

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 83
**AN ACT TO AMEND THE CHARTER
OF THE CITY OF LAVAL**

Bill 240

Introduced by Mr Jean A. Joly, Member for Fabre

Introduced 10 May 1990

Passage in principle 13 March 1991

Passage 13 March 1991

Assented to 19 March 1991

Coming into force: 19 March 1991, except sections 5 to 7 which will come into force on the date fixed by the Government

Act amended: None





CHAPTER 83

An Act to amend the charter of the city of Laval

[Assented to 19 March 1991]

Preamble WHEREAS it is in the interest of the city of Laval that its charter, chapter 89 of the statutes of 1965 (1st session), be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-19,
s. 70.3.1,
added for
the city **1.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Laval by inserting, after section 70.3, the following section:

Associate
councillors **“70.3.1** The mayor may submit to the council for approval a motion concerning the appointment, for a fixed period, of not more than four councillors to assist the members of the executive committee as associate councillors. In no case may such a motion be amended. The term of an associate councillor expires at the end of the fixed period or at the same time as his term as member of the council, unless he is replaced as associate councillor by the council on a motion of the mayor. Associate councillors do not sit on the executive committee.”

c. C-19,
s. 412, am. **2.** Paragraph 20.2 of section 412 of the said Act, added for the city by section 3 of chapter 113 of the statutes of 1987 and amended by section 1082 of chapter 4 of the statutes of 1990, is again amended by inserting, after the words “notice of summons”, the words “or, after the coming into force of the provisions of sections 5 to 7 of the Act to amend the charter of the city of Laval (1991, chapter 83), on the statement of offence”.

c. C-19,
s. 415, am.
for the city **3.** Paragraph 10 of section 415 of the said Act, replaced by section 6 of chapter 112 of the statutes of 1978, amended by section

4 of chapter 113 of the statutes of 1987 and by section 1086 of chapter 4 of the statutes of 1990, is again replaced for the city by the following paragraph :

Diversion
of traffic

“(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 public 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 actual storage costs where the towing costs were not claimed on the notice of summons or, after the coming into force of the provisions of sections 5 to 7 of the Act to amend the charter of the city of Laval (1991, chapter 83), on the statement of offence”.

c. C-19,
s. 415, am.
for the city

4. Section 415 of the said Act is also amended for the city by inserting, after paragraph 11, the following paragraph :

Exclusive
right

“(11.1) To grant certain groups or categories of persons the exclusive right to park their vehicles on certain streets on the conditions stated in the by-law, provided, in addition, that the relevant provisions are indicated by means of appropriate signs or signals;”.

Applicabil-
ity

5. On the date fixed by the Government, articles 9, 10, 12 to 16, the third paragraph of article 55, the provisions of articles 62 and 63 relating to statements of offence, the words “statement of offence or” in paragraph 2 of article 71, the second paragraph of article 90, articles 91, 142, 144 to 149, 156 to 168, the third paragraph of article 169, paragraph 5 of article 174, article 180, subparagraph 4 of the first paragraph of article 184, the reference made in article 185 to paragraph 4 of article 184, the first paragraph of article 187, article 188, the third paragraph of article 222, the words “or under article 165” in article 246, article 261, the first paragraph of article 262, articles 263 and 264 and article 366 of the Code of Penal Procedure (1987, chapter 96, amended by chapter 4 of the statutes of 1990) shall be applicable to offences which may be tried before the Municipal Court of the city of Laval.

Cessation
of effect

6. On the date of coming into force of section 5 of this Act, the provisions of paragraphs 1 to 9 of article 372 and of article 373 of the Code of Penal Procedure, enacted by section 10 of chapter 4 of the statutes of 1990, shall cease to have effect for the city of Laval.

7. Any notice of summons, information or summons issued before the coming into force of section 5 of this Act, together with any act undertaken or accomplished, decision made or written proceedings drawn up in accordance with the rules of penal procedure in force before those applicable under section 5 of this Act, shall remain valid.

Such a notice of summons, information or summons shall be equivalent, on the date fixed for a first appearance in court, to a statement of offence if the prosecutor requests only the minimum sentence provided by law. Where necessary, the defendant shall appear by summons, in order to enter a plea of guilty or not guilty and proceedings shall then be continued, with the necessary changes, in accordance with the provisions applicable to offences which may be tried before the Municipal Court of the city of Laval.

However, the judge shall allow a statement of offence to be served forthwith upon the defendant at the time of his appearance by summons, where the sentence requested by the prosecutor is not indicated in the information or summons or where the prosecutor intends to request a sentence greater than the minimum sentence provided by law. The judge must in that case give the person an opportunity of entering a plea of guilty or not guilty. The person may in addition avail himself of the time specified in the statement for entering a plea.

If the person pleads guilty at his appearance, the judge shall convict him of the offence and impose a sentence on him according to law. If the person pleads not guilty, the judge shall set a date for the trial.

8. The city of Laval, by by-law subject to Government approval, may prescribe

(1) the form of statements of offence and of offence reports required for the prosecution of offences which may be tried before the Municipal Court of the city;

(2) the court fees payable under the Code of Penal Procedure and the costs that may be awarded against a party in first instance.

These by-laws shall cease to have effect when replaced by regulations of the Government made under article 367 of the Code of Penal Procedure.

9. This Act comes into force on 19 March 1991, except sections 5 to 7 which will come into force on the date fixed by the Government.