

SIXTH SESSION

THIRTY-FIRST LEGISLATURE

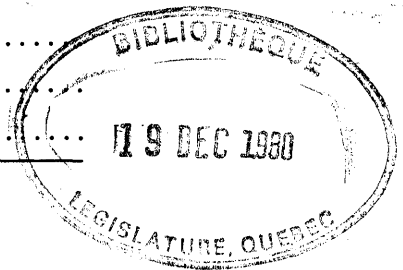
NATIONAL ASSEMBLY OF QUÉBEC

Bill 237

(PRIVATE)

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

First reading
Second reading
Third reading



M. PATRICE LAPLANTE

L'ÉDITEUR OFFICIEL DU QUÉBEC

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(PRIVATE)

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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. Article 97*a* of the Charter of the city of Montréal (1959-1960, c. 102), enacted by section 7 of chapter 96 of the statutes of 1971, is amended by adding the following paragraph:

“The council, or the executive committee within the scope of its jurisdiction, may, however, authorize the director of a department to sign, in the name of the city, certain documents of such nature as it may determine by resolution.”

2. 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 and by section 14 of chapter 77 of the statutes of 1977, is again amended

(a) by adding, at the end of paragraph *q*, the following:

“authorize the director of the department concerned to sell at public auctions any corporeal moveables, whatever may be the value thereof;”;

(b) by adding the following paragraph:

“(s) authorize the director of the department concerned to interrupt traffic on streets while work is being carried out thereon or for any other purpose deemed expedient by the executive committee.”

3. Article 131*a* of the said charter, enacted by section 13 of chapter 96 of the statutes of 1971, is replaced by the following article:

“131*a*. (1) In the case of documents in the possession of the city, a copy of the declaration in duplicate provided for under section 3 of the Photographic Proof of Documents Act (R.S.Q., c. P-22) shall be deposited in the archives of the city department which has custody of such documents and the other copy shall be deposited in the archives under the custody of the city clerk instead of in a notary’s office.

(2) Any extract or copy of the declaration deposited in the archives under the custody of the city clerk or of the clerk of the Municipal Court if the documents form part of the records of that court, and certified true shall be received in evidence with the same effect, in accordance with the second paragraph of section 4 of the said act.

(3) For the purposes of the application of that act, any document, book or register of the city or forming part of its records may, notwithstanding the delay provided for in subparagraph *b* of the first paragraph of section 2 of that act, be destroyed as soon as it has been reproduced.

(4) The executive committee may determine by resolution the reproduction method, the kind of equipment to be used and the procedure to be followed to reproduce or destroy documents under this article and, for the purposes of section 3 of the said act, the bulk reproduction of each document is deemed to conform if the persons effecting it certify that it has been carried out in conformity with the prescriptions of the executive committee.”

4. Article 172*a* of the said charter, enacted by section 16 of chapter 84 of the statutes of 1965 (1st session) and amended by section 3 of chapter 90 of the statutes of 1968, by section 15 of chapter 96 of the statutes of 1971 and by section 3 of chapter 76 of the statutes of 1972, is again amended by replacing paragraph *i* by the following paragraph:

“(i) a school board, an educational institution or a municipality.”

5. Article 212 of the said charter, replaced by section 15 of chapter 70 of the statutes of 1970 and amended by section 13 of chapter 77 of the statutes of 1973, is again amended by replacing subarticle 1 by the following subarticle:

“212. (1) Any person who wishes to make modifications on the list may file them in the office of the deputy returning-officer of

the district concerned as from the fifty-fourth day before that of the polling, from nine o'clock in the morning until five o'clock in the afternoon, every day except Saturday and Sunday. In cases of applications for correction, they may be filed until the last day of the period of revision. However, applications for the entry and striking off of names must be filed on or before the twenty-sixth day before that of the polling."

6. Article 303 of the said charter, replaced by section 18 of chapter 86 of the statutes of 1966-1967, is again replaced by the following article:

"303. Any elector presenting himself to vote shall identify himself by one of the following: his identification card issued by the city, his certificate of citizenship, his Canadian passport, his social insurance card, his card from the Régie de l'assurance-maladie, his bus-metro pass, his driver's permit, the notice mentioned in paragraph *a* of article 281 or by Form 22B. In the latter case, a ballot-paper may be given to him by the deputy returning-officer only in exchange for such form duly filled out and signed."

7. Article 454 of the said charter is amended by adding the following paragraph:

"However, this formality does not apply to a by-law already imposing a special tax under Division 3 of Chapter I of Title XI, except as regards that part of the by-law the object of which is to change the amount of the taxes already imposed or impose new taxes."

8. 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 section 9 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is again amended

(*a*) by inserting after, the first paragraph of paragraph 34, the following paragraph:

"Every parking lot must, not later than 1 January 1983, be made to conform to the norms for parking lots prescribed by the city.";

(*b*) by adding the following paragraph:

"36*a*. Authorize the incorporation of non-profit associations to initiate and develop business districts, with the rights, privileges and obligations of a corporation within the meaning of the Civil Code and Part III of the Companies Act (R.S.Q., c. C-38);

b. determine the formalities to be followed for the setting up of such associations, their composition, the responsibility of the

general meeting of members and of the board of directors, respectively, the terms and conditions of their financing and generally, any matter connected with their operation and winding up;

c. provide for the levying, on any person on whom the city imposes a business tax in the territory in which an association has jurisdiction, and transmitting to such association, in accordance with the terms and conditions provided in the by-law and for an amount fixed by the general meeting of members, of an assessment by way of a special business tax based on the roll of rental values;

d. determine, for the purposes of levying an assessment, that the rental value of any premises must not exceed a maximum percentage of the aggregate of the rental values of that territory;

e. guarantee the repayment of the loans contracted by an association.

Such an association may be constituted by means of a resolution giving a name to the association and determining the territorial limits of its jurisdiction."

9. 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 statutes 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, by section 16 of chapter 22 of the statutes of 1979 and by section 465 of chapter 72 of the statutes of 1979, is again amended by striking out paragraphs 34 and 35.

10. 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 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 (*insert here the chapter number of Bill 200*) of the statutes of 1980, is again amended by replacing paragraph 1 by the following paragraph:

"1. Regulate and determine differently according to the location, in certain streets, parts or sections of certain streets or at any place, the architecture and the number of stories of buildings as well as the dimensions, situation, lay out, salubrity, the method of construction and the materials of buildings or any part thereof and

especially of buildings, cellars, basements, drains, sewer pipes, chimneys, heating systems and walls whether they be party walls, interior walls or outside walls; compel the owners or builders of buildings or constructions with a certain floor area to reserve the space required for a garage or to lay out parking units outside, or both or provide that the city may require, to replace such units or space, payment, as a previous condition for the issue of a building permit or alteration permit of a sum to be used exclusively to establish or construct garages or public parking lots; compel every owner to have an opening made in the main outer door of any house, even already built, to enable the postman to insert the mail; compel any one who wishes to execute a construction, reconstruction, repair, alteration or enlargement to submit the plan thereof to the building inspector and to previously obtain from him a written certificate of approval; prohibit any construction, reconstruction, repair, alteration or enlargement not conforming thereto, halt the same and even provide for their demolition;”.

11. The said charter is amended by inserting, after article 524b, the following article:

“524c. Where to comply with the requirements of a by-law, the applicant of a building permit or alteration permit intends to lay out a fixed number of parking units or spaces, outdoors or in another building, the city may require, before issuing the permit, that the applicant sign a declaration stating that the immovable to be thus transformed is reserved for parking.

The declaration shall be made in the form and according to the procedure prescribed by the executive committee and creates, from its registration, on the immovable for which the permit is issued and which is to be transformed, a real right encumbering the immovable in favour of the city. Such real right shall not be extinguished by the effect of a sheriff's sale.

If the incumbered immovable ceases to conform to the declaration without the city having granted release of the real right, the city may, after sending a notice of sixty days to the owners of the immovables on which such right is registered, exercise all the resources at its disposal.”

12. Article 640 of the said charter, amended by section 64 of chapter 77 of the statutes of 1973, by section 69 of chapter 77 of the statutes of 1977, by section 19 of chapter 22 of the statutes of 1979 and by section 26 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is replaced by the following article:

“640. The city may apportion among the bordering proprietors the cost of construction of sewers. Such apportionment shall

be made in proportion to the number of metres of frontage of their respective immoveables, according to the rate determined by by-law for each fiscal year.”

13. Articles 642 and 643 of the said charter are repealed.

14. Article 669 of the said charter, replaced by section 36 of chapter 97 of the statutes of 1960-1961, by section 10 of chapter 76 of the statutes of 1972 and by section 26 of chapter 22 of the statutes of 1979, is again replaced by the following article:

“669. Not later than 1 December each year, the executive committee shall adopt the budget and the draft by-laws necessary for the imposition of the taxes for the next fiscal year.”

15. 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 and by section 27 of chapter 22 of the statutes of 1979, is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“a. the draft by-laws adopted under article 669;”.

16. Article 672 of the said charter is amended by replacing the second paragraph by the following paragraph:

“The clerk shall annex to the agenda of that meeting a detailed description of the draft by-laws and of the budget.”

17. Article 673 of the said charter, amended by section 75 of chapter 77 of the statutes of 1977, is again amended by striking out the words “and resolutions” in the second line.

18. Article 722 of the said charter is amended by adding the following paragraph:

“The council, or the executive committee within the scope of its jurisdiction, may further authorize the director of a department to enter into an agreement with a third party in accordance with the powers it confers on him by resolution.”

19. Article 787*b* of the said charter, enacted by section 13 of chapter 71 of the statutes of 1964 and replaced by section 33 of chapter 84 of the statutes of 1965 (1st session), is again replaced by the following article:

“787b. The council may, by by-law and on such conditions as it shall determine, order that the city grant a subsidy for the restoration of any structure having architectural, historical or cultural interest.”

20. Article 787*h* of the said charter, enacted by section 40 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is replaced by the following article:

“787h. The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the city grant a subsidy for the restoration of any building used for commercial or industrial purposes.”

21. Article 888 of the said charter, replaced by section 73 of chapter 59 of the statutes of 1962 and by section 38 of chapter 70 of the statutes of 1963 (1st session) and amended by section 37 of chapter 22 of the statutes of 1979, is again amended by replacing the first paragraph by the following paragraph:

“888. The director of finance, before 1 September each year, shall prepare a notice addressed to the last proprietor entered on the collection roll for each immovable on which real estate taxes that became exigible in a previous fiscal period remain unpaid.”

22. Article 889 of the said charter, replaced by section 74 of chapter 59 of the statutes of 1962, is amended by replacing the first paragraph by the following paragraph:

“889. Before the statement contemplated in article 891 is drawn up, the director of finance shall have such notice served at or sent by registered mail to the domicile or place of business of the last proprietor entered on the collection roll.”

23. Article 964*c* of the said charter, enacted by section 45 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is replaced by the following article:

“964c. The city is authorized to file a petition for the incorporation of non-profit corporations to promote the construction, restoration or improvement of buildings for housing, industrial and commercial purposes.”

24. Article 964*d* of the said charter, enacted by section 45 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is amended by adding the following paragraph:

“Such a corporation may also, anywhere in the city, see to the conservation and restoration of buildings having architectural, historical or cultural interest.”

25. The said charter is amended by inserting, after article 964*f*, the following article:

“964*g*. Any corporation constituted pursuant to articles 964*b*, 964*c* or 964*d* which owns or administers an immoveable 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.”

26. 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 again amended by adding the following paragraphs:

“The city becomes the absolute holder of the servitudes mentioned in this article, upon filing in the registry office

(*a*) an affidavit of the city attorney in the record attesting that, to his personal knowledge, the expropriated party

(1) has declared himself satisfied with the value established in accordance with subparagraph *b*; or

(2) has failed to declare to the city or the Expropriation Tribunal, within the time prescribed in section 46 of the Expropriation Act (R.S.Q., c. E-24), the amount he claims;

(*b*) a certificate from the director of finance attesting that he has paid to the expropriated party, offered to him or deposited for him according to law, the amount corresponding to the value of the servitude as established by the director of the Real Estate Department.

This article does not prevent the expropriated party from claiming before the Expropriation Tribunal an indemnity greater than the amount that has been paid to him.”

27. The heading of Division 2 of Chapter II of Title XII of the said charter, comprising articles 985 to 995, is replaced by the following heading and article:

“Transfer of property

“985. Where the city has satisfied the prescriptions of section 49 of the Expropriation Act (R.S.Q., c. E-24), it becomes the owner of the expropriated immoveable, subject to paying to the expropriated party, within thirty days following the final judgment, the indemnity fixed by the tribunal.

If the expropriated immovable is encumbered by a registered real right, the city may request the distribution of the provisional indemnity. The city may also, with the consent of the expropriated party, pay the balance due to the holder of the right according to the order of collocation and that payment is deducted from the final indemnity."

28. Article 1015 of the said charter, replaced by section 71 of chapter 77 of the statutes of 1973 and by section 139 of chapter 77 of the statutes of 1977 and amended by section 45 of chapter 22 of the statutes of 1979 and by section 46 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is replaced by the following article:

"1015. The city may apportion among the bordering proprietors the cost of the construction or maintenance of sidewalks.

Where the cost of construction or maintenance of sidewalks in any street, square or public place is charged to the bordering proprietors, it shall be apportioned proportionately to the number of metres of frontage of their respective immoveables, in accordance with the rate determined by by-law for each fiscal period."

29. Articles 1015*c*, 1016, 1018*a*, 1018*b*, 1019 and 1043*a* of the said charter are repealed.

30. Article 1018 of the said charter, amended by section 30 of chapter 90 of the statutes of 1968, replaced by section 74 of chapter 77 of the statutes of 1973 and by section 144 of chapter 77 of the statutes of 1977 and amended by section 49 of chapter 22 of the statutes of 1979 and by section 49 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1980, is replaced by the following article:

"1018. The cost of laying paving on streets, private or public lanes and public places may be charged to the bordering proprietors proportionately to the number of frontage metres of their respective immoveables, according to the rate determined by by-law for each fiscal period. That cost includes all expenses relating to paving, especially levelling, drains, man-holes, curbs, relocation of poles, hydrants and other works. It also includes expenses for technical surveys, expenses for inspection and supervision and all general management expenses not exceeding ten per cent of the total of the expenses listed in this article.

In the case of the paving of lanes, the cost includes lighting and underground electrical conduits and all related works.

Paving may be assessed only once among the bordering proprietors."

31. Article 1043*b* of the said charter, enacted by section 56 of chapter 22 of the statutes of 1979, is replaced by the following article:

“1043*b*. All the expenditures relating to a local improvement that are not apportioned among the bordering proprietors are charged to the city. Such expenditures and the part of the cost of a local improvement to be apportioned among the bordering proprietors are taken out of the unallocated appropriations of an operating budget or a loan by-law.”

32. Article 1047 of the said charter, amended by section 59 of chapter 97 of the statutes of 1960-1961, by section 109 of chapter 59 of the statutes of 1962, by section 55 of chapter 84 of the statutes of 1965 (1st session), by section 40 of chapter 90 of the statutes of 1968, by section 60 of chapter 96 of the statutes of 1971 and by section 158 of chapter 77 of the statutes of 1977, is again amended by replacing subarticle 8 by the following subarticle:

“8. The alterations made in a roll shall come into force on the date, fixed by by-law, following the date on which such alterations were made by the director of the department designated by the executive committee, after all the provisions of articles 1045 and 1048 relating to the preparation and coming into force of the roll have been complied with.”

33. Article 1048 of the said charter, amended by section 159 of chapter 77 of the statutes of 1977 and by section 59 of chapter 22 of the statutes of 1979, is again amended by replacing the fourth paragraph by the following paragraph:

“The director of the department designated by the executive committee shall hear and determine summarily and without appeal the objections made by ratepayers, and then sign the roll which shall thereupon be deemed to be in force. The taxes appearing thereon shall be payable on the date, fixed by by-law, following the date of such signature.”

34. Article 1051 of the said charter, replaced by section 161 of chapter 77 of the statutes of 1977, is again 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 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.”

35. Article 1056 of the said charter is replaced by the following article:

“1056. All special real estate tax, including local improvement taxes, shall be payable on a date fixed by by-law and subsequent to their imposition. In the case of those payable by yearly instalments, the first of such instalments shall be payable on a date fixed by by-law and subsequent to their imposition and the others on a date that will be fixed by by-law for each subsequent year until full payment.”

36. Article 1139 of the said charter, amended by section 62 of chapter 97 of the statutes of 1960-1961, replaced by section 62 of chapter 86 of the statutes of 1966-1967, amended by section 74 of chapter 96 of the statutes of 1971, 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 again amended by replacing, at the end of paragraph 5, the words “twenty-five dollars” by the words “fifty dollars.”

37. Sections 25, 26 and 27 are declaratory.

38. Except section 34 which comes into force on 1 January 1982, this act comes into force on the day of its sanction.