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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

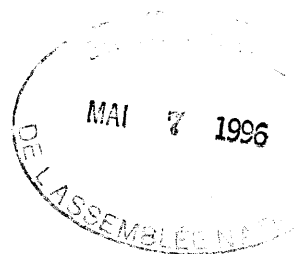
Bill 225  
(Private)

## **An Act to amend the Charter of the city of Hull**

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### **Introduction**

**Introduced by  
Mr Robert LeSage  
Member for Hull**



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**Québec Official Publisher  
1996**



# Bill 225

(Private)

## **An Act to amend the Charter of the city of Hull**

WHEREAS it is in the interest of Ville de Hull, hereinafter referred to as "the city", that its charter be amended and that the city be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Charter of the city of Hull (1975, chapter 94) is amended by replacing the words "the city of" in the second line by the words "Ville de".

**2.** Section 2 of the said Charter is amended by replacing the words "The city of" in the fourth and fifth lines by the words "Ville de".

**3.** Section 46 of the Cities and Towns Act (R.S., 1964, chapter 193), replaced for the city by section 4 of chapter 94 of the statutes of 1975 and amended by section 860 of chapter 57 of the statutes of 1987, is repealed.

**4.** Section 46a of the Cities and Towns Act, enacted for the city by section 4 of chapter 94 of the statutes of 1975, is amended by adding the words " , except contracts awarded pursuant to a lawfully adopted by-law providing for the delegation of powers" at the end of paragraph b.

**5.** Section 54a of the Cities and Towns Act, replaced for the city by section 7 of chapter 94 of the statutes of 1975, is again replaced by the following section:

**"54a.** At the first sitting of the council following the general election, the mayor shall appoint a councillor as deputy mayor for the twelve ensuing months or until replaced.

The deputy mayor shall have the responsibilities, prerogatives and authority of the mayor when the mayor is absent from the city or is unable to perform the duties of his office, or when and for such time as the office of mayor is vacant.

If the mayor does not exercise the right to make the appointment under the first paragraph, the appointment shall be made by a vote of the council in the manner set out in section 8 of the Charter of the city of Hull (1975, chapter 94) for the appointment of a third member of the executive council.

The sitting at which the deputy mayor is to be appointed shall not be suspended or adjourned until the appointment has been made."

**6.** Section 8 of the said Charter is amended

(1) by replacing the third paragraph by the following paragraph:

"Immediately after the election of the chairman of the council, the mayor shall appoint the third member of the executive council. If the mayor does not exercise such right, the appointment shall be made by a vote of the council.";

(2) by replacing the fifth, sixth and seventh paragraphs by the following paragraphs:

"The clerk shall give each councillor such ballot after striking out the name of the chairman of the council. The councillor shall retire to a booth and mark a cross or an "X" in the square printed for that purpose opposite the name of the councillor for whom he votes, using a pencil supplied by the clerk.

Each of the ballots must be initialed by the clerk and remitted to him in a sealed envelope. Such envelopes shall be opened only at the counting of the votes by the clerk. The name of the councillor elected shall be made public by the clerk; in the case of a tie-vote between the councillors having received the greatest number of votes, the mayor may either request a new poll or designate the councillor of his choice.

The sitting at which the member of the executive council is to be appointed shall not be suspended or adjourned until the appointment has been made."

**7.** Section 9 of the said Charter is amended by replacing the word "meetings" in the first line by the word "sittings".

**8.** Section 108 of the Cities and Towns Act, replaced for the city by section 13 of chapter 94 of the statutes of 1975, is amended

(1) by replacing the first paragraph by the following paragraph:

**"108.** The council shall appoint the director general and determine his salary, and the terms and conditions of his hiring, by a vote in favour by an absolute majority of the members of the council.";

(2) by replacing the word "manager" in the second and third paragraphs by the words "director general";

(3) by replacing the fourth and fifth paragraphs by the following paragraphs:

"Upon the recommendation of the director general, the council may appoint one or more assistants to him. When the director general is absent or unable to act, the assistant appointed from time to time for that purpose by resolution of the council has the same powers and duties.

The provisions of this section apply equally to all assistants.

If the council appoints more than one assistant, it shall establish their respective competence."

**9.** Section 109 of the Cities and Towns Act, enacted for the city by section 13 of chapter 94 of the statutes of 1975, is amended

(1) by replacing the word "manager" in the first paragraph by the words "director general";

(2) by replacing the word "chefs" in the second line of the French text of paragraphs *b* and *c* by the word "directeurs";

(3) by replacing the word "councillors" in the first line of paragraph *k* by the words "members of the council";

(4) by replacing the word “chefs” in the third line of the French text of paragraph o by the word “directeurs”.

**10.** Section 14 of the said Charter is repealed.

**11.** Section 15 of the said Charter is repealed.

**12.** Section 16 of the said Charter is amended

(1) by replacing the first paragraph of subsection 1 by the following paragraphs:

“(1) An executive committee, consisting of the mayor, the deputy mayor and a councillor appointed under section 8 of this Charter, shall be established.

The mayor shall be the chairman of the executive committee; the deputy mayor shall act as vice-chairman; when the mayor is absent from the city or unable to perform the duties of his office, or when and for such time as the office of mayor is vacant, the deputy mayor shall perform all the duties of the chairman.”;

(2) by replacing the words “five of the members present of the council” in the fifth and sixth lines of paragraph a of subsection 6 by the words “an absolute majority of the members of the council”;

(3) by replacing paragraphs a and b of subsection 7 by the following paragraphs:

“(a) all by-laws having budgetary implications and all by-laws prepared by it at the council’s request;

(b) the annual budget of revenues and expenditures, not later than 15 November each year;”;

(4) by replacing paragraph f of subsection 7 by the following paragraph:

“(f) any report respecting the exchange or dismemberment of the right of ownership, by emphyteusis, in an immovable belonging to the city and, in addition, the leasing of its movable or immovable property, where the term of the lease exceeds five years;”;

(5) by striking out subsections 9 and 10;

(6) by replacing the words "not amounting to over five thousand dollars" in the third and fourth lines of subsection 13 by the words "the amount of which does not exceed the limit fixed in the Cities and Towns Act (R.S.Q., chapter C-19) for contracts that may be awarded without a call for tenders";

(7) by inserting, at the end of subsection 13, the following paragraph:

"This section does not apply to a contract awarded pursuant to a by-law providing for the delegation of powers adopted in accordance with law.";

(8) by replacing subsection 14 by the following subsection:

"(14) The committee must call for public or invited tenders, as the case may be, in all cases in which the projected expenditure exceeds the limits set out in sections 573 and 573.1 of the Cities and Towns Act.";

(9) by striking out subsection 15;

(10) by inserting the words "except contracts awarded pursuant to a by-law providing for the delegation of powers," after the word "contracts" in the first line of subsection 16;

(11) by replacing subsection 17 by the following subsection:

"(17) The committee may, without the consent of the council, cause to be carried out by day labour any work the cost of which does not exceed the limit fixed in the Cities and Towns Act for contracts that may be awarded without a call for tenders; however, the council may authorize the committee to cause to be carried out by day specified work of any nature, the cost of which exceeds that limit.";

(12) by replacing the word "chef" in the fifth line of subsection 22 of the French text by the word "directeur";

(13) by replacing the first two paragraphs of subsection 23 by the following paragraph:

"(23) The clerk, the treasurer and the heads of departments and their assistants, except the director general and his assistant or assistants, shall be appointed by the council on report of the committee. Such report shall not be altered by the council. It may be rejected only by the absolute majority of the members of the council.";

(14) by replacing the word "chefs" in the first line of subsection 24 of the French text by the word "directeurs".

**13.** Section 17 of the said Charter is repealed.

**14.** Section 18 of the said Charter is replaced by the following section:

**"18.** A body to be known as the "Personnel Bureau", composed of the director general, the head of the organizational development department of the city, and the head of the department concerned in the case submitted, has the duty of recommending to the executive committee the hiring, promotion, transfer, demotion, suspension or dismissal of the employees of the city, but excepting the director general, the heads of departments and their assistants, subject to the provisions of sections 71 and following of the Cities and Town Act."

**15.** Section 412 of the Cities and Towns Act is amended for the city

(1) by inserting, after paragraph 20, the following paragraph:

"(20.0.1) To fix a tariff of costs for the removal or towing of a vehicle parked in violation of a provision adopted under this Act or the Highway Safety Code.

In every case in which it is provided that a vehicle may be removed or towed for a parking offence, the amount prescribed under the preceding paragraph may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);";

(2) by replacing subparagraph *b* of paragraph 44.1 by the following subparagraph:

"(*b*) To regulate the reimbursement of the expenses incurred by the city where an alarm system is defective or malfunctions, or is set off needlessly; to determine the cases in which an alarm is considered to have been set off needlessly; to allow the city to call upon the services of a qualified person, at the expense of the owner, to repair a system for reasons of public safety;";



(3) by inserting, after subparagraph *e* of paragraph 44.1, the following subparagraphs:

“(f) To require the owner, tenant or occupant of any immovable or category of immovables to provide the immovable with any construction item, device, mechanism, alarm system, apparatus or equipment designed to provide for or safeguard the safety of property or the health and safety of persons, or to prevent crime;

(g) To require the owner, tenant or occupant of any immovable provided with the said construction items, devices, mechanisms, alarm systems, apparatus or equipment to keep them in good working order at all times;”.

**16.** Section 415 of the Cities and Towns Act is amended for the city

(1) by replacing paragraph 6 by the following paragraph:

“(6) (a) To establish and maintain spaces or buildings in which motor vehicles may be parked, install parking metres and fix a tariff for the use of such spaces;

(b) To provide for their use by the general public, or lease such spaces on an exclusive basis to certain persons;”;

(2) by inserting, after paragraph 30.1, the following paragraphs:

“(30.2) To regulate or prohibit parking on any land or in any building belonging to the city and to fix a tariff for parking on such land or in such buildings, where applicable, the applicable provisions to be posted by means of appropriate signs;

“(30.3) To prohibit the drivers of motor vehicles from parking or leaving their vehicles on private residential land without the authorization of the owner or occupant of the land; to provide for the towing and storage of such vehicles at their owners' expense; to require the prior submission of a written complaint of the offence from the owner or occupant of the land, or from the representative of such owner or occupant;”.

**17.** Sections 24 to 46 of the said Charter are repealed.

**18.** Section 50 of the said Charter is amended by replacing the word “alderman” in the tenth line by the words “member of the council”.

**19.** Section 54 of the said Charter is repealed.

**20.** Section 55 of the said Charter, amended by section 485 of chapter 72 of the statutes of 1979, section 1 of chapter 124 of the statutes of 1979, section 246 of chapter 38 of the statutes of 1984 and section 151 of chapter 27 of the statutes of 1985, is again amended

(1) by replacing the words "the city of" in the fourth line of paragraph *a* of subsection 5 by the words "Ville de";

(2) by replacing the words "the city of" in the third and fourth lines of paragraph *b* of subsection 5 by the words "Ville de";

(3) by replacing the words "the city of" in the third line of paragraph *c* of subsection 5 by the words "Ville de";

(4) by replacing the words "the "ville de Hull"" in the first and second lines of the last paragraph of subsection 5 by the words ""Ville de Hull"";

(5) by replacing the words "the city of" in the fifth line of subsection 6 by the words "Ville de";

(6) by replacing the words "the city of" in the third line of subsection 7 by the words "Ville de".

**21.** This Act comes into force on (*insert here the date of assent to this Act*).