same parties before the same notary, under number 19015 of his minutes;

(3) an agreement signed on 2 May 1952, between the same parties, before Henri Desaulniers, notary, under number 8903 of his minutes.

The deeds made, the contracts signed, the agreement entered into and the transactions effected by the city or its officers with respect to the fund may in no case be voided on the ground of lack of legislative ability, on the ground of omission of a formality, even a mandatory formality, or for failure to obtain any approval required by law.

The city may, by a by-law approved by the Minister of Municipal Affairs and the Minister of Industry, Commerce and Tourism and after an agreement is reached with the Shawinigan Water and Power Company and Consolidated Bathurst Inc., combine the fund with the industrial fund established by the city under by-law number 177-A adopted pursuant to the Industrial Funds Act (R.S.Q., chapter F-4). The by-law may provide that the committee set up under the agreements relating to such fund will be converted into an industrial advisory committee.

Until the funds are combined, the city may continue to operate the fund referred to in section 1 in conformity with the agreements entered into and with the sole approval of the committee provided for therein.

4. The city of Grand'Mère, the city of Shawinigan, the town of Shawinigan-Sud and the village of Saint-Georges in the regional

county municipality of Haute-Mauricie may, pursuant to an agreement authorized by resolution, operate, manage and administer jointly a public transport service to transport persons and a school bussing service in their territories, and outside their territories, provided the point of departure or the point of arrival is situated in their territories.

Under the agreement those municipalities may set up an intermunicipal committee, empower it to exercise their powers in respect of that competence and grant to it the subsidies contemplated in section 467 of the Cities and Towns Act (R.S.Q., chapter C-19).

The agreement requires no other approval than that of the Minister of Transport.

No agreement with the person who owns, possesses or holds property used directly or indirectly for a transport service may bind the municipalities for an amount greater than the amount approved under section 467 of the Cities and Towns Act.

The Transport Act (R.S.Q., chapter T-12), the regulation thereunder and the orders referred to in the second paragraph of section 89 of the said Act apply to the said municipalities, except as regards the obligation to hold a permit and determine the routes, time-tables and tariffs.

The said municipalities are deemed to hold a public transport service permit of the Commission des transports du Québec for the purposes of the application of general order no 17 (1969) respecting special or charter trips made on 19 March 1970 by the Régie des transports du Québec.

The said municipalities may make a school bussing contract with any school board, educational institution or general and vocational college authorized to organize the transport of its people. Before the opening of the public tenders called for by such educational establishments, the said municipalities may make, with the latter, school bussing contracts involving not more than seventeen vehicles.

Any municipality the territory of which is contiguous to any of the municipalities mentioned in the first paragraph may, with the authorization of the Minister of Transport and on the conditions he determines, become a party to an agreement made under this section.

No deeds made, no contracts signed and no agreements entered into and no transactions made from 1 June 1981 by the said municipalities or their officers with respect to a transport service may be declared void on the ground of lack of legislative ability, or

on the ground of omission of a formality, even a mandatory formality, or for failure to obtain any approval required by law.

This section shall cease to have effect on 30 June 1983 or on any later date fixed by proclamation of the Government.

5. Section 65.6 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Grand' Mère by adding the following paragraph:

"The council may also order, by by-law, that an additional sum which it fixes and which must not exceed two-hundredths of the annual sum payable to the mayor, be paid monthly to a councillor who is the acting mayor. If the office of mayor becomes vacant, that monthly sum may be increased while the vacancy lasts, up to one-eighth of the annual sum payable to the mayor."

6. The said Act is amended for the city by inserting, after section 65.15, the following section:

"65.16 The council may order, by by-law, that a person who has held office as a member of the council for four years or more and who ceases to hold such office continues to receive monthly, as a separation allowance, for a period of two months, the payment of one-eighth of his annual remuneration at the time of his separation; such period is extended by one month for each year over four years during which the person held office as a member of the council, but the extension may in no case exceed six months.

The payment of this allowance is discontinued, however,

(1) upon the death of the beneficiary;

(2) if a pension is payable to the beneficiary by the municipality;

(3) if the beneficiary holds an office to which is attached a remuneration paid by the municipality or by one of its mandatory bodies or supramunicipal bodies within the meaning conferred on them by section 65.11 and 14.1, respectively;

(4) if the beneficiary again holds office as a member of the council.

This section does not apply to a person who ceases to hold office as a member of the council following an offence against this Act or any other Act applicable to the municipality."

7. The said Act is amended for the city by inserting, after section 348, the following section:

“348.1 The joint owners of an immovable, the taxpayers who have no residence in Québec and corporations, commercial partnerships or associations must within sixty days following a request by the clerk, appoint an agent to represent them for all municipal purposes provided in any law applicable to the municipality. The request is deemed sufficient if it is made by registered or certified mail and sent to the last known address of such taxpayers.

The agent must be a natural person of full age and a Canadian citizen having a residence or place of business in Québec.

Every notice, account, document, summons or judicial procedures given, handed, sent or served to the agent is deemed to be so given, handed, sent or served to or on the person he represents.

The agent may, for municipal purposes and without any other formality, exercise all rights belonging to the person he represents. However, in no case may he exercise the right of the person he represents to vote, to be registered as a person qualified to vote, to demand that a by-law be submitted to a poll or to vote upon a by-law or resolution submitted to the taxpayers for approval or for consultation, except if he represents a corporation, a commercial partnership or an association and if his written appointment provides for it expressly.

If no agent has been appointed, the handing, sending or the service of any notice, account or document is effected by filing a copy at the office of the clerk or, in the case of joint owners having a residence in Québec, by mailing a copy thereof to the address of one of the owners.”

8. Section 412 of the said Act is amended for the city by replacing paragraphs 20 and 20.1 by the following:

“(20) To enact that when any person commits an infraction to a municipal by-law, a peace officer may fill out an infraction ticket indicating, in particular, the nature of the alleged infraction and remit it to the person at the place of the infraction. The ticket may contain a notice of summons to appear before the competent court mentioned therein at the date and time indicated on the ticket. If the ticket contains a notice of summons, the original must be sent to the clerk of the court in the following forty-eight hours and the ticket then constitutes a summons duly authorized and served within the meaning of the Summary Convictions Act (R.S.Q., chapter P-15) and is returnable at the fixed date.

The first paragraph does not prevent the peace officer, if he deems it appropriate, from filing a complaint and causing the issuance of a summons according to law, without issuing a notice of summons.

(20.1) To enact that no complaint will be filed against a person who commits an infraction to a municipal by-law relating to traffic, parking, or public safety, unless a peace officer has remitted the infraction ticket to that person or deposited it in a conspicuous place on the vehicle, or unless he has previously sent a notice to that person by mail.

The ticket and notice referred to in the previous paragraph must indicate, in particular, the nature of the infraction, the minimum fine and the costs fixed by the by-law, which may in no case exceed the costs fixed by the Highway Safety Code (1981, chapter 7) for a similar infraction, the time and the place where it may be paid and, if such is the case, the number of demerit points entailed by a conviction.

A payment made according to this paragraph is presumed to have been made by the person to whom the infraction ticket, the notice or the summons was addressed.

After payment, the person shall be regarded as having been convicted of the infraction. The payment, however, cannot be invoked as an admission of civil liability.

(20.2) To enact that, in the case of an infraction to a municipal by-law as provided by paragraph 20.1, the person in possession of an infraction ticket, of a notice of summons or of a summons, may, at any time before the appearance, plead guilty and pay the minimum fine and the costs fixed by by-law to the clerk of the court.

(20.3) To authorize a peace officer to move a road vehicle or to cause it to be moved, when immobilized or parked, in the case of snow removal or in the cases of urgency determined by by-law at the cost of the owner of the vehicle if it is in violation of a municipal by-law and if it impedes or hinders the traffic, the access to a property or the access to a water hydrant.

(20.4) To authorize any person whose services are retained by the council for such purpose, to exercise the powers and duties conferred on peace officers under paragraphs 20, 20.1 and 20.3."

9. Section 415 of the said Act is amended for the city by adding the following paragraph:

"(40) To regulate or prohibit, after agreement with the owner, the traffic or parking of any road vehicles on any land or any building intended for parking and where the public has access."

10. Section 470 of the said Act is replaced for the city by the following section:

"470. The council may, by by-law, determine the guarantees to be given by any person at whose request it orders the execution of

municipal works or regulates the zoning, construction or parcelling out of land related to the erection of a new structure on the land concerned in the request.”

11. The following sections and paragraphs are repealed:

- (1) sections 39 and 55 of chapter 54 of the statutes of 1910;
- (2) section 5791*b* of the Revised Statutes, 1909, added for the city by section 53 of chapter 54 of the statutes of 1910;
- (3) sections 8, 11 and 12 of the statutes of 1912 (2nd session);
- (4) section 1 of chapter 97 of the statutes of 1934;
- (5) sections 3 and 6 of chapter 75 of the statutes of 1952-1953;
- (6) chapter 152 of the statutes of 1957-1958.

12. Section 4 has effect from 15 December 1981.

13. Paragraphs 4 and 6 of section 11 have effect from the coming into force of a by-law passed under section 2.

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