



CHAPTER 112

An Act to amend the charter of the City of Laval

[Assented to 22 December 1978]

Preamble. WHEREAS it is in the interest of the City of Laval and necessary for the proper administration of its affairs, that its charter, chapter 89 of the statutes of 1965 (1st session), be again amended;

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

R.S.,
c. 193,
s. 51a, am.
for city.

1. Section 51a of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for the city by section 12 of chapter 89 of the statutes of 1965 (1st session) and amended by section 4 of chapter 96 of the statutes of 1968, is again amended:

(a) by replacing subsections 12 and 13 by the following subsections:

Salaries.

“(12) Except where otherwise provided, the executive committee shall fix the salaries of all employees of the city except those under the exclusive jurisdiction of the council.

Salary of
the
chairman,
etc.

Subject to section 64 of the Cities and Towns Act, it may also fix the salary of the chairman of the Comité d'administration du régime de rentes and of the chairman of the Office municipal d'habitation de Laval.

Contracts.

“(13) The executive committee may award any contract for the execution of works or the supply of equipment or materials or the supply of services other than professional services involving an expenditure of more than \$5,000 but less than the expenditure requiring the formality of public tenders; such awarding must be preceded by a call for tenders made by inviting at least two contractors or, as the case may be, two suppliers to tender.

Contract with an option to purchase.

For the purposes of this subsection, a contract for the supply of materials also means a contract for the leasing of equipment with an option to purchase.”;

(b) by replacing subsections 16 and 17 by the following subsections:

Signature of contracts.

“(16) All contracts shall be signed in the name of the city by the chairman of the executive committee and by the clerk or the assistant-clerk or clerks. The chairman of the executive committee may, however, authorize, generally or specially, in writing, another member of the executive committee to sign the contracts in his stead.

Works by day labour.

“(17) The executive committee may, without the consent of the council, cause to be carried out, by day labour, works the cost whereof does not exceed \$25,000; nevertheless, the council may authorize the executive committee to cause to be carried out, by day labour, specified works of any kind the cost whereof exceeds \$25,000.”;

(c) by replacing the first sentence of subsection 24 by the following sentence:

Appointments, etc., by council on report of committee.

“(24) Except the manager, all heads of departments, their assistants and all the assistants to the manager shall be appointed by the council on a report of the executive committee, and on the recommendation of the manager in the case of his assistants.”;

(d) by inserting after subsection 24 the following subsection:

Assignment.

“(24a) On a report of the executive committee, the council may, by the vote of the majority of all its members, assign to another office any assistant to the manager, any head of a department or any assistant head.”

R.S., c. 193, s. 64, replaced for city.

2. Section 64 of the said act, replaced for the city by section 2 of chapter 99 of the statutes of 1971, is again replaced for the city by the following section:

Councillors' remuneration.

“**64.** The municipality shall pay to each of the councillors, as remuneration for the services which he renders to the municipality as such, and to indemnify him for the expenses connected with his office, a minimum annual amount of twelve thousand five hundred dollars.

Chairmen's remuneration.

The municipality shall also pay to the chairman of the Comité d'administration du régime des rentes and the chairman of the Office municipal d'habitation de Laval, for the services which they render as such, a maximum annual amount equal to one-half of the remuneration attached to the office of councillor, if such offices are held by councillors.

Remuneration of the members of the executive committee.

The municipality shall also pay to each member of the executive committee, except the chairman, for the services which he renders as such, an annual amount equal to one and one-half times the remuneration attached to the office of councillor; in the case of the acting chairman of the executive committee, that amount is equal to twice the remuneration of a councillor.

Remuneration of the chairman of the council.

The municipality shall also pay to the chairman of the council, for the services which he renders as such, an annual amount equal to one-half of the remuneration attached to the office of councillor.

Mayor's remuneration.

The municipality shall also pay to the mayor, for the services which he renders as such, an annual amount equal to three times the remuneration for the office of councillor; where the mayor holds the office of chairman of the executive committee, he shall also receive as such an additional amount equal to the remuneration of a councillor.

Mode of payment.

The council shall determine by resolution the modes of payment of such amounts, one-third of which shall be paid as an indemnity for part of the expenses attached to the offices of mayor and councillor.

Expenses.

In addition to the expense allowances provided for in this section, the mayor, the members of the executive committee and the other councillors shall be entitled to repayment of expenses incurred by them on behalf of the city, provided such expenses are specially authorized by a resolution of the executive committee.

Other remuneration.

No other remuneration, allowance or benefit may be paid to a mayor or a councillor unless authorized by a by-law passed by a vote of two-thirds of the members of the council and submitted for approval to the persons who are entered on the valuation roll as owners or tenants and, if natural persons, are of full age and Canadian citizenship, following the procedure provided in section 35 and 36, with the necessary changes. No other approval is required."

R.S., c. 193, s. 92, replaced for city.

3. Section 92 of the said act is replaced for the city by the following section:

Assistant-clerks.

"92. The council may appoint one or more assistant-clerks who shall perform all the duties of a clerk, with the same rights, powers and privileges and under the same obligations and penalties.

Vacancy.

In the case of a vacancy in the office of clerk, the assistant-clerk designated by the council shall perform the duties of the clerk until the vacancy is filled."

R.S.,
c. 193,
s. 108, am.
for city.

4. Section 108 of the said act, replaced for the city by section 18 of chapter 89 of the statutes of 1965 (1st session), is amended:

(a) by replacing the fourth paragraph by the following paragraph:

Prohibition.

“He shall devote all his time to the performance of his duties and he shall not lease his services or work for anyone other than the City of Laval.”;

(b) by replacing the last paragraph by the following paragraph:

Absence or inability to act.

“When the manager is absent or unable to act or in case of a vacancy in that office, the assistant-manager designated by the executive committee has the same powers and duties as the manager until the latter returns or the council has designated the person to replace him.”

R.S.,
c. 193,
s. 109, am.
for city.

5. Section 109 of the said act, replaced for the city by section 18 of chapter 89 of the statutes of 1965 (1st session), is amended by replacing paragraph *r* by the following paragraph:

“(*r*) to satisfy himself that the city’s funds are used in conformity with the appropriations comprised in the budget, by-laws and resolutions;”.

Id., s. 429,
am.
for city.

6. Section 429 of the said act is amended for the city by replacing paragraph 10 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 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 towing charges which shall not exceed thirty dollars and storage costs, which shall not exceed a rent based on the current rates of the garage concerned for the storage of automobiles;”.

R.S.,
c. 193,
s. 553a,
added
for city.
Rate.

7. The said act is amended for the city by inserting after section 553 the following section:

“**553a.** The share of the costs incurred for the purposes of section 553 shall be fixed at a rate not exceeding five per cent

of the debt claimed as determined by resolution of the executive committee.”

R.S.,
c. 193,
s. 572,
replaced
for city.

Bidding by
municipality.

8. Section 572 of the said act is replaced for the city by the following section:

“572. Whenever immoveables situated in a city or town are sold for municipal or school taxes, the municipality may bid upon and acquire such immoveables through the mayor or other person, upon the authorization of the council, without having to immediately pay the amount of the adjudication. The municipality may also bid upon and acquire such immoveables, at any sheriff’s sale or other sale having the same effect as a sheriff’s sale.

Remission
of school
taxes due.

At the time of adjudication, the city is not bound to remit the school taxes due.

Bid
limited.

The bid of the municipality shall not however, in any case, exceed the amount of the taxes, in capital, interest and costs, with an amount sufficient to satisfy any privileged debts of a rank prior or equal to that of municipal taxes.

Exception.

However, with the previous authorization of the Commission municipale du Québec, the city may, when engaged in acquiring an immovable for municipal purposes, increase its bid up to the amount of the municipal valuation.”

R.S.,
c. 193,
s. 574, am.
for city.

Remission
of school
taxes due.

9. Section 574 of the said act is amended for the city by adding the following paragraph:

“In addition the city is not bound, at the time the deed of sale is signed, to grant a remission of school taxes due.”

R.S.,
c. 193,
ss. 575a,
575b,
added
for city.

School
taxes
remitted.

10. The said act is amended for the city by inserting after section 575 the following sections:

“575a. Where an immovable is sold according to section 575, the school taxes due at the time of the sale for taxes shall be remitted in whole within thirty days after the signing of the deed of sale if the proceeds of the sale are equal to or higher than the municipal and school taxes due at the time of the sale for taxes.

Apportion-
ment of
proceeds.

Where an immovable is sold according to section 575 and the proceeds of the sale are less than the municipal and school taxes due at the time of the sale for taxes, the proceeds shall be apportioned within thirty days after the signing of the deed of sale between the city and the school corporations proportionately to the amount of the taxes due to each of them at the time of the sale for taxes in relation to the total amount of such taxes.

Payment of school taxes. Where the city is authorized to keep the immoveable for its purposes, it must, within thirty days after the authorization of the *Ministre des affaires municipales*, pay the school taxes due at the time of the sale for taxes.

Authorization to acquire immoveable from school board. **“575b.** The city is authorized to acquire from a school board, for a price not exceeding the amount of the school taxes due at the time of the sale for taxes, any immoveable which the latter has acquired on the occasion of a sale for taxes; section 575 applies to such acquisition.”

1971, c. 99, s. 19, replaced. **11.** Section 19 of chapter 99 of the statutes of 1971 is replaced by the following section:

By-law respecting certain works. **“19.** Notwithstanding any general law, special act or by-law, the council, on the recommendation of the executive committee and following a notice of motion given at a previous meeting, without being required to obtain approval from the owners compelled and qualified to vote contemplated in sections 593 and 599 of the *Cities and Towns Act*, but with the sole approval of the *Ministre des affaires municipales* and the *Commission municipale du Québec*, may order by by-law:

(a) the carrying out of permanent works for sewers, water-works, paving, curbs, sidewalks, lighting and traffic signals, and the acquisition by agreement or expropriation of the lands or servitudes required for the carrying out of such permanent works;

(b) temporary loans to meet the cost of such works and related costs.

Temporary loans. The total amount of the temporary loans contracted for carrying out the above permanent works following the procedure provided in the first paragraph, shall never exceed \$15,000,000.

By-law for long term loans. Before the aggregate of such loan attains the said sum of \$15,000,000, the council, by by-law, must order a long-term loan through a bond issue to repay the temporary loans contracted under this section, with no other formality than the passing of a by-law for that purpose by the council and the approval of the said by-law by the *Ministre des affaires municipales* and the *Commission municipale du Québec*.”

Powers. **12.** In order to permit the rational development of the centre of the city, described in the schedule, and the use thereof for the community, the city is authorized:

(1) to acquire, by agreement or expropriation, the territory consisting of the immoveables described in the schedule, with the approval of the *Commission municipale du Québec*;

(2) to promote the influence of the centre of the city as a public place of a social and community, cultural, artistic, sports, commercial, recreational and touristic interest;

(3) to sell all or part of such immoveables by auction, public tender or agreement, with the approval of the Commission municipale du Québec, for residential, commercial or public purposes, at a price not lower than the cost of acquisition including services and related expenses and costs;

(4) to erect any building or complex for public or governmental purposes or for parking or garage purposes;

(5) to rent such immoveables by emphyteutic lease or otherwise, with the approval of the Commission municipale du Québec, for residential, commercial or public purposes, at a price sufficient to cover the annual expenses in connection with such immoveables or for the amortization and interest on the purchase price, the cost of services, relevant expense or cost related thereto, and municipal or school taxes.

Proceeds
of sales
or leases.

The proceeds of such sales or leases must be used to pay the obligations agreed by the city for that purpose.

Land or
housing
bank.

13. Notwithstanding any act to the contrary, the city is authorized to acquire by agreement or expropriation any immovable of which the acquisition is considered appropriate for purposes of a land or housing bank and for works related to such purposes, and any immovable whose occupancy is considered obsolete or harmful.

Authoriza-
tion to
hold, etc.,
immove-
ables.

The city is authorized to hold, lease and manage the immoveables acquired under the first paragraph. It may also equip such immoveables and instal the necessary public services there. It may also alienate them, on conditions determined by it, with the approval of the Commission municipale du Québec provided that the alienation price is at least equal to the real value of such immoveables and not less than the cost price including services and related expenses and costs.

Gratuitous
alienation.

The city may alienate, gratuitously or at a lower price than that provided for in this section, such an immovable in favour of the Government, any body thereof or a school corporation.

Obligation
to pay
taxes.

The city is required to pay regarding immoveables it owns under this section the taxes that may be required from a property owner in the city.

Industrial
purposes.

This section does not apply to the acquisition of immoveables for industrial purposes.

R.S.,
c. 179, s. 7,
replaced
for city.

14. The Public Streets Act (Revised Statutes, 1964, chapter 179) is amended for the city by replacing section 7 by the following:

Opening,
etc., of
street or
road.

“7. The city, by resolution of the council, on the recommendation of the executive committee may give permission to open and maintain or to allow to be opened and maintained a street or road of a width less than sixty-six feet (twenty metres).”

Coming
into force.

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

SCHEDULE

A territory comprising, with reference to the cadastre of the parish of Saint-Martin, all the lots or parts of lots and their subdivisions and a road, included within the perimeter hereinafter described, to wit: starting from the intersection of the line dividing lot 370 from lot 372 with the southeast alignment of Saint-Martin boulevard; thence, the following lines and limits: the southeast alignment of Saint-Martin boulevard northeasterly to the limit of the south right of way of autoroute 15 (Des Laurentides); the limits of the south and southwest right of way of autoroute 15 (Des Laurentides) easterly or southeasterly, as the case may be, to the limit of the northwest right of way of du Souvenir boulevard; the limits of the northwest, southwest, northwest and north right of way of du Souvenir boulevard southwesterly, southeasterly and westerly, as the case may be, to the line dividing lot 370 from lot 372; the line dividing lot 370 from lot 372 northwesterly to the starting point.