

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 215
(PRIVATE)

An Act to amend the charter of the city of Beauport

First reading

Second reading

Third reading

M. Jean-François Bertrand



L'ÉDITEUR OFFICIEL DU QUÉBEC

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WHEREAS it is in the interest of the city of Beauport and necessary, for the proper administration of its affairs, that its charter, chapter 91 of the statutes of 1975, be amended;

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

1. The Cities and Towns Act (Revised Statutes, 1964, chapter 193) is amended for the city by inserting after section 96, the following section:

“96a. Cheques, bank documents and other negotiable instruments shall be signed by the mayor or by one or more councillors appointed by resolution of the council, and by the treasurer or the assistant-treasurer. The signature of the mayor and the treasurer may be replaced by a facsimile printed, engraved or otherwise reproduced and every such signature printed, engraved or otherwise reproduced is deemed for all purposes to be the signature of the mayor and the treasurer.”

2. The said act is amended for the city by replacing the fourth paragraph of paragraph 26 of section 427 by the following paragraph:

“To compel every owner of an immovable to instal and keep in good working condition a check-valve or automatic pump in any specified place in order to prevent any back-flow of sewage. Should the owner fail to instal and keep in good working condition such check-valve or pump, the city shall not be liable for damages caused to the immovable or its contents through flooding occasioned by the back-flow of sewage. The absence of or lack of maintenance of such check-valve or pump creates a presump-

tion that no back-flow would have happened if the check-valve or pump had been installed and maintained.”

3. Section 429 of the said act is amended for the city:

(a) by replacing the fifth paragraph of paragraph 8 by the following paragraph:

“To compel the owner of any land to submit previously to the council of the municipal corporation or to an officer designated for such purpose by the council, any plan dividing or redividing such land or amending or cancelling the book of reference of a subdivision or lot, whether such plan provides for streets or not, and to obtain from the council or the officer concerned a subdivision permit;”;

(b) by replacing the seventh paragraph of paragraph 8 by the following paragraph:

“To require, as a condition precedent to the approval of a division, subdivision, redivision or addition plan, whether it provides for streets or not, that the owner convey to the municipal corporation, for park or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the council, is suitable for the establishment of parks or playgrounds; or to exact from the owner, instead of such area of land, the payment of a sum not exceeding ten per cent of the real value of the land comprised in the plan, notwithstanding section 21 of the Real Estate Assessment Act (1971, chapter 50). The proceeds of such payment must be paid into a special fund which shall be use only for the purchase or equipping of lands for park and playground purposes and the lands conveyed to the municipal corporation under this paragraph can only be used for parks or playgrounds. The municipality, however, may dispose, be onerous title, in accordance with paragraph 2 of subsection 1 of section 26, of the lands which it has acquired under this paragraph if they are no longer required for the establishment of parks or playgrounds, and the proceeds shall be paid into the said special fund;”;

(c) by adding at the end of paragraph 8, the following paragraph:

“To prohibit the raising of any lot or part of a lot to a level higher than the average level of any neighbouring lot or part of a lot situated in whole or in part within a radius of two hundred feet;”;

(d) by inserting after paragraph 16a the following paragraph:

“(16b) To construct, administer and maintain a system of underground conduits in which shall be placed all telegraph, tele-

phone, television and electric light wires, motive power supply wires, cables and transmission lines owned by any person having or exercising any right or privilege on, under or above private lanes and public streets, highways, squares and lanes, such conduits to be of sufficient size and capacity to meet present requirements amply and to provide to a reasonable extent for future needs, and generally regulate the use of such system of conduits.

The by-laws determining the use, administration and maintenance of such underground conduits shall come into force and have effect upon their approval, with or without amendment, by the Régie des services publics.

As the city decides to construct underground conduits in any part of its territory, any owner of cables or transmission lines contemplated in the first paragraph must, upon a notice to that effect, supply the city with the information which it requires of him and declare what part of such conduits he wishes to reserve.

The city is authorized to impose a fine of twenty-five dollars for each day's delay in supplying such information and making such declaration, from the sixtieth day after the mailing of such notice.

An appeal shall lie to the Régie des services publics, at the request of the city or of another interested party, from any by-law, decision or act of the city in any matter connected with such conduit undertaking.

Such appeal must be lodged, under pain of nullity, within thirty days after service on the interested party, or publication in a French newspaper and in an English newspaper of the city, of a notice advertising the matter appealed from.

The appeal shall be filed by an inscription deposited with the secretary of the Régie des services publics; notice thereof must be served on the interested party or his attorney.

The council may compel any person owning, using or maintaining poles, aerial cables or wires, or transmission lines, to remove them and to instal appropriate wires in the underground conduits, in the manner it specifies.

When a person owning aerial cables or wires in a street, lane or public place refuses to remove them and to instal appropriate wires in the underground conduits of the city, the Régie des services publics may compel him to do so, on an appeal by the city.

The city is authorized by by-law approved by the Régie des services publics to impose and collect a tariff from any person using such underground conduits;”;

(e) by inserting after paragraph 20a the following paragraph:

“(20b) To establish the kind of service the city deems proper in each case as regards snow removal on public thoroughfares.

The cost of such service shall be apportioned among the property-owners on any street, group of streets or part of a street and such apportionment may be made according to the municipal valuation of lots or buildings, the total area of the land, the area of land free of buildings or the length of the frontage; any combination of such taxation methods may also be applied and the city may also apportion that cost differently among the property-owners on any street, group of streets, part of a street or sector and the property-owners on any other street, group of streets, part of a street or sector of the municipality.

In the apportionment of the cost of such service, the portion that would otherwise be charged against immoveables that are exempt from all real estate taxes may be charged against all the taxable real estate of the city in proportion to its value as shown in the valuation roll in force each year, or against all the real estate of the property-owners of any street, group of streets, part of a street or sector of the municipality.

The city may establish in advance the rate of the tax that may be applied to that service and include the tax in the annual tax account or bill the owner concerned at the real cost of the service, including management and financing costs; this claim of the city is a privileged claim to the same extent and on the same conditions as the municipal taxes;”;

(f) by inserting after paragraph 21 the following paragraph:

“(21a) To order, where snow from a private property is deposited in any street or public place of the city, that the snow may be removed at the expense of the owner of the property where it comes from, subject to any other recourse, that expense being the actual removal cost and a sum of ten per cent for administration expenses, such claim constituting against the property a charge of the same rank as the real estate tax and being recoverable in the same manner;”.

4. Section 469 of the said act is amended for the city by inserting after paragraph 22 the following paragraph:

“(22a) To prohibit dumps in the city.

For the purposes of this paragraph, the word “dump” means any place where scrapped objects are deposited or accumulated; this word particularly includes car dumps.

Where an infringement of such a by-law is committed, the following persons shall be liable to the penalties provided therein:

- (a) the owner, lessee or occupant of the land;
- (b) the owners of the vehicles deposited there.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the scrapped objects or vehicles in the dump which were the subject of the infringement, within a delay of eight days from the judgment rendered, by the owner, lessee or occupant of the lot, or by the owners of the vehicles, and on failure by such person or persons to comply within such delay, the removal of the scrapped objects or vehicles by the city at the cost of such person or persons.

All costs incurred by the city in removing or causing the removal of the scrapped objects or vehicles constitute against the property on which the scrapped objects or vehicles were situated, a charge of the same rank as the real estate tax and are recoverable in the same manner;"

5. Section 470 of the said act is amended for the city by adding the following paragraphs:

"The corporation may dispose in the manner it determines and without any formality, of the motor vehicles left in its care, abandoned or found and still unclaimed after a thirty day delay, if they were built more than seven years previously; the delay shall be twenty-four hours where a vehicle has no motor or is in such a condition that it constitutes a scrapped object.

The municipality must then hand over to the owner the proceeds of the sale only, less the keeping, sale and other expenses it has incurred if the vehicle was sold, but is bound by no indemnity or compensation where the vehicle has been destroyed."

6. Section 472 of the said act is amended for the city by replacing paragraph 2 by the following paragraph:

"(2) To decree that for the owner, lessee or occupant of a vacant or partly built lot or land to leave upon such lot or land one or more motor vehicles built more than seven years previously, having no markers for the current year and in such a condition that they cannot be driven, to allow branches, brush or weeds to grow on such lot or land or to leave scrapped iron, rubbish, refuse, paper, empty bottles or noxious substances thereon constitutes a nuisance.

To impose fine on the owner, lessee and occupant who permit such nuisances on such lots or land, or to take or impose any measure intended to eliminate or prevent such nuisances.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the nuisances which were the subject of the infringement within a delay of eight days from the judgement rendered, by the owner, lessee or occupant, and on failure by such person or persons to comply within such delay, the removal of the nuisances by the city at the expense of such person or persons.

All costs incurred by the city in removing or causing the removal of the nuisances or in carrying out any measure intended to eliminate or prevent such nuisances constitute, against the property on which the nuisances were situated, a charge of the same rank as the real estate tax, and are recoverable in the same manner.

For the purposes of this paragraph, "motor vehicle" means any vehicle within the meaning of the Highway Code (Revised Statutes, 1964, chapter 231);".

7. The said act is amended for the city by inserting after section 541, the following section:

"541 a. An appeal before the Bureau de révision de l'évaluation foncière du Québec or to set aside the valuation roll does not affect in any manner the fact that the taxes are payable."

8. The Charter of the City of Beauport enacted by section 1 of the Act to regroup certain municipalities in the region of Québec (1975, chapter 91) is amended:

(a) by replacing section 18 by the following section:

"18. The rate of the general real estate tax shall be made uniform by the council, but may, as to the immoveables situated in the former town of Beauport, for the fiscal years 1979 and 1980, be under, by twenty cents and ten cents, respectively, per hundred dollars of assessment, the rate of the general real estate tax provided for above.";

(b) by replacing section 23 by the following section:

"23. The accumulated deficit of each of the municipalities mentioned in section 2 and the taxes imposed under by-laws numbers 76-061 and 76-062 made by the city on 30 December 1976 and the special taxes imposed under by-law number 263 of the former town of Villeneuve and under by-law number 685 of the former city of Giffard shall be a charge on all the taxable real estate of the city in proportion to their valuation shown in the roll in force each year.

The consolidation by-law made under the first paragraph needs no other approval than that of the *Ministre des affaires municipales* and of the *Commission municipale du Québec*.”;

(c) by repealing sections 24 and 25.

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