

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 209

(PRIVATE)

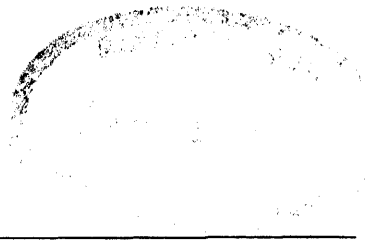
An Act to amend the charter of the City
of Laval

First reading

Second reading

Third reading

M. ÉLIE FALLU



L'ÉDITEUR OFFICIEL DU QUÉBEC

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(PRIVATE)

An Act to amend the charter of the City of Laval

WHEREAS it is in the interest of the City of Laval and necessary for the proper administration of its affairs, that its charter, chapter 89 of the statutes of 1965 (1st session), be again amended;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 51*a* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for the city by section 12 of chapter 89 of the statutes of 1965 (1st session) and amended by section 4 of chapter 96 of the statutes of 1968, is again amended:

(*a*) by replacing subsections 12, 13 and 14 by the following subsections:

“(12) Except where otherwise provided, the executive committee shall fix the salaries of all employees of the city except those under the exclusive jurisdiction of the council.

Subject to section 64 of the Cities and Towns Act, it may also fix the salary of the chairman of the Comité d'administration du régime de rentes and of the chairman of the Office municipal d'habitation de Laval.

“(13) The executive committee may approve, without the authorization of the council and without tenders, any contract the amount whereof does not exceed \$10,000; it shall submit to the council for approval all contracts the amount whereof exceeds \$10,000. Nevertheless, after having called for and received tenders, it may alone, without the authorization of the council, approve any contract the amount whereof does not exceed the amount placed at its disposal for such purpose.

“(14) Except in urgent cases, and unless exempted therefrom by the council following a recommendation by the manager and a report of the executive committee, the executive committee shall call for tenders in all cases in which the expenses to be incurred exceed \$10,000; except in such case of exemption, the executive committee may not approve the contract without the authorization of the council; section 610a does not apply to the City of Laval.”;

(b) by replacing subsections 16 and 17 by the following subsections:

“(16) All contracts shall be signed in the name of the city by the chairman of the executive committee and by the clerk or the assistant-clerk or clerks. The chairman of the executive committee may, however, authorize, generally or specially, in writing, another member of the executive committee to sign the contracts in his stead.

“(17) The executive committee may, without the consent of the council, cause to be carried out, by day labour, works the cost whereof does not exceed \$25,000; nevertheless, the council may authorize the executive committee to cause to be carried out, by day labour, specified works of any kind the cost whereof exceeds \$25,000.”;

(c) by replacing subsection 24 by the following subsections:

“(24) Except the manager, all heads of departments, their assistants and all the assistants to the manager shall be appointed by the council on a report of the executive committee, and on the recommendation of the manager in the case of his assistants. Such report cannot be amended; it cannot be rejected except by the majority of the members of the council. On a report of the executive committee, the council may, by the vote of two-thirds of its members, suspend such officers, reduce their salaries or dismiss them.

“(24a) On a report of the executive committee, the council may, by the vote of the majority of its members, assign to another office any assistant to the manager, any head of a department or any assistant head.”

2. Section 64 of the said act, replaced for the city by section 2 of chapter 99 of the statutes of 1971, is again replaced for the city by the following section:

“64. The municipality shall pay to the mayor, as remuneration for the services which he renders to the municipality as mayor and chairman of the executive committee, and to indemnify him for part of the expenses connected with his offices, a

minimum annual amount computed according to the population of the municipality on the basis of \$0.40 per inhabitant for the first fifteen thousand inhabitants, \$0.30 per inhabitant for the next thirty-five thousand and \$0.20 per inhabitant for each of the others.

The municipality shall pay to each of the councillors for the same purposes a minimum annual amount computed according to the population of the municipality on the basis of \$0.20 per inhabitant for the first fifteen thousand inhabitants, \$0.10 per inhabitant for the next thirty-five thousand, \$0.05 per inhabitant for the next fifty thousand and \$0.02 for each of the others.

In addition to the remuneration fixed in the second paragraph, the city shall pay to the vice-chairman of the executive committee, to the other members of the executive committee and to the chairman of the council, for the services which they render to the city as such, and to indemnify them for part of the expenses attached to their office, additional remuneration of \$0.10 per inhabitant for the first 200,000 inhabitants and \$0.06 per inhabitant for the 100,000 other inhabitants, to the vice-chairman of the executive committee and \$0.08 per inhabitant for the first 200,000 inhabitants and \$0.04 per inhabitant for the 100,000 other inhabitants, to each of the other members of the executive committee and \$0.02^{3/4} per inhabitant for the first 200,000 inhabitants and \$0.01 per inhabitant for the 100,000 other inhabitants, to the chairman of the council.

The council shall determine by resolution the modes of payment of such amounts, one-third of which shall be paid as an indemnity for part of the expenses attached to the offices of mayor and councillor.

In addition to the expense allowances provided for in this section, the mayor, the members of the executive committee and the other councillors shall be entitled to repayment of expenses incurred by them on behalf of the city, provided such expenses are specially authorized by a resolution of the executive committee.

No other remuneration, allowance or benefit may be paid to a mayor or a councillor unless authorized by a by-law passed by a vote of two-thirds of the members of the council and submitted for approval to the persons who are entered on the valuation roll as owners or tenants and, if natural persons, are of full age and Canadian citizenship, following the procedure provided in section 35 and 36, with the necessary changes. No other approval is required."

3. Section 92 of the said act is replaced for the city by the following section:

“92. The council may appoint one or more assistant-clerks who shall perform all the duties of a clerk, with the same rights, powers and privileges and under the same obligations and penalties.

In the case of a vacancy in the office of clerk, the assistant-clerk designated by the council shall perform the duties of the clerk until the vacancy is filled.”

4. Section 108 of the said act, replaced for the city by section 18 of chapter 89 of the statutes of 1965 (1st session), is amended:

(a) by replacing the fourth paragraph by the following paragraph:

“He shall devote all his time to the performance of his duties and he shall not lease his services or work for anyone other than the City of Laval.”;

(b) by replacing the last paragraph by the following paragraph:

“When the manager is absent or unable to act or in case of a vacancy in that office, the assistant-manager designated by the executive committee has the same powers and duties as the manager until the latter returns or the council has designated the person to replace him.”

5. Section 109 of the said act, replaced for the city by section 18 of chapter 89 of the statutes of 1965 (1st session), is amended by replacing paragraph *r* by the following paragraph:

“(r) to satisfy himself that the city’s funds are used in conformity with the appropriations comprised in the budget, by-laws and resolutions;”.

6. Section 429 of the said act is amended for the city by replacing paragraph 10 by the following paragraph:

“(10) To authorize the diversion of traffic in the streets of the city for the performance there of work on roads, including the removal and clearing of snow, and for any other reason of necessity or emergency and to grant to the competent officers and employees of the city the authority and powers necessary for the carrying out of the by-laws made for such purposes, including the removal and conveyance of any vehicle parked where it hinders the work of the city and the towing of such vehicle elsewhere, particularly to a garage, at the expense of the

owner, with provision that he may recover possession thereof only on paying the towing charges which shall not exceed thirty-five dollars and storage costs, which shall not exceed a rent based on the current rates of the garage concerned for the storage of automobiles;”.

7. The said act is amended for the city by inserting after section 553 the following section:

“553a. The share of the costs incurred for the purposes of section 553 shall be fixed at a rate not exceeding five per cent of the debt claimed as determined by resolution of the executive committee.”

8. Section 559 of the said act is amended for the city by adding the following paragraph:

“At the time of adjudication, the city is not bound to grant a remission of school taxes due.”

9. Section 572 of the said act is amended for the city by adding the following paragraph:

“However, with the previous authorization of the Commission municipale du Québec, the city may, when engaged in acquiring an immovable for municipal purposes, increase its bid up to the amount of the municipal valuation.”

10. Section 574 of the said act is amended for the city by adding the following paragraph:

“In addition the city is not bound, at the time the deed of sale is signed, to grant a remission of school taxes due.”

11. The said act is amended for the city by inserting after section 575 the following sections:

“575a. Where an immovable is sold according to section 575, the school taxes due at the time of the sale for taxes shall be remitted in whole within thirty days after the signing of the deed of sale if the proceeds of the sale are equal to or higher than the municipal and school taxes due at the time of the sale for taxes.

Where an immovable is sold according to section 575 and the proceeds of the sale are less than the municipal and school taxes due at the time of the sale for taxes, the proceeds shall be apportioned within thirty days after the signing of the deed of sale between the city and the school corporations proportionately to the amount of the taxes due to each of them at the time of the sale for taxes in relation to the total amount of such taxes.

Where the city is authorized to keep the immoveable for its purposes, it must, within thirty days after the authorization of the *Ministre des affaires municipales*, pay the school taxes due at the time of the sale for taxes.

“575b. The city is authorized to acquire from a school board, for a price not exceeding the amount of the school taxes due at the time of the sale for taxes, any immoveable which the latter has acquired on the occasion of a sale for taxes; section 575 applies to such acquisition.”

12. Section 19 of chapter 99 of the statutes of 1971 is replaced for the city by the following section:

“19. Notwithstanding any general law, special act or by-law, the council, on the recommendation of the executive committee and following a notice of motion given at a previous meeting, without being required to obtain approval from the owners compelled and qualified to vote contemplated in sections 593 and 599 of the *Cities and Towns Act*, but with the sole approval of the *Ministre des affaires municipales* and the *Commission municipale du Québec*, may order by by-law:

(a) the carrying out of permanent works for sewers, water-works, paving, curbs, sidewalks, lighting and traffic signals, and the acquisition by agreement or expropriation of the lands or servitudes required for the carrying out of such permanent works;

(b) temporary loans to meet the cost of such works and related costs.

The total amount of the temporary loans contracted for carrying out the above permanent works following the procedure provided in the first paragraph, shall never exceed \$20,000,000.

Before the aggregate of such loan attains the said sum of \$20,000,000, the council, by by-law, must order a long-term loan through a bond issue to repay the temporary loans contracted under this section, with no other formality than the passing of a by-law for that purpose by the council and the approval of the said by-law by the *Ministre des affaires municipales* and the *Commission municipale du Québec*.”

13. In order to permit the rational development of the centre of the city, described in the schedule, and the use thereof for the community, the city is authorized:

(1) to acquire, by agreement or expropriation, the territory consisting of the immoveables described in the schedule, with the approval of the *Commission municipale du Québec*;

(2) to promote the influence of the centre of the city as a public place of a social and community, cultural, artistic, sports, commercial, recreational and touristic interest;

(3) to sell such immoveables by auction, public tender or agreement, with the approval of the Commission municipale du Québec, for residential, commercial or public purposes, at a price not lower than the cost of acquisition including services and related expenses and costs;

(4) to rent such immoveables by emphyteutic lease or otherwise, with the approval of the Commission municipale du Québec, for residential, commercial or public purposes, at a price sufficient to cover the annual expenses in connection with such immoveables or for the amortization and interest on the purchase price, the cost of services, relevant expense or cost related thereto, and municipal or school taxes;

(5) to erect any building or complex for public or governmental purposes or for residential, commercial, parking or garage purposes;

(6) to let such immoveables, operate or have operated therein, by means of a franchise, any public or semi-public commercial establishment.

The proceeds of such sales or leases must be used to pay the obligations agreed by the city for that purpose.

The city may, with the approval of the Ministre des affaires municipales and the Commission municipale du Québec, borrow for such purposes.

14. Notwithstanding any act to the contrary, the city is authorized to acquire by agreement or expropriation any immovable of which the acquisition is considered appropriate for purposes of a land or housing bank and for works related to such purposes, and any immovable whose occupancy is considered obsolete or harmful.

The city is authorized to hold, lease and manage the immoveables acquired under the first paragraph. It may also equip such immoveables and instal the necessary public services there. It may also alienate them, on conditions determined by it, with the approval of the Commission municipale du Québec provided that the alienation price is at least equal to the real value of such immoveables and not less than the cost price including services and related expenses and costs.

The city is required to pay regarding immoveables it owns under this section the taxes that may be required from a property owner in the city.

For the purposes of this section, the city may contract loans by a by-law which shall require no other approval than that of the Commission municipale du Québec and of the Ministre des affaires municipales.

This section does not apply to the acquisition of immovables for industrial purposes.

15. The Public Streets Act (Revised Statutes, 1964, chapter 179) is amended for the city by replacing section 7 by the following:

“7. The city, by resolution of the council, on the recommendation of the executive committee may give permission to open and maintain or to allow to be opened and maintained a street or road of a width less than sixty-six feet (twenty metres).”

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

SCHEDULE

A territory comprising, with reference to the cadastre of the parish of Saint-Martin, all the lots or parts of lots and their subdivisions and a road, included within the perimeter hereinafter described, to wit: starting from the intersection of the line dividing lot 370 from lot 372 with the southeast alignment of Saint-Martin boulevard; thence, the following lines and limits: the southeast alignment of Saint-Martin boulevard northeasterly to the limit of the south right of way of autoroute 15 (Des Laurentides); the limits of the south and southwest right of way of autoroute 15 (Des Laurentides) easterly or southeasterly, as the case may be, to the limit of the northwest right of way of du Souvenir boulevard; the limits of the northwest, southwest, northwest and north right of way of du Souvenir boulevard southwesterly, southeasterly and westerly, as the case may be, to the line dividing lot 370 from lot 372; the line dividing lot 370 from lot 372 northwesterly to the starting point.