



CHAPTER 41

An Act to again amend the Charter
of the city of Montréal

[Assented to 19 December 1980]

Preamble. WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-1960, be amended;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1959-60,
c. 102,
a. 97a, am. **1.** Article 97a of the Charter of the city of Montréal (1959-1960, c. 102), enacted by section 7 of chapter 96 of the statutes of 1971, is amended by adding the following paragraph:

Authorized signature. “The council, or the executive committee within the scope of its jurisdiction, may, however, authorize the director of a department to sign, in the name of the city, certain documents of such nature as it may determine by resolution.”

1959-60,
c. 102,
a. 106, am. **2.** Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), by section 10 of chapter 96 of the statutes of 1971 and by section 14 of chapter 77 of the statutes of 1977, is again amended

(a) by adding, at the end of paragraph *q*, the following:

“authorize the director of the department concerned to sell at public auction any corporeal moveables, whatever may be the value thereof;”;

(b) by adding the following paragraph:

“(s) authorize the director of the department concerned to interrupt traffic on streets while work is being carried out thereon or for any other purpose deemed expedient by the executive committee.”

1959-60,
c. 102,
a. 131a,
replaced.

3. Article 131a of the said charter, enacted by section 13 of chapter 96 of the statutes of 1971, is replaced by the following article:

Deposit of
copy of
decla-
ration.

“131a. (1) In the case of documents in the possession of the city, a copy of the declaration in duplicate provided for under section 3 of the Photographic Proof of Documents Act (R.S.Q., c. P-22) shall be deposited in the archives of the city department which has custody of such documents and the other copy shall be deposited in the archives under the custody of the city clerk instead of in a notary’s office.

Evidence.

(2) Any extract or copy of the declaration deposited in the archives under the custody of the city clerk or of the clerk of the Municipal Court, if the documents form part of the records of that court, and certified true shall be received in evidence with the same effect, in accordance with the second paragraph of section 4 of the said act.

Destruc-
tion.

(3) For the purposes of the application of that act, any document, book or register of the city or forming part of its records may, notwithstanding the delay provided for in subparagraph *b* of the first paragraph of section 2 of that act, be destroyed as soon as it has been reproduced.

Methods.

(4) Within the scope of the Photographic Proof of Documents Act (R.S.Q., c. P-22), the executive committee may determine by resolution the reproduction method, the kind of equipment to be used and the procedure to be followed to reproduce or destroy documents under this article.”

1959-60,
c. 102,
a. 172a,
am.

4. Article 172a of the said charter, enacted by section 16 of chapter 84 of the statutes of 1965 (1st session) and amended by section 3 of chapter 90 of the statutes of 1968, by section 15 of chapter 96 of the statutes of 1971 and by section 3 of chapter 76 of the statutes of 1972, is again amended by replacing paragraph *i* by the following paragraph:

“(i) a school board, an educational institution or a municipality.”

1959-60,
c. 102,
a. 212, am.

5. Article 212 of the said charter, replaced by section 15 of chapter 70 of the statutes of 1970 and amended by section 13 of chapter 77 of the statutes of 1973, is again amended by replacing subarticle 1 by the following subarticle:

Applica-
tions for
modifi-
cations.

“212. (1) Any person who wishes to make modifications on the list may file them in the office of the deputy returning-officer of the district concerned as from the fifty-fourth day before that of the polling, from nine o’clock in the morning until five o’clock in the

afternoon, every day except Saturday and Sunday. In cases of applications for correction, they may be filed until the last day of the period of revision. However, applications for the entry and striking off of names must be filed on or before the twenty-sixth day before that of the polling.”

1959-60,
c. 102,
a. 303,
replaced.

6. Article 303 of the said charter, replaced by section 18 of chapter 86 of the statutes of 1966-1967, is again replaced by the following article:

Identifi-
cation of
elector.

“**303.** Any elector presenting himself to vote shall identify himself by one of the following: his identification card issued by the city, his certificate of citizenship, his Canadian passport, his social insurance card, his card from the Régie de l’assurance-maladie, his bus-metro pass, his driver’s permit, the notice mentioned in paragraph *a* of article 281, or by Form 22B. In the latter case, a ballot-paper may be given to him by the deputy returning-officer only in exchange for such form duly filled out and signed.”

1959-60,
c. 102,
a. 454, am.

7. Article 454 of the said charter is amended by adding the following paragraph:

Exception.

“However, this formality does not apply to a by-law already imposing a special tax under Division 3 of Chapter I of Title XI, except as regards that part of the by-law the object of which is to change the amount of the taxes already imposed or impose new taxes.”

1959-60,
c. 102,
a. 521, am.

8. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, by section 46 of chapter 77 of the statutes of 1977 and by section 9 of chapter 40 of the statutes of 1980, is again amended by inserting, after the first paragraph of paragraph 34, the following paragraphs:

Applica-
bility.

“Subject to the third, fourth and fifth paragraphs, a by-law passed under this paragraph is mandatory in respect of all the parking lots contemplated by it, including the parking lots existing at the coming into force of the by-law.

Allowable
period.

The owner and the occupant of an existing parking lot have one year from the coming into force of the by-law, or any other period determined by the council, to comply with a new norm.

Back up
space.

Furthermore, any norm respecting the layout of parking lots imposing back up space not already prescribed by a zoning by-law applies to parking lots existing at the coming into force of the norm only up to the lesser of one metre in depth and 5% of the area of the parking lot.”

1959-60,
c. 102,
a. 522, am.

9. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-1961, by section 54 of chapter 59 of the statutes of 1962, by section 19 of chapter 70 of the statutes of 1963 (1st session), by section 9 of chapter 71 of the statutes of 1964, by section 23 of chapter 86 of the statutes of 1966-1967, by section 47 of chapter 77 of the statutes of 1977, by section 16 of chapter 22 of the statutes of 1979 and by section 465 of chapter 72 of the statutes of 1979, is again amended by striking out paragraphs 34 and 35.

1959-60,
c. 102,
a. 524c,
added.

10. The said charter is amended by inserting, after article 524b, the following article:

Decla-
ration
relating to
parking
space.

“524c. Where, to comply with the requirements of a by-law, the applicant for a building permit or alteration permit intends to lay out a fixed number of parking units or spaces, outdoors or in another building, the city may require, before issuing the permit, that the applicant sign a declaration stating that the immovable to be thus transformed is reserved for parking.

Registra-
tion.

The declaration shall be made in the form and according to the procedure prescribed by the executive committee and creates, from its registration, on the immovable for which the permit is issued and on the immovable which is to be transformed, a real right encumbering the latter immovable in favour of the city. Such real right shall not be extinguished by the effect of a sheriff's sale.

Recourses.

If the encumbered immovable ceases to conform to the declaration without the city having granted release of the real right, the city may, after sending a notice of sixty days to the owners of the immovables on which such right is registered, exercise all the recourses at its disposal.”

1959-60,
c. 102,
a. 543b,
added.

11. The said charter is amended by inserting, after article 543a, the following article:

Commer-
cial
zone.

“543b. The council may, by by-law, define the limits of a commercial zone within which a single commercial district comprising at least 50 places of business and more than 50% of the places of business in that zone may be formed, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

Initiatives
and devel-
opment
associa-
tions.

In the pursuit of the objects for which it is established, the association has the rights, privileges and obligations of a corporation within the meaning of the Civil Code and of Part III of the Companies Act. It may, in particular, promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and

manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

Formation. Such an association may be established on the application of five ratepayers having a place of business in the district. On receiving the application, the executive committee shall order the clerk to send a notice by certified mail to every ratepayer paying a business tax in the district, informing him that a register will be open on premises situated within the district or at a distance of not over two kilometres from the perimeter of the district to receive the signatures of ratepayers who oppose the formation of the association. The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending of the notice or, if that day is a holiday, on the next working day. The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to whom the notice is being sent, and the text of this article together with any by-law relating thereto.

**Appli-
cation
denied.** If more than 50% of the ratepayers to whom the notice was addressed sign the register, the application is denied and no new application may be filed before a period of six months has expired.

**Establish-
ment by
resolution.** If fewer than 33% of the ratepayers sign the register, the council may establish the association by resolution.

Polling. If 33% or more but fewer than 50% of the ratepayers sign the register, the clerk shall, in the manner provided in the third paragraph, send a notice informing the ratepayers that a poll is to be held within ninety days of the filing of the application. The rules provided for the keeping of the register apply to the holding of the poll.

**Establish-
ment by
resolution.** If more than 50% of the ratepayers who voted indicated that they are in favour, the council shall, by resolution, establish the association. Otherwise, the application is denied and no new application may be filed before a period of six months has expired.

Notice. The resolution establishing the association indicates the name under which it is to be known and the territory where it is to have jurisdiction. Notice of the resolution is published in the *Gazette officielle du Québec* and sent to the Minister of Consumer Affairs, Cooperatives and Financial Institutions.

**Board of
directors.** All the ratepayers paying a business tax in the district have the right to vote and they are members of the association. The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.

Budget
and
financing.

The general meeting of the members shall choose an auditor. At a meeting specially convened for that purpose, it shall adopt the operating budget of the association, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city. The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.

Special
business
tax.

On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may, by by-law, impose on all the ratepayers paying a business tax in the district a special business tax based on the value of each place of business entered on the roll of rental values at the time of its deposit the yield from which is equal to the revenue indicated in the budget as derived from that source. This tax is imposed on every person who occupies premises on the first day of the fiscal period for which the budget is deposited. It is payable in one payment within thirty days following the sending of the account and is not refundable. The council may, for the purposes of imposing the tax, determine that the rental value of any premises is not to exceed a maximum percentage of the aggregate of the rental values of the district.

Change of
limits
of a com-
mercial
district.

At the request of an association, the council may, by by-law, change the limits of a commercial district. All the ratepayers paying a business tax in the district thus changed shall be consulted in accordance with the procedure provided in this article to determine whether or not the jurisdiction of the association is to be extended to the district thus changed.

By-laws
relating to
an asso-
ciation.

Subject to this article, the by-law determines the formalities to be followed for the formation of an association, its composition, the respective responsibilities of the general meeting of the members and of the board of directors, the modalities of establishing, imposing and levying the special tax and, generally, any matter relating to the operation and winding-up of the association."

1959-60,
c. 102,
a. 640,
replaced.

12. Article 640 of the said charter, amended by section 64 of chapter 77 of the statutes of 1973, by section 69 of chapter 77 of the statutes of 1977, by section 19 of chapter 22 of the statutes of 1979 and by section 26 of chapter 40 of the statutes of 1980, is replaced by the following article:

Cost of
construc-
tion of
sewers.

“640. The city may apportion among the bordering proprietors the cost of construction of sewers. Such apportionment shall be made in proportion to the number of metres of frontage of their respective immoveables, according to the rate determined by by-law for each fiscal year.”

1959-60,
c. 102,
aa. 642,
643,
repealed.

13. Articles 642 and 643 of the said charter are repealed.

1959-60,
c. 102,
a. 669,
replaced.

14. Article 669 of the said charter, replaced by section 36 of chapter 97 of the statutes of 1960-1961, by section 10 of chapter 76 of the statutes of 1972 and by section 26 of chapter 22 of the statutes of 1979, is again replaced by the following article:

Adoption
of budget
and draft
by-laws.

“669. Not later than 1 December each year, the executive committee shall adopt the budget and the draft by-laws necessary for the imposition of the taxes for the next fiscal year.”

1959-60,
c. 102,
a. 670, am.

15. Article 670 of the said charter, amended by section 37 of chapter 97 of the statutes of 1960-1961, by section 11 of chapter 76 of the statutes of 1972 and by section 27 of chapter 22 of the statutes of 1979, is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“*a.* the draft by-laws adopted under article 669;”

1959-60,
c. 102,
a. 672, am.

16. Article 672 of the said charter is amended by replacing the second paragraph by the following paragraph:

Agenda.

“The clerk shall annex to the agenda of that meeting a detailed description of the draft by-laws and of the budget.”

1959-60,
c. 102,
a. 673, am.

17. Article 673 of the said charter, amended by section 75 of chapter 77 of the statutes of 1977, is again amended by striking out the words “and resolutions” in the second line.

1959-60,
c. 102,
a. 722, am.

18. Article 722 of the said charter is amended by adding the following paragraph:

Authorized
signature.

“The council, or the executive committee within the scope of its jurisdiction, may further authorize the director of a department to enter into an agreement with a third party in accordance with the powers it confers on him by resolution.”

1959-60,
c. 102,
a. 787b,
replaced.

19. Article 787*b* of the said charter, enacted by section 13 of chapter 71 of the statutes of 1964 and replaced by section 33 of chapter 84 of the statutes of 1965 (1st session), is again replaced by the following article:

Subsidy
for resto-
ration.

“787*b.* The council may, by by-law and on such conditions as it shall determine, order that the city grant a subsidy for the restoration of any structure having architectural, historical or cultural interest.”

1959-60,
c. 102,
a. 787*h*,
replaced.

20. Article 787*h* of the said charter, enacted by section 40 of chapter 40 of the statutes of 1980, is replaced by the following article:

Subsidy
for resto-
ration.

“787h. The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the city grant a subsidy for the restoration of any building used for commercial or industrial purposes.”

1959-60,
c. 102,
a. 888, am.

21. Article 888 of the said charter, replaced by section 73 of chapter 59 of the statutes of 1962 and by section 38 of chapter 70 of the statutes of 1963 (1st session) and amended by section 37 of chapter 22 of the statutes of 1979, is again amended by replacing the first paragraph by the following paragraph:

Notice of
unpaid
taxes.

“888. The director of finance, before 1 September each year, shall prepare a notice addressed to the last proprietor entered on the collection roll for each immovable on which real estate taxes that became exigible in a previous fiscal period remain unpaid.”

1959-60,
c. 102,
a. 889, am.

22. Article 889 of the said charter, replaced by section 74 of chapter 59 of the statutes of 1962, is amended by replacing the first paragraph by the following paragraph:

Service.

“889. Before the statement contemplated in article 891 is drawn up, the director of finance shall have such notice served at or sent by registered mail to the domicile or place of business of the last proprietor entered on the collection roll.”

1959-60,
c. 102,
a. 964c,
replaced.

23. Article 964c of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980, is replaced by the following article:

Non-profit
corporations.

“964c. The city may apply for the incorporation of non-profit corporations whose objects are to acquire, renovate, restore, construct, sell, lease or manage residential, industrial or commercial immovables, and grant subsidies for the construction, restoration, demolition and relocation of such immovables.”

1959-60,
c. 102,
a. 964d,
am.

24. Article 964d of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980, is amended by adding the following paragraph:

Conserva-
tion of
buildings.

“Such a corporation may also, anywhere in the city, see to the conservation and restoration of buildings having architectural, historical or cultural interest.”

1959-60,
c. 102,
a. 964e,
am.

25. Article 964e of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980, is amended by inserting, after the first paragraph, the following paragraph:

Territory.

“The corporations referred to in article 964c may renovate, restore or construct industrial or commercial immovables only within the territory delimited in the letters patent by which they are incorporated.”

1959-60,
c. 102,
a. 964g,
added.

26. The said charter is amended by inserting, after article 964f, the following article:

Taxes.

“964g. Any corporation constituted pursuant to article 964b, 964c or 964d which owns or administers an immoveable must pay in respect thereof any tax that may be exigible from a real estate owner in the city, to the exclusion of any surtax that may be imposed by reason of the amount of the assessment.”

1959-60,
c. 102,
a. 1015,
replaced.

27. Article 1015 of the said charter, replaced by section 71 of chapter 77 of the statutes of 1973 and by section 139 of chapter 77 of the statutes of 1977 and amended by section 45 of chapter 22 of the statutes of 1979 and by section 46 of chapter 40 of the statutes of 1980, is replaced by the following article:

Cost of
sidewalks.

“1015. The city may apportion among the bordering proprietors the cost of the construction or maintenance of sidewalks.

Apportion-
ment.

Where the cost of construction or maintenance of sidewalks in any street, square or public place is charged to the bordering proprietors, it shall be apportioned proportionately to the number of metres of frontage of their respective immoveables, in accordance with the rate determined by by-law for each fiscal period.”

1959-60,
c. 102,
aa. 1015c,
1016,
1018a,
1018b,
1019,
1043a,
repealed.

28. Articles 1015c, 1016, 1018a, 1018b, 1019 and 1043a of the said charter are repealed.

1959-60,
c. 102,
a. 1018,
replaced.

29. Article 1018 of the said charter, amended by section 30 of chapter 90 of the statutes of 1968, replaced by section 74 of chapter 77 of the statutes of 1973 and by section 144 of chapter 77 of the statutes of 1977 and amended by section 49 of chapter 22 of the statutes of 1979 and by section 49 of chapter 40 of the statutes of 1980, is replaced by the following article:

Cost of
paving.

“1018. The cost of laying paving on streets, private or public lanes and public places may be charged to the bordering proprietors proportionately to the number of frontage metres of their respective immoveables, according to the rate determined by by-law for each fiscal period. That cost includes all expenses relating to paving, especially levelling, drains, man-holes, curbs, relocation of poles, hydrants and other works. It also includes expenses for technical surveys, expenses for inspection and supervision and all general management expenses not exceeding ten per cent of the total of the expenses listed in this article.

Lanes.

In the case of the paving of lanes, the cost includes lighting and underground electrical conduits and all related works.

Assessment. Paving may be assessed only once among the bordering proprietors.”

1959-60, c. 102, a. 1043b, replaced. **30.** Article 1043b of the said charter, enacted by section 56 of chapter 22 of the statutes of 1979, is replaced by the following article:

Share of the city. **“1043b.** All the expenditures relating to a local improvement that are not apportioned among the bordering proprietors are charged to the city. Such expenditures and the part of the cost of a local improvement to be apportioned among the bordering proprietors are taken out of the unallocated appropriations of an operating budget or a loan by-law.”

1959-60, c. 102, a. 1047 am. **31.** Article 1047 of the said charter, amended by section 59 of chapter 97 of the statutes of 1960-1961, by section 109 of chapter 59 of the statutes of 1962, by section 55 of chapter 84 of the statutes of 1965 (1st session), by section 40 of chapter 90 of the statutes of 1968, by section 60 of chapter 96 of the statutes of 1971 and by section 158 of chapter 77 of the statutes of 1977, is again amended by replacing subarticle 8 by the following subarticle:

Coming into force. **“8.** The alterations made in a roll shall come into force on the date, fixed by by-law, following the date on which such alterations were made by the director of the department designated by the executive committee, after all the provisions of articles 1045 and 1048 relating to the preparation and coming into force of the roll have been complied with, subject to the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72) and the regulations thereunder.”

1959-60, c. 102, a. 1047.1, added. **32.** The said charter is amended by inserting, after article 1047, the following article:

Preparation of apportionment roll. **“1047.1** When, in accordance with the Expropriation Act (R.S.Q., c. E-24), the council may take possession of immoveables, parts of immoveables or servitudes that it has ordered expropriated, the apportionment roll provided for in article 1045 is prepared by the director of the department designated by the executive committee.”

1959-60, c. 102, a. 1048, am. **33.** Article 1048 of the said charter, amended by section 159 of chapter 77 of the statutes of 1977 and by section 59 of chapter 22 of the statutes of 1979, is again amended by replacing the fourth paragraph by the following paragraph:

Decision. **“The** director of the department designated by the executive committee shall hear and determine summarily and without appeal the objections made by ratepayers, and then sign the roll, which

shall thereupon be deemed to be in force. The taxes appearing thereon shall be payable on the date, fixed by by-law, following the date of such signature, subject to the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72) and the regulations thereunder.”

1959-60,
c. 102,
a. 1051,
replaced.

34. Article 1051 of the said charter, replaced by section 161 of chapter 77 of the statutes of 1977, is again replaced by the following article:

Local
improve-
ment
taxes.
Payment.

“**1051.** Local improvement taxes are payable in a lump sum or by yearly instalments over a period not exceeding twenty years.

The executive committee may order that the balances due on local improvement taxes shall be apportioned in the future in the form of yearly instalments covering any period not exceeding twenty years from the first date of their exigibility.”

1959-60,
c. 102,
a. 1056,
replaced.

35. Article 1056 of the said charter is replaced by the following article:

Maturity
date of
special
taxes.

“**1056.** All special real estate taxes, including local improvement taxes, shall be payable on a date fixed by by-law and subsequent to their imposition. In the case of those payable by yearly instalments, the first of such instalments shall be payable on a date fixed by by-law and subsequent to their imposition and the others on a date that will be fixed by by-law for each subsequent year until full payment, subject to the Act respecting municipal taxation and providing amendments to certain legislation (1979, c. 72) and the regulations thereunder.”

1959-60,
c. 102,
a. 1139,
am.

36. Article 1139 of the said charter, amended by section 62 of chapter 97 of the statutes of 1960-1961, replaced by section 62 of chapter 86 of the statutes of 1966-1967, amended by section 74 of chapter 96 of the statutes of 1971, replaced by section 88 of chapter 77 of the statutes of 1973 and amended by section 169 of chapter 77 of the statutes of 1977, is again amended by replacing, at the end of paragraph 5, the words “twenty-five dollars” by the words “fifty dollars”.

1980, c. 40,
s. 58, am.

37. Section 58 of chapter 40 of the statutes of 1980 is amended by replacing the figure “1980” in the third line and in the last line by the figure “1981”.

Coming
into force.

38. Except section 34, which comes into force on 1 January 1982, this act comes into force on the day of its sanction.