



CHAPTER 116

An Act to amend the charter of the city of Varennes

[Assented to 22 December 1978]

Preamble. WHEREAS it is in the interest of the city of Varennes and necessary for the proper administration of its affairs that its charter be amended;

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

R.S.,
c. 193,
s. 429, am.
for city.

1. Section 429 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193) is amended for the city by inserting, after paragraph 35, the following paragraph:

Bill-boards
and signs.

“(35a) To regulate the construction, erection, retention, alteration and maintenance of all bill-boards and signs already erected or to be erected in future and require for their retention or erection, as the case may be, a permit for which it determines the cost.

Demolition,
etc.

When the construction, erection, retention, alteration or maintenance of a bill-board or sign is inadequate, is not or was not made in compliance with the by-laws adopted under this section, a judge of the Superior Court sitting in the district where the immovable contemplated is located may, on an application by the municipality made even during proceedings, order the owner or keeper of the immovable where a bill-board or sign is located to demolish, remove or repair that bill-board or sign within the delay he fixes and order that, failing compliance within that delay, the municipality may carry out the work at the expense of the owner of the immovable if he has been impleaded.”

R.S.,
c. 193,
s. 442, am.
for city.

2. Section 442 of the said act is amended for the city by adding, after paragraph 7, the following paragraph:

Water-
rate.

“(7a) The council, when fixing the water-rate in accordance with paragraph 4, may establish minimum tariffs for each category of industrial users it determines.”

R.S.,
c. 193,
s. 469, am.
for city.
Dumps.

3. Section 469 of the said act is amended for the city by inserting after paragraph 22, the following paragraph:

“(22a) To prohibit dumps in the city.

Interpre-
tation.

For the purposes of this paragraph, the word “dump” means any place where scrapped objects are deposited or accumulated; this word particularly includes car dumps.

Penalties.

Where an infringement of such a by-law is committed, the following persons shall be liable to the penalties provided therein:

(a) the owner, lessee or occupant of the land;

(b) the owners of the vehicles deposited there.

Order.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the scrapped objects or vehicles in the dump which were the subject of the infringement, within a delay of eight days from the judgment rendered, by the owner, lessee or occupant of the lot, or by the owners of the vehicles, and on failure by such person or persons to comply within such delay, the removal of the scrapped objects or vehicles by the city at the cost of such person or persons.”

R.S.,
c. 193,
s. 472, am.
for city.

4. Section 472 of the said act is amended for the city by replacing paragraph 2 by the following paragraph:

Nuisances.

“(2) To decree that for the owner, lessee or occupant of a vacant or partly built lot or land to leave upon such lot or land one or more motor vehicles built more than seven years previously, having no markers for the current year and in such a condition that they cannot be driven, to allow branches, brush or weeds to grow on such lot or land or to leave scrap iron, rubbish, refuse, paper, empty bottles or noxious substances thereon constitutes a nuisance.

Fines.

To impose fines on the owner, lessee and occupant who permit such nuisances on such lots or land, or to take or impose any measure intended to eliminate or prevent such nuisances.

Order.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the nuisances which were the subject of the infringement within a delay of eight days from the judgment rendered, by the owner, lessee or occupant, and on failure by such person or persons to comply within such delay, the removal of the nuisances by the city at the expense of such person or persons.

Interpre-
tation.

For the purposes of this paragraph, “motor vehicle” means a vehicle within the meaning of the Highway Code (Revised Statutes, 1964, chapter 231);”.

R.S.,
c. 193,
s. 481*a*,
added
for city.

5. The said act is amended for the city by adding, after section 481, the following section:

Treasurer's
certifi-
cate.

“481 a. No by-law or resolution of the council authorizing or recommending the spending of moneys is considered adopted nor has effect until the treasurer has issued a certificate attesting to the fact that funds are available for the department and the purposes for which the said expense is proposed.”

R.S.,
c. 193,
s. 572, am.
for city.
Bid.

6. Section 572 of the said act is amended for the city by adding the following paragraph:

“However, with the previous authorization of the Commission municipale du Québec, the municipality may increase its bid up to the amount of the municipal valuation.”

By-laws.

7. The council may, with the approval of the minister responsible for the application of the Environment Quality Act (1972, chapter 49), make by-laws:

(a) to establish classes or categories of persons according to whether or not they:

(1) contribute to the deterioration of water quality or cause a specific pollution;

(2) alter the water system in all or part of the municipality, either qualitatively or quantitatively;

(b) to determine, impose and levy certain annual dues or taxes in regard to any person or class or category of persons who or which alters the quality of water or discharges contaminants into watercourses, ditches, mains or sewers in the municipality. Such dues or taxes may vary for each person or class or category of persons according to the nature of the water treatment required or the degree or quantity of pollution caused, as determined by by-law. Such dues or taxes shall not exceed five thousand dollars for each person for one year;

(c) to prohibit the dilution of a sewage effluent before it is discharged into a sewer system;

(d) to establish testing methods to be used for the application of any municipal by-law in that respect;

(e) to impose on any person or class or category of persons the obligation to:

(1) set up, at his or its own expense and in accordance with the municipal standards, any measuring device required to establish the gross volume of waste water discharged into the municipal sewer system;

(2) provide all outlet sewers discharging waste water into a sewer system with a manhole located before the point of discharge into the said system to allow the inspection of the flow and the sampling of the water flowing therein;

(f) to establish, as a pollution control premium, that any person who, as a result of the use or installation of any process or device, decreases the contaminant load discharged into the water so as to change class or category, will be entitled to benefit by a partial or total exemption of the dues or taxes otherwise payable under this section, applicable for a maximum of three consecutive years.

This exemption will be granted, however, only after sample analyses have been performed for a period of not less than six months; the exemption can be rescinded after an inspection shows that the pollution rate exceeds the maximum allowed in respect of the category assigned to the person contemplated in this section;

(g) to establish that the sampling and testing costs shall be charged to the city unless:

(1) the ratepayer personally requests sampling to be carried out on his property;

(2) the load of contaminants discharged, as shown by a sampling, is more than twice the load shown by the preceding sampling;

(h) all dues collected by the city pursuant to the by-laws adopted under this section must be deposited in a special fund and be used only for water treatment or water pollution control in the municipality.

Provisional
possession
of immove-
ables.

8. Where the municipal taxes on an immoveable have not been paid during at least five consecutive years, the municipality may have itself put into provisional possession of that immoveable by a judge of the Superior Court sitting in the district in which the immoveable is situated.

Motion.

Such demand to be put into possession is made by motion. Such motion may contemplate several immoveables belonging to different owners, providing it relates to non-subdivided parts of the same original lot.

Notice.

The demand to be put into possession can be granted only after publication in the *Gazette officielle du Québec* of a notice requiring every person who may have rights respecting such immoveables to present his claim before the judge within the six months following such publication.

Notice. All service is replaced by the publication of such notice, which need merely refer to this section, mention the original lot number and indicate the area of each part of the lot and the name of the owner thereof.

Definitive possession. If five years have passed since registration of the judgment respecting the putting into provisional possession, the municipality may, by following the same formalities, demand that it be put into definitive possession.

Entry on valuation roll, etc. After the putting into provisional possession, the municipality has such immoveables entered in its name on the valuation and collection rolls and special apportionment rolls, and taxes them like any other taxable immoveable; such immoveables remain liable for municipal and school taxes as any other immoveables and shall be assessed in the same manner. However, the school taxes thus imposed shall not be exigible from the municipality. The putting into provisional possession interrupts prescription with respect to municipal and school taxes and such prescription does not run during such possession.

Personal claim. The registration of the judgment respecting the putting into definitive possession has the effect of making the city the owner of the immoveables contemplated. After such registration, if any person believes that he has a claim at law to any right respecting those immoveables, his claim becomes converted to a personal claim against the municipality. The amount of such claim shall not exceed the real value of the property on 1 January 1980, after deduction of municipal and school taxes, including the costs involved in obtaining provisional possession and definitive possession.

Prescription. Such personal claim is prescribed on the day the claim respecting the right of ownership that it replaces would have been prescribed if not so replaced, and it does not constitute a real right, a charge, a hypothec or a privilege upon the immoveables concerned.

Consideration, etc. A consideration or a value, established for the purposes of this section, must be reduced by an amount equal to the arrears in municipal and school taxes, including that part of the costs incurred for the putting into possession applicable to that immoveable.

Description of an immoveable. Notwithstanding any provision to the contrary in any document presented to a court or a registry office, the description of an immoveable is sufficient if it is the same as that contained in the owner's title deed as the latter appears at the registry office.

Regrouping of lots, etc. The municipality may, with a view to regrouping lots or reconstituting original lots, acquire, by private agreement or by

expropriation, the immoveables it deems necessary for such purposes. It may hold, lease and administer such immoveables. It may also alienate them with the approval of the Commission municipale du Québec.

Applica- This section applies only in regard to those immoveables
bility. included within the sector described in the Schedule.

Revoca- **9.** Section 20 of the letters patent amalgamating the munic-
tion. ipalities of the parish of Sainte-Anne de Varenes and the village
of Varenes is revoked.

Coming **10.** This act comes into force on the day of its sanction.
into force.

SCHEDULE

A territory, situated in the city of Varennnes, comprising with reference to the cadastre of the parish of Varennnes the lots or parts of lots and their subdivisions and redivisions and the roads, highways, watercourses or parts thereof, the whole contained within the perimeter hereinafter described, to wit: starting from the intersection of the northeast limit of the city of Varennnes and the southeast limit of autoroute 30; thence, successively, the following lines and boundaries: the northeast limit of the city of Varennnes, southeasterly to the southeast corner of lot 344; southwesterly, the southeast limit of the city of Varennnes to the southwest corner of lot 403; southeasterly, once again the northeast limit of the city of Varennnes, being a part of the northeast line of lot 404, to the southeast corner of the said lot 404; southwesterly, once again the southeast limit of the city of Varennnes, being the southeast line of lots 404 to 418 inclusively, namely to its intersection with the dividing line between lots 418 and 419; the said dividing line between lots 418 and 419; the southeast limit of the des Trente concession (Ninth Concession) road, known as the Rang du Cordon, southwesterly to its intersection with the extension of the dividing line between lots 314 and 315; the said extension and the dividing line between lots 314 and 315, then, the southwest line of lot 315 and the southwest line of lot 246, along the Montée Picardie to the southeast limit of the de la Picardie Range Road; northeasterly, the southeast limit of the de la Picardie Range Road to the extension of the dividing line between lots 165 and 166; the said extension and the said dividing line between lots 165 and 166 to the Notre-Dame brook; northeasterly, along the Notre-Dame brook to the northeast side of the Montée de la Baronnie, which limits on the northeast lot 174; southeasterly, the northeast side of the Montée de la Baronnie to the southeast limit of autoroute 30; finally, the southeast limit of autoroute 30 northeasterly to the starting point.