

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1989, chapter 83
AN ACT RESPECTING THE CITY OF LASALLE

Bill 252

Introduced by Mr Gilles Fortin, Member for Marguerite-Bourgeoys

Introduced 8 December 1988

Passage in principle 21 June 1989

Passage 21 June 1989

Assented to 22 June 1989

Coming into force: 22 June 1989

Act amended: None



CHAPTER 83

An Act respecting the city of LaSalle

[Assented to 22 June 1989]

Preamble WHEREAS it is in the interest of the city of LaSalle that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-19,
s. 412, am.
for the city **1.** Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of LaSalle by inserting, after paragraph 20.1, the following paragraph:

Towing and
impounding
costs “(20.2) To establish a tariff of towing and impounding costs for vehicles parked contrary to a by-law, which costs may be added to the amount of the fine imposed under the by-law and collected in the same manner as the fine;”.

c. C-19,
s. 413, am.
for the city **2.** Section 413 of the said Act is amended for the city by inserting, after subparagraph *a* of paragraph 10, the following subparagraph:

Standards “(a.1) To impose, according to the class of immovable, use or matters described in subparagraph *a*, standards with regard to the keeping, storage and maintenance of such matters at a temperature not exceeding a maximum temperature, including, if necessary, refrigeration;”.

c. C-19,
s. 415, am.
for the city **3.** Section 415 of the said Act is amended for the city
(1) by replacing the last line of paragraph 10 by the following:
“impounding and towing costs specified in the tariff established under

paragraph 20.2 of section 412 where such costs have not been added to the amount of the fine or, if there is no such tariff, the actual towing and impounding costs;”;

(2) by inserting, after paragraph 11, the following paragraph:

Parking

“(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;”.

c. C-19,
ss. 422.1 to
422.8, added
for the city

4. The said Act is amended for the city by inserting, after section 422, the following sections:

Right-of-way
of lane

“**422.1** The riparian owners who wish to acquire the right-of-way of a lane owned by the city are required to present a petition to that effect to the council.

Petition

The petition must be signed by not less than two-thirds of the riparian owners whose pieces of land constitute not less than two-thirds of the frontage of the land bordering on the lane.

Closing of
lane

“**422.2** Where a petition is presented under section 422.1, the council shall decide whether the closing of the lane is in the public interest.

By-law for
closing of
lane

“**422.3** If the council grants the petition, it shall pass a by-law ordering the closing of the lane.

Content of
by-law

The by-law must describe the piece of land which, within the right-of-way of the lane, will be affected to public utilities. It must be accompanied with a cadastral plan indicating, opposite each lot number shown on the plan, the name of the riparian owner to whom the lot will be attributed.

Notice of
passage

A notice of the passage of the by-law must be served on each riparian owner entered on the real estate assessment roll and be published in a newspaper having general circulation in the city.

Registration

“**422.4** The city shall register at the registry office a notice, signed by the clerk, attesting that the formalities have been complied with, containing a reference to the cadastral plan and indicating the name of the owner opposite each lot number shown on the plan.

Transfer of
ownership

“**422.5** The registration of the notice effects the transfer of ownership of each lot; from the date of registration, a servitude is created on the piece of land described in the by-law passed under section 422.3 in respect of all public utilities including the laying,

installation and maintenance of conduits, poles, wires and other accessories necessary for the operations of public utility companies.

Servitude The servitude mentioned in this section may be constituted in the absence of a description of the dominant land.

Plan “**422.6** The plan referred to in section 422.4 shall mention the existence of the servitude and the site thereof shall be marked on the plan by means of hatchings. The notice provided for in the said section shall state the nature of the servitude and refer to the plan.

Indemnity “**422.7** A riparian owner who has not signed the petition contemplated in section 422.1 may apply to the Expropriation Division of the Court of Québec for an indemnity which shall be calculated according to the actual damage directly caused by the by-law ordering the closing of the lane. The value of the land acquired is offset against the indemnity. The application to the Expropriation Division shall be made by a motion filed within 30 days following the date of service of the notice provided for in section 422.3.

Sums charged to owners “**422.8** The sums paid by the city as indemnities fixed by the Expropriation Division must be charged to the riparian owners of the closed lane and apportioned among them in proportion to the number of metres of frontage of their respective immovables on that lane.”

Contestation of title **5.** In no case may the title of the city of LaSalle or its assigns to the immovables of the cadastre of the registration division of Montréal exchanged and mentioned in the deeds registered at the registry office of the registration division of Montréal under numbers 2238533 and 3992477 be contested on the ground that the city of LaSalle did not observe the formalities prescribed by law for the sale or exchange of such immovables.

Registration Registration of a true copy of this Act shall be effected by deposit.

Entry The registrar shall, at the time of the registration, enter opposite the deeds registered at the registry office of the registration division of Montréal under numbers 2238533 and 3992477 the words “Confirmed by section 5 of the Act respecting the city of LaSalle (1989, chapter 83), registered under number...”.

Coming into force **6.** This Act comes into force on 22 June 1989.