

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 200 (PRIVATE)

An Act to amend the Charter of the City of Montreal

First reading
Second reading
Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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WHEREAS it is in the interest of the City of Montreal that its charter, chapter 102 of the statutes of 1959-1960, be amended; HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Article 98 of the Charter of the City of Montreal (1959-1960, c. 102), replaced by section 8 of chapter 96 of the statutes of 1971, is again replaced by the following article:

“98. The executive committee must submit to the council every draft contract entailing an expenditure of more than twenty-five thousand dollars.”

2. Article 99 of the said charter, replaced by section 13 of chapter 77 of the statutes of 1977, is again replaced by the following article:

“99. The executive committee shall award contracts entailing an expenditure of not more than twenty-five thousand dollars without the approval of the council.

However, when the council has ordered the acquisition by agreement or by expropriation of an immoveable and appropriations are available for such purpose, the executive committee may acquire such immoveable by agreement for a sum not exceeding the appropriations voted for such purpose by the council, including damages, if any.”

3. Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977, is amended by replacing sub-article 1 by the following subarticle:

“107. (1) The executive committee shall not award any contract involving an expenditure of more than \$25 000 for the execution of works, the supply of equipment or materials or the supply of services other than professional services, except after a call for public tenders. The council may, however, by by-law, authorize the executive committee to award contracts without tender for the amount mentioned in the by-law, provided such amount does not exceed \$50 000.

For the purposes of this subarticle, a contract for the supply of materials includes also any contract for the leasing of equipment with an option to purchase.”

4. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972 and by section 46 of chapter 77 of the statutes of 1977, is again amended by replacing paragraph 34 by the following paragraph:

“34. Define and distinguish the various kinds of parking lots; prohibit or regulate parking lots; prescribe the manner in which parking lots must be laid out; prescribe the architecture, dimensions, material and colour of any structure to be erected thereon, including a fence and the place where that structure must be situated; determine, according to the criteria it fixes, the rates which may be charged to the lessees of private or public parking lots.

No vested right lies with respect to any layout or structure existing on a parking lot at the coming into force of a by-law made under this paragraph;”.

5. 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 and by section 48 of chapter 77 of the statutes of 1977, is again amended by replacing paragraph 6 by the following paragraph:

“6. Subject to article 610a, 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; require that a resolution to authorize the appropriations for the setting up of municipal services be approved or an agreement be reached with the owner to ensure the carrying out of the works for the installation of municipal services, before a plan is approved;”.

6. The said charter is amended by adding after article 533 the following article:

"533a. Upon a report of the director of the department interested, stating that public safety is endangered, the executive committee may order the owner of an unoccupied building to have a caretaker in the building or on the adjoining land, permanently.

Should the owner fail to comply with the order within 24 hours after it has been served or if the owner is unknown, untraceable or unidentifiable, the executive committee is authorized to have that building guarded at the expense of the owner, and all the expenses and costs thus incurred by the city are assimilated to the real estate taxes encumbering the immovable for which they are incurred. The director of finance shall alter the collection roll accordingly."

7. The said charter is amended by adding after article 543 the following article:

"543a. Upon a recommendation of the director of the department interested, the executive committee may, for a limited time and on the conditions it fixes in each case, grant the authorization to occupy public or private land or to erect or occupy a building contrary to a municipal by-law, to allow the making of a moving picture."

8. Article 612a of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972 and amended by section 62 of chapter 77 of the statutes of 1977, is replaced by the following article:

"612a. The council may, by by-law, approve a plan of construction or 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 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., c. S-5), or public administration or public service buildings, of residential buildings under a municipal or governmental housing programme, or of immovables classified as cultural property or situated wholly or partly in the protected area of such a property.

A by-law to approve such a plan may authorize derogation from any municipal by-law and subject such approval to any condition derogating from a municipal by-law.

When such a by-law involves for a given project a modification of a zoning requirement applicable to the sector for which it is planned, it is subject to the same procedure for approval by the council as applies to a zoning by-law."

9. Article 619 of the said charter, replaced by section 63 of chapter 77 of the statutes of 1977, is again replaced by the following article:

"619. The director of finance shall add to the personal tax collection roll the name which has been omitted of any occupant of premises before the coming into force of the roll and that of any new occupant after the coming into force. The amount of the water and service tax is in both cases proportionate to the length of the occupancy during the fiscal period, as it appears on the valuation commissioner's certificate, except that the roll of rental values is not altered and no water and service tax is imposed, for residential premises, on any person who, during the same fiscal period, occupied other residential premises in the city."

10. Article 620 of the said charter, replaced by section 60 of chapter 77 of the statutes of 1973, is again replaced by the following article:

"620. Any person who ceases to occupy premises after paying the water and service tax due for such premises, may obtain, upon request, a refund of the tax in proportion to the remaining time in the fiscal period, except if he leaves residential premises to occupy others in the city."

11. Article 621 of the said charter, amended by section 32 of chapter 86 of the statutes of 1966-1967, by section 12 of chapter 90 of the statutes of 1968, by section 30 of chapter 96 of the statutes of 1971, by section 61 of chapter 77 of the statutes of 1973 and by section 64 of chapter 77 of the statutes of 1977, is replaced by the following article:

"621. Premises used as parking space on which a water and service tax is imposed may be entered on the roll of rental values in the name of the occupant or of the owner.

The roll of rental values shall not be altered in the course of a fiscal period and no water and service tax shall be imposed or any refund made, with respect to such premises in any building existing at the coming into force of the roll."

12. Article 622 of the said charter is repealed.

13. Article 635 of the said charter is replaced by the following article:

“635. The owner of an immovable in which there are at least twenty tenements is liable to pay water and service taxes for every tenement. His name shall be entered on the roll of rental values as the occupant of every tenement.

Only a fixed reduction of 10% of the total amount of the water and service tax imposed for all the tenements of the immovable shall be granted to make up for vacant tenements.

At the beginning of each fiscal period, the director of finance shall mention on the collection roll of real estate taxes any unpaid amount of the water and service tax due by the owner for the preceding fiscal period under this article or article 621. That amount is then regarded as a real estate tax encumbering the immovable for which it is entered.”

14. The heading of Division 9 of Chapter III of Title IX of the said charter is replaced by the following heading:

“GARAGES AND PARKING LOTS”.

15. Article 649 of the said charter, amended by section 33 of chapter 97 of the statutes of 1960-1961 and by section 61 of chapter 59 of the statutes of 1962, is again amended by replacing the first paragraph by the following paragraph:

“649. If the zoning by-laws authorize the operation of a parking lot or the executive committee grants the authorization under article 649a, the garages for the storage of motor vehicles and the parking lots owned by the city as well as the immovables acquired by it for establishing such garages and parking lots, may be leased or sold to persons who agree to use them for such purposes.”

16. The said charter is amended by adding after article 649 the following article:

“649a. Notwithstanding any zoning by-law, the executive committee, on the conditions it imposes in each case, may grant, after consulting with the directors of the town planning and traffic departments, a personal and untransferable authorization to lay out and operate a parking lot for pleasure vehicles. 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.”

17. Article 726 of the said charter is replaced by the following article:

"726. All fees, licences, fines, revenues and taxes accruing or belonging to the city shall be paid to the director of finance and he alone, or the officials designated by him, shall be entitled to receive them. No other person shall be entitled to receive such moneys, unless previously authorized by the executive committee."

18. Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977 and amended by section 32 of chapter 22 of the statutes of 1979, is again amended by replacing subarticle 10 by the following subarticle:

"(10) The auditor has the same duties and exercises the same powers in respect of the bodies, corporations or persons whose affairs he is charged by the charter or by the city with auditing, in respect of any person, department, commission or company to whom the council entrusts in whole or in part the administration and operation of the activities of "Man and his World" under paragraph 3 of article 528, as well as in respect of any person incorporated as a non-profit corporation under articles 964*b*, 964*c* and 964*d*."

19. Article 787*a* of the said charter, enacted by section 66 of chapter 59 of the statutes of 1962 and replaced by section 113 of chapter 77 of the statutes of 1977, is again replaced by the following article:

"787*a*. 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 residential building deemed not in conformity with the prescribed standards of habitability and for the transformation into a residential building of any building which can be transformed for that purpose.

The amount of the said subsidy shall not exceed fifty per cent of the actual cost of the restoration work."

20. Article 787*d* of the said charter, enacted by section 33 of chapter 84 of the statutes of 1965 (1st session) and replaced by section 114 of chapter 77 of the statutes of 1977, is again replaced by the following article:

"787*d*. 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 demolition and clearing of any building,

or any part of a building, that is beyond repair, unfit for its destination or unsuited to its surroundings, and for construction and improvement works required by reason of the demolition.

The amount of the subsidy shall not exceed the actual cost of the work authorized."

21. The said charter is amended by adding after article 787f the following articles:

"787g. 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 to the builder or the first acquirer of a residential building or a building used both for commercial and residential purposes.

"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 industrial building."

22. Article 906 of the said charter is amended by replacing the second and third paragraphs by the following paragraphs:

"If such immoveable is redeemed, the repurchase price shall include, in addition to the sums mentioned in article 904, the general or special real estate taxes due and the instalments of local improvement taxes affecting such immoveable and accrued due since the sale, the excess of the expenses over the revenue of the city incurred to ensure the preservation of the immoveable, as well as all amounts of taxes not paid out of the proceeds of the sale. After redemption, the instalments not yet due of local improvement taxes shall continue to affect the immoveable and the proprietor shall be personally responsible therefor. The provisions of article 905 shall also apply to the redemption of such immoveable.

After the expiration of the delay for redemption, if there has been no redemption, the school tax and any other municipal tax imposed during such delay shall be struck from the collection roll."

23. Article 964b of the said charter, enacted by section 70 of chapter 77 of the statutes of 1973 and amended by section 136 of chapter 77 of the statutes of 1977, is again amended by replacing the second paragraph by the following paragraph:

"The city may lease, administer and restore the buildings erected on the immoveables acquired under the first paragraph and erect new residential buildings thereon. It may alienate

them on the conditions it determines with the approval of the Commission municipale du Québec.”

24. The said charter is amended by adding after article 964*b* the following articles:

“**964c.** The city is authorized to file a petition for the incorporation of a non-profit corporation to promote the construction of buildings for housing and industrial purposes.

“**964d.** The city is also authorized to file a petition for the incorporation of a non-profit corporation to promote construction, restoration, and improvement, and housing, commercial and tourist development in the historic district of Old Montreal, carry out itself the restoration and construction of immoveables in the district, and see to it that any agreement between the Government and the city relating to that district is carried out.

“**964e.** The corporations referred to in articles 964*c* and 964*d* shall be established in accordance with the procedure described in article 964*b*.

The Government or any government body may take part, in conjunction with the city, in the establishment and administration of any such corporations.

“**964f.** The corporations referred to in articles 964*c* and 964*d* must, not later than 31 March each year, submit to the executive committee a report of their activities for their preceding fiscal year; the report must also include all the information as may be prescribed by the executive committee. The report shall be deposited before the council at the first meeting following the thirtieth day after it has been received by the executive committee.

Such corporations must also furnish at any time to the executive committee any information it requires on their operations.”

25. Article 1018 of the said charter, replaced by section 144 of chapter 77 of the statutes of 1977 and amended by section 49 of chapter 22 of the statutes of 1979, is again amended by replacing the first paragraph by the following paragraph:

“**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 feet of their respective immoveables, at a uniform rate per square yard determined in the manner provided for in articles 1018*a* and following, and includes all expenses relating to paving, especially levelling,

drains, man holes, curbs, relocation of poles, hydrants and other works, expenses for technical surveys and expenses for inspection and supervision; it also includes all general management expenses not exceeding ten per cent of the total of the expenses listed in this article."

26. The said charter is amended by adding after article 1019 the following article:

"1019a. Notwithstanding any inconsistent provision, the city may enact, by by-law, that the total amount of the cost of laying paving or of a sidewalk or sewer, charged to the bordering proprietors, shall be limited in all cases to the amount it determines.

The excess cost which cannot be so apportioned shall be paid by the city in accordance with the provisions of article 1043b."

27. Article 1127 of the said charter is replaced by the following article:

"1127. No person shall be arrested for contravening any provision of the charter or any by-law unless a warrant has been issued for that purpose by a justice of the peace or unless that person cannot identify himself in a sufficient manner. However, a peace officer may arrest without a warrant any person he finds disturbing public peace, order, health or safety contrary to a by-law."

28. Article 1129 of the said charter, amended by section 19 of chapter 91 of the statutes of 1969 and by section 73 of chapter 96 of the statutes of 1971, is again amended by striking out the eighth and ninth paragraphs.

29. The said charter is amended by adding after article 1129 the following articles:

"1129a. (1) The peace officer who ascertains a violation of a by-law of the city may issue to the offender, instead of a notice of summons, an infraction ticket.

(2) The infraction ticket shall consist of a document prepared in triplicate over the signature of the peace officer who ascertained the violation.

(3) It shall contain:

(a) the name, given names and address of the offender;

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

(c) an attestation from the peace officer that he has delivered a copy of the ticket to the offender.

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

(2) However, such payment covers only a first violation within a period of twelve months.

(3) Following payment, the offender shall be considered as having been found guilty of the violation.

(4) In the case of a second violation, the payment of a notice of summons, infraction ticket or summons bearing the name of the same offender and the same address constitute *prima facie* evidence of the previous condemnation of the offender without it being necessary to prove his identity.

(5) The offender being prosecuted by way of summons cannot in any case allege that he did not receive a notice of summons or an infraction ticket.

(6) With respect to the issue of a writ of summons for an infraction ticket, the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the chief attorney and approved by the executive committee.

(7) If the offender who has received a notice of summons or a summons does not avail himself of the provisions governing full payment, proceedings shall be continued and he shall appear in court on the date mentioned.

(8) If he does not appear, the judge or the clerk acting under the authority of the chief judge may condemn him for the violation described in the summons or in the notice of summons and it shall not be necessary to prove the violation or the officer's signature or his appointment.

“1129c. (1) For the purposes of issuing a notice of summons or an infraction ticket, the director of any department of the city, with the authorization of the executive committee, may himself exercise or have any person he designates exercise all the powers and duties conferred on peace officers by articles 1129 and 1129a.

(2) The provisions of this article do not prevent the peace officer, the director of a department or the officer he designates from filing a complaint or causing the issuance of a summons against an offender, in the usual manner, if he deems it expedient."

30. Article 1162 of the said charter, replaced by section 22 of chapter 76 of the statutes of 1972, amended by section 91 of chapter 77 of the statutes of 1973 and by section 173 of chapter 77 of the statutes of 1977, is again amended by replacing the third paragraph by the following paragraph:

"However, in the case of a traffic violation, when, by error, a person 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 director of the police department or the director of the traffic 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 director of finance shall write off the account and remit any amount paid. The affidavit issued by a department director or his representative is valid only in the case of a ticket or of the procedure arising from a violation ascertained by a member of such department."

31. The roll of rental values of the City of Montreal applicable for its fiscal year 1979, kept up to date or amended in conformity with the law, constitutes, from 1 January 1980, the roll of rental values of that city for its fiscal year beginning in 1980 for the purposes of the water and service tax and the business tax.

The roll of rental values of Ville Saint-Pierre and of the cities of Côte-Saint-Luc, Outremont and Westmount applicable for the fiscal year 1979 of those municipalities, respectively, kept up to date or amended in conformity with the law, constitutes, from 1 January 1980, the roll of rental values of each of such municipalities for their fiscal year 1980, for the purposes of the water-rate only.

For the purposes of the Real Estate Assessment Act (R.S.Q., c. E-16), the deposit of the roll of rental values for the purposes of the water and service tax and the business tax for the fiscal year of the City of Montreal beginning in 1980 and that of the rolls of rental values, for the purposes of the water-rates only, for the fiscal year 1980 of each municipality mentioned in the

second paragraph, are deemed to have been made on 1 January 1980.

32. Sections 9, 10, 11, 12 and 13 have effect from the fiscal period 1980 of the city.

33. This act comes into force on the day of its sanction.