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Bill 210

(Private)

An Act to amend the charter of the city of Québec

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(Private)

AN ACT TO AMEND THE CHARTER OF THE CITY OF QUÉBEC

WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the charter of the city of Québec (1929, chapter 95), amended by section 10 of chapter 102 of the statutes of 1939, section 3 of chapter 72 of the statutes of 1949, section 3 of chapter 52 of the statutes of 1952-53, section 2 of chapter 85 of the statutes of 1966-67, section 1 of chapter 68 of the statutes of 1970, section 447 of chapter 72 of the statutes of 1979, section 1 of chapter 46 of the statutes of 1985, section 1 of chapter 116 of the statutes of 1986 and section 829 of chapter 57 of the statutes of 1987, is again amended by striking out “permanent” in the fourth line of subparagraph *d* of the first paragraph.
2. Section 5 of the said charter, replaced by section 9 of chapter 51 of the statutes of 1948, amended by section 2 of chapter 85 of the statutes of 1966-67, replaced by section 1 of chapter 75 of the statutes of 1972 and amended by section 269 of chapter 19 of the statutes of 1988, is again amended by replacing “the Schedule” by “Schedule 1”.
3. Section 17*c* of the said charter, enacted by section 3 of chapter 88 of the statutes of 1988, is amended by adding the following sentence at the end of the third paragraph: “The councillor designated as leader of the Opposition ceases to act as such when another councillor is designated to hold that office, upon filing with the council or the clerk a notice of resignation from that office or upon termination of the councillor’s term of office as a member of the council.”
4. Section 157 of the said charter, amended by section 5 of chapter 91 of the statutes of 1990, is again amended by replacing “If the chairman and the vice-chairman are absent from a sitting of the council” by “Where the chairman and the vice-chairman are absent from or unable to act at a sitting of the council”.
5. The said charter is amended by inserting the following section after section 165:

“165a. The clerk is authorized to amend any minutes, by-law, resolution, ordinance or other act of the council or executive committee in order to correct therein an error that appears on the face of the documents submitted in support of the decision made or the act performed. In such a case, the clerk shall attach to the original of the amended document the minutes of the correction made and submit a copy of the amended document and minutes of the correction at the following sitting of the council or executive committee, as the case may be.”

6. Section 173a of the said charter, replaced by section 52 of chapter 81 of the statutes of 1965 and amended by section 2 of chapter 85 of the statutes of 1966-67, section 7 of chapter 68 of the statutes of 1970, section 10 of chapter 42 of the statutes of 1980, section 58 of chapter 61 of the statutes of 1984, section 9 of chapter 116 of the statutes of 1986 and section 6 of chapter 85 of the statutes of 1996, is again amended by replacing “d’incapacité d’agir” in the third line of the fifth paragraph of the French text by “d’empêchement”.

7. The said charter is amended by inserting the following section after section 183:

“183.1. Following an agreement with a municipality whose territory forms part of the territory of the Communauté urbaine de Québec, the city may place at the disposal of a fire investigation commissioner appointed under the Fire Investigations Act (R.S.Q., chapter E-8) and responsible for inquiring into a fire or explosion in the territory of that municipality, the investigation and support services it places at the disposal of the investigation commissioner appointed for Ville de Québec.

Twenty-five per cent of the costs incurred for such purposes by the city shall be reimbursed by the municipality according to the terms of the agreement, and 75% of those sums shall be recoverable from the legal persons, companies, mutual or other associations and from any person carrying on the business of fire insurance or the agents thereof, doing business in that municipality, in accordance with the rules prescribed in section 183, with the necessary modifications.”

8. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and amended by sections 2 and 12 of chapter 85 of the statutes of 1966-67, section 11 of chapter 68 of the statutes of 1970, section 6 of chapter 97 of the statutes of 1974, section 10 of chapter 54 of the statutes of 1976, section 2 of chapter 22 of the statutes of 1979, section 11 of chapter 42 of the statutes of 1980, sections 8 and 58 of chapter 61 of the statutes of 1984, section 136 of chapter 27 of the statutes of 1985, section 12 of chapter 116 of the statutes of 1986, section 7 of chapter 88 of the statutes of 1988, section 4 of chapter 84 of the statutes of 1991, section 102 of chapter 30 of the statutes of 1994, section 3 of chapter 55 of the statutes of 1994 and section 9 of chapter 85 of the statutes of 1996, is again amended

(1) by replacing the first paragraph of subsection 1 by the following paragraph:

“(1) The mayor is the chairman of the executive committee; at the first meeting of the executive committee, he shall appoint one of the members as vice-chairman; the latter shall carry out all the duties of the chairman if the chairman is absent or unable to act or in the case of vacancy in such office. The executive committee may designate one of its members to carry out the duties and exercise the powers of the chairman of the executive committee where both the chairman and vice-chairman of the executive committee are absent or unable to act.”;

(2) by replacing “council” in the second line of subparagraph 3 of the third paragraph of subsection 2 by “executive committee”;

(3) by adding “, and prescribe, in that case, that certain contracts or documents or certain categories of contracts or documents do not require the signature of the clerk” at the end of the second paragraph of subsection 16;

(4) by replacing “, accompanied with a report of the treasurer as to its value” in the second and third lines of subsection 28 by “attesting, in particular, its value”.

9. Section 186.16 of the said charter, enacted by section 11 of chapter 85 of the statutes of 1996, is replaced by the following section:

“186.16. Within 60 days after a meeting that establishes or changes the address of the head office or the list of directors, the ward council shall transmit a notice of the address of its head office or a list of its directors, as the case may be, to the Inspector General of Financial Institutions, who shall deposit it in the register.”

10. Section 187 of the said charter, replaced by section 12 of chapter 42 of the statutes of 1980, is amended by replacing “In the absence of the chairman” in the fifth line by “Where the chairman is absent or unable to act”.

11. The said charter is amended by inserting the following section after section 245:

“245a. The city may impose, by by-law, a special tax on any person who, in the territory of the city, operates a business, factory or a financial or commercial establishment, who practises an occupation, art, profession or trade or who carries on an activity constituting a means of profit, gain or livelihood.

The tax referred to in the first paragraph may not, however, be imposed in respect of an activity for which the city imposes a business tax under section 232 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).”

12. Section 254 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53 and section 2 of chapter 85 of the statutes of 1966-67, is repealed.

13. Section 260 of the said charter, replaced by section 14 of chapter 42 of the statutes of 1980, is amended by replacing “The municipal and school taxes imposed upon any lot of land” in the first and second lines by “The prior claims payable to the city that may be secured by a legal hypothec”.

14. Section 271 of the said charter, replaced by section 454 of chapter 72 of the statutes of 1979, is amended by adding the following paragraph at the end:

“An application to the court for the recovery of a prior claim that may be secured by a legal hypothec, filed before the claim is prescribed and served, not later than 60 days after the expiry of the prescription period, on any of the persons from whom the payment may be claimed under section 260, shall interrupt prescription with respect to all those persons.”

15. Section 274 of the said charter, replaced by section 50 of chapter 102 of the statutes of 1937 and amended by section 2 of chapter 85 of the statutes of 1966-67, section 15 of chapter 116 of the statutes of 1986 and section 106 of chapter 30 of the statutes of 1994, is again amended by striking out “, with the debtor’s consent in writing,” in the first paragraph.

16. Section 286*d* of the said charter, enacted by section 1 of chapter 34 of the statutes of 1984, is amended by adding the following paragraph at the end:

“Where two or more authorized parties having the same number of councillors as members could be entitled to the amounts referred to in paragraph 1 or 2 of section 286*c*, the party, among those parties, deemed to have the greatest number of councillors as members is the party having the highest total number of votes obtained by the councillors who were members on the date on which they were deemed to be members. Any such member elected by acclamation is deemed to have received a number of votes equal to the average number of votes received by the other councillors of that party.”

17. Section 295*a* of the said charter, enacted by section 9 of chapter 70 of the statutes of 1950-51, amended by section 2 of chapter 85 of the statutes of 1966-67 and section 107 of chapter 30 of the statutes of 1994, is again amended by inserting “or any other officer designated for that purpose by the executive committee” after “treasurer” in the first line.

18. Section 335 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67 and section 16 of chapter 64 of the statutes of 1982, is again amended by replacing “336*i*” at the end of subparagraph 18 of the third paragraph by “336*h*”.

19. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, section 5 of chapter 104 of the statutes of 1931-32, section 19 of chapter 111 of the statutes of 1935, section 67 of chapter 102 of the statutes of 1937, section 12 of chapter 104 of the statutes of 1938, section 22 of chapter 102 of the statutes of 1939, section 27 of chapter 74 of the statutes of 1940, section 12 of chapter 50 of the statutes of 1943, section 8 of chapter 47 of the statutes of 1944, section 20 of chapter 71 of the statutes of 1945, section 17 of chapter 51 of the statutes of 1948, section 3 of chapter 22 of the statutes of 1950, section 8 of chapter 63 of the statutes of 1951-52, section 4 of chapter 36 of the statutes of 1952-53, section 3 of chapter 52 of the statutes of 1952-53, section 1 of chapter 67 of the statutes of 1955-56, section 9 of chapter 50 of the statutes of 1957-58, section 6 of chapter 96 of the statutes of 1960-61, section 7 of chapter 66 of the statutes of 1963 (1st session), section 5 of chapter 69 of the statutes of 1964, section 2 of chapter 85 of the statutes of 1966-67, section 38 of chapter 86 of the statutes of 1969, sections 29 to 31 of chapter 68 of the statutes of 1970, section 146 of chapter 55 of the statutes of 1972, section 29 of chapter 75 of the statutes of 1972, section 8 of chapter 80 of the statutes of 1973, section 12 of chapter 97 of the statutes of 1974, section 15 of chapter 54 of the statutes of 1976, section 457 of chapter 72 of the statutes of 1979, sections 23, 45 and 51 of chapter 42 of the statutes of 1980, section 272 of chapter 63 of the statutes of 1982, section 17 of chapter 64 of the statutes of 1982, sections 22, 59 and 60 of chapter 61 of the statutes of 1984, section 140 of chapter 27 of the statutes of 1985, section 22 of chapter 116 of the statutes of 1986, section 17 of chapter 88 of the statutes of 1988, section 1 of chapter 81 of the statutes of 1989, sections 1155 to 1168 of chapter 4 of the statutes of 1990, section 9 of chapter 91 of the statutes of 1990, section 15 of chapter 84 of the statutes of 1991, section 702 of chapter 61 of the statutes of 1992, section 34 of chapter 65 of the statutes of 1992, section 108 of chapter 30 of the statutes of 1994, section 22 of chapter 55 of the statutes of 1994, section 20 of chapter 85 of the statutes of 1996 and section 65 of chapter 51 of the statutes of 1997, is again amended

(1) by replacing “permit on payment of a licence” in paragraph 7 by “license”;

(2) by replacing “moyennant” in the French text of paragraph 11 by “au moyen d””;

(3) by replacing “moyennant le paiement d’une licence” in the French text of paragraph 12 by “au moyen d’un permis”;

(4) by replacing “moyennant” in the French text of paragraph 22 by “au moyen d””;

(5) by replacing paragraph 23 in the French text by the following paragraph :

“23. Pour permettre, au moyen d’un permis, et réglementer les ventes à l’encan et pour réglementer et assujettir à l’obtention d’un permis les colporteurs, marchands ambulants et solliciteurs;”;

(6) by replacing “moyennant” in the French text of paragraph 25 by “au moyen d’”;

(7) by replacing paragraph 27 by the following paragraph :

“27. To license and regulate pawnbrokers, second-hand dealers, junk dealers and auctioneers. The by-law may, in particular,

(a) compel those persons to keep a record of their transactions giving a precise description of the property that is the subject of the transaction and the persons involved ;

(b) compel those persons to require documentary proof of identity to be produced and to mention in the record the documents produced ;

(c) prescribe the manner and time limit for transmitting the record or extracts thereof ;

(d) compel those persons to keep in their possession the articles purchased or held by them and prescribe the conservation measures and retention period for those articles ;”;

(8) by replacing “Pour octroyer des permis et imposer des règlements aux” in the French text of paragraph 28 by “Pour réglementer et assujettir à l’obtention d’un permis les”;

(9) by replacing “To license and regulate all” in paragraph 29 by “To license and regulate”;

(10) by replacing “to require from the owner or keeper of such animals a licence” in the third and fourth lines of the first paragraph of paragraph 31 by “to require the owner or keeper of such animals to have a licence”;

(11) by striking out “to fix the rates to be levied on persons selling in the said markets any provisions or commodities whatsoever, or on the said provisions and commodities, or on the vehicles containing the same;” in paragraph 37;

(12) by replacing “used by handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), who use wheel chairs” in subparagraph 8 of paragraph 42a by “bearing an identification sticker authorizing its holder to use the parking spaces reserved for the exclusive use of handicapped persons issued by the government or administrative authority having jurisdiction”;

(13) by adding the following paragraph at the end of paragraph 44b :

“To order, where the owner or administrator of a lane refuses or fails to agree to the carrying out of development, drainage, maintenance or paving work in the lane and the persons holding, as owners, more than 50% of the

total property value of the immovables adjacent to the part of the lane in which the work is to be carried out have so agreed, that the city be allowed to carry out the work and recover the cost thereof, less any subsidy granted under an assistance program; that cost constitutes a prior claim on the land on which the work was carried out. The cost of the work carried out on a part of a lane of which the Public Curator assumes provisional administration pursuant to section 24 of the Public Curator Act (R.S.Q., chapter C-81) may not be claimed from the Public Curator. The cost of the work, other than the cost of the work carried out on a part of a lane of which the Public Curator assumes provisional administration, constitutes a prior claim on the land on which the work was carried out, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec; that cost is secured by a legal hypothec on the land. The Public Curator may not be held liable for injury resulting directly from the carrying out of work in accordance with this paragraph;”;

(14) by replacing paragraph 69 by the following paragraph :

“69. To regulate the use of cycle lanes or pedestrian paths, on or off the street;”;

(15) by replacing “moyennant le paiement d’une licence” in the French text of paragraph 74 by “au moyen d’un permis”;

(16) by replacing “moyennant une licence” in the French text of paragraph 75 by “au moyen d’un permis”;

(17) by replacing “autoriser par permis” in the French text of paragraph 80 by “permettre, au moyen d’un permis,”;

(18) (a) by replacing “empower any person” in paragraph 83 by “license any person”; and

(b) by striking out, in the same paragraph, all the text after “sold on the public markets”;

(19) by repealing paragraph 153;

(20) by replacing, in paragraph 176, “To oblige all persons selling or offering for sale in the streets, squares or public promenades of the said city, any” by “To license the sale or offer for sale in the streets, squares or public promenades of the said city, of any” and by striking out “, to obtain from the said council a license for that purpose, which license shall be valid during the period fixed, and shall be given by the officer named for that purpose by the by-law”;

(21) by repealing paragraphs 187, 189 and 190;

(22) by replacing paragraph 193 by the following paragraph :

“193. To license and regulate devices used in the sale or rental of merchandise or services, including a gaming device the operation whereof is dependant in some way upon the skill or judgment of the person operating it; to determine where the devices may be placed and upon what conditions; the cost of the licenses for these devices that may be collected from the owner or the operator of the device or the occupant of the establishment where it is located;”;

(23) by repealing paragraph 194;

(24) by replacing “autoriser moyennant l’obtention” in the French text of paragraph 208 by “permettre, au moyen”;

(25) by replacing “licences or permits, as the case may be, to limit the number of licences and permits and fix the cost thereof, to prescribe” in paragraph 209 by “permits, to prescribe, in particular.”;

(26) by replacing paragraph 209*a* by the following paragraph:

“209*a*. To regulate the exhibition and sale of artistic works or handicrafts on public property; the by-law may determine classes of artists, artisans or agents and, in respect of one or more classes, may, in particular,

(a) require that artists, artisans or agents secure a permit;

(b) prescribe as one of the conditions for obtaining a permit that artists, artisans or agents be members of an association recognized by the city;

(c) impose rules of conduct and discipline on artists, artisans or agents;

(d) determine the places, dates and hours where and when artists, artisans or agents may engage in their activities;

(e) determine the types or classes of products, objects or works that may be put on sale or exhibited and the processes of production, which may vary according to the types or classes.

The city may entrust the application of such a by-law to a third person;”;

(27) by replacing paragraph 209*b* by the following paragraph:

“209*b*. To regulate the activities of public entertainers on public property; the by-law may determine classes of public entertainers and, in respect of one or more classes, may, in particular,

(a) require that public entertainers secure a permit;

(b) prescribe as one of the conditions for obtaining a permit that public entertainers be members of an association recognized by the city;

(c) impose rules of conduct and discipline on public entertainers ;

(d) determine the places, dates and hours where and when public entertainers may engage in their activities.

The city may entrust the application of such a by-law to a third person ;”.

20. Section 336*b* of the said charter, replaced by section 23 of chapter 55 of the statutes of 1994, is amended by replacing subsection 5 by the following subsection :

“(5) The owner of property occupying the public domain of the city, aboveground or belowground, is liable for any damage or injury as a result of the occupancy and shall take up the defense of the city and hold the city harmless from any claim made against it by reason of such damage or injury.”

21. Section 336*c* of the said charter, enacted by section 18 of chapter 64 of the statutes of 1982, is amended by replacing “336*i*” in the first line by “336*h*”.

22. Section 336*f* of the said charter, enacted by section 18 of chapter 64 of the statutes of 1982, is amended by replacing “336*i*” in the third line of the third paragraph by “29.2 of the Cities and Towns Act (R.S.Q., chapter C-19)”.

23. Section 355 of the said charter is repealed.

24. The said charter is amended by inserting the following section after section 381 :

“381*a*. Notwithstanding section 79 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the documents gathered or prepared more than fifteen years ago by the assessor for the preparation of the roll, whether or not they were used for that purpose, and transferred to the records of the city, are subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

25. Section 388 of the said charter, replaced by section 26 of chapter 42 of the statutes of 1980 and amended by section 273 of chapter 63 of the statutes of 1982, section 20 of chapter 84 of the statutes of 1991 and section 24 of chapter 85 of the statutes of 1996, is again amended by inserting the following paragraph after the fourth paragraph :

“The public notice regarding the tabling of a by-law amending or repealing a zoning by-law is not subject to the thirty-day period mentioned in the third paragraph or to the content prescribed in the fourth paragraph, if the proposed amendment or repeal has been submitted for consultation to the ward council or advisory committee concerned and has been the subject, on the part of the ward council or advisory committee, of a favorable recommendation tabled before the council at the same time as the draft by-law. The advisory committee

or ward council concerned is the advisory committee or ward council where the zone to which the amendment or repeal applies or any zone adjacent to the zone to which the amendment or repeal applies is situated.”

26. Section 394.1 of the said charter, enacted by section 30 of chapter 55 of the statutes of 1994, is replaced by the following section :

“394.1. Except where specially provided for in this charter or in a by-law, every person who contravenes a provision of this charter or a by-law is guilty of an offence and is liable to a fine of not less than \$100 in the case of an offence under the charter or \$50 in the case of an offence under a by-law, nor more than \$1,000, in the case of a natural person, or \$2,000, in the case of a legal person, and, for a second or subsequent offence, to a fine of not less than \$500 nor more than \$2,000, in the case of a natural person, or \$4,000, in the case of a legal person.”

27. Section 419 of the said charter, enacted by section 30 of chapter 42 of the statutes of 1980, is amended

(1) by replacing “description” in the first line of the French text of subparagraph 1 of the first paragraph by “désignation”;

(2) by replacing subparagraph 2 of the first paragraph by the following subparagraph :

“(2) the description must be made according to an official plan deposited in conformity with the Cadastre Act (R.S.Q., chapter C-1) and the Civil Code;”;

(3) by replacing “description” in the first line of the French text of subparagraph 3 of the first paragraph by “désignation” and by replacing “office of the registrar” in the third line of that subparagraph by “registry office”;

(4) by replacing “description” in the French text of subparagraph *b* of subparagraph 4 of the first paragraph by “désignation”.

28. Section 453*c* of the said charter, replaced by section 26 of chapter 84 of the statutes of 1991 and amended by section 35 of chapter 85 of the statutes of 1996, is again amended

(1) by replacing subsection 1 by the following subsection :

“(1) The city is authorized to promote the construction, renovation or restoration of buildings and to acquire, renovate, restore, construct, sell, lease or administer immovables.

The city is also authorized to promote employment development, housing development or, generally, the economic development of the city.

For the purposes mentioned in this subsection, the city may, in particular, participate in any venture capital investment fund, become associated with any person, partnership, cooperative or association, pay a subsidy or grant financial assistance in the form of loans or otherwise.”;

(2) by striking out subsections 3 and 4.

29. Section 453g of the said charter, enacted by section 4 of chapter 89 of the statutes of 1982 and amended by section 34 of chapter 61 of the statutes of 1984, section 21 of chapter 88 of the statutes of 1988, section 276 of chapter 32 of the statutes of 1991, section 514 of chapter 48 of the statutes of 1993 and section 35 of chapter 55 of the statutes of 1994, is again amended

(1) by replacing “an initiatives and development association” in the fifth line of the first paragraph of subsection 1 by “a commercial development association” and by replacing the second paragraph of that subsection by the following paragraph :

“For the purposes of this section, unless the context requires a different meaning,

“place of business” means the premises or part thereof where a ratepayer carries on his activity ;

“ratepayer” means a person carrying on in a place of business, for pecuniary gain or not, an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood, except a charge or employment.”;

(2) by replacing subsection 3 by the following subsection :

“(3) The association may be formed on the application of more than 50% of the ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

The application must conform to the by-law passed under subsection 19 and contain :

(a) the names of the applicants ;

(b) the addresses of their places of business ;

(c) the limits of the proposed commercial district, using street names wherever possible ;

(d) the proposed name of the association ;

(e) the proposed address of its head office.

The application must be accompanied by a list of the names and addresses of the ratepayers having a place of business in the district, a business plan, a draft operating budget for the first year of operation of the association and a sketch of the proposed commercial district. The application must also contain the signature of each of the applicants attesting that he has taken cognizance of the business plan and draft budget attached to the application, and the date of the attestation. To be valid, such an attestation may not be signed more than 90 days before the date of deposit of the application.

There shall be only one applicant per place of business.”;

(3) by replacing subsections 4 and 5 by the following subsections :

“(4) Within forty-five days of receipt of the application, the clerk shall ascertain the conformity of the application and shall report to the executive committee on the conformity of the application and on the percentage of ratepayers having a place of business in the district applying for the establishment of the association.

“(5) Where the application complies with the provisions of subsection 3 and the percentage of ratepayers having a place of business in the district applying for the establishment of the association is greater than 50%, the executive committee shall report to the council, which may then authorize, by resolution, the establishment of the association.

Where the percentage of ratepayers having a place of business in the district applying for the establishment of the association is equal to or less than 50%, the application is denied and no new application may be filed before a period of one year has expired.”;

(4) by repealing subsections 6 to 13;

(5) by replacing subsection 23 by the following subsection :

“(23) The members who have not paid an exigible assessment may not sit on the board of directors of the association and may not exercise their right to vote.”;

(6) by replacing subsection 27 by the following subsection :

“(27) The association shall file with the clerk of the city a copy of its budget and of the rules prescribing the method of computing the assessments approved by its members, where applicable.”;

(7) by replacing subsection 28 by the following subsection :

“(28) The rules governing the computation of the assessments of the members, the payments and the dates they become due shall be established by by-law. The by-law may provide for categories of members and rules governing

the computation of the assessments of the members and for different assessment shares according to the category of members. A category of members may also be excluded from the computation and payment of the assessment. A minimum or maximum limit on the assessment share may be prescribed for all the members or for each category of members.

The board of directors of the association may establish rules governing the computation of assessments that differ from those prescribed by by-law of the city.

The rules governing the computation of members' assessments adopted by the board of directors of an association must be approved by its members, at the general meeting called for the adoption of the budget. The rules approved by the members must be submitted to the executive committee of the city for approval.

Where rules governing the computation of assessments that differ from those prescribed by by-law of the city apply to an association, the association shall supply the city with all information necessary to establish each member's assessment share for the purpose of collecting it or pay to the city all the costs required to establish the share.”;

(8) by replacing subsection 35 by the following subsection :

“(35) Where the application provided for in subsection 33 is for the enlargement of the district of the association, it must be accompanied by a list of the names and addresses of the ratepayers having a place of business in the territory to be added to the district, a business plan, a draft operating budget for the first year of operation following the changes to the limits of the district and a sketch of the limits of the proposed district, using street names whenever possible.

The application must also contain the signatures of 50% of the ratepayers having a place of business in the territory to be added to the district attesting that they have taken cognizance of the business plan and the draft budget attached to the application, and the date of the attestation. To be valid, such an attestation may not be signed more than 90 days before the date of deposit of the application. There shall be only one signatory per place of business.

Subsections 4 and 5 apply, with the necessary modifications.”

30. The said charter is amended by inserting the following section after section 453g :

“453h. The city is authorized to construct or lay out cycle lanes or pedestrian paths, on or off the street.”

31. Section 489b of the said charter, enacted by section 16 of chapter 77 of the statutes of 1950 and amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended

(1) by inserting “while they are employed by the city or are retired,” after “489” in the third line of the second paragraph ;

(2) by striking out the third paragraph.

32. Section 539 of the said charter, replaced by section 29 of chapter 85 of the statutes of 1966-67 and amended by section 16 of chapter 97 of the statutes of 1974, section 1 of chapter 86 of the statutes of 1975, section 37 of chapter 61 of the statutes of 1984, section 58 of chapter 61 of the statutes of 1984, section 59 of chapter 55 of the statutes of 1994 and section 40 of chapter 85 of the statutes of 1996, is again amended by inserting “commercial,” after “others,” in the second line of subparagraph *b* of the second paragraph.

33. Section 541 of the said charter, enacted by section 4 of chapter 114 of the statutes of 1987 and amended by section 60 of chapter 55 of the statutes of 1994, is again amended by adding “, or the Government of Canada, a department or a body of that Government in the case of an agreement excluded from the application of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) to the extent that the powers required for the carrying out of the duties are included in those that the Government may delegate to a municipality” at the end.

34. Section 545 of the said charter, enacted by section 17 of chapter 97 of the statutes of 1974 and amended by section 40 of chapter 42 of the statutes of 1980, section 39 of chapter 61 of the statutes of 1984, section 671 of chapter 91 of the statutes of 1986 and section 38 of chapter 84 of the statutes of 1991, is again amended by replacing the third paragraph by the following paragraph :

“It may regulate the parking of vehicles bearing an identification sticker authorizing its holder to use the parking spaces reserved for the exclusive use of handicapped persons issued by the government or administrative authority having jurisdiction.”

35. Section 545*d* of the said charter, enacted by section 40 of chapter 61 of the statutes of 1984 and amended by section 36 of chapter 116 of the statutes of 1986 and section 5 of chapter 114 of the statutes of 1987, is again amended by replacing “For that purpose, the city shall, before the beginning of the operations and within the time limit prescribed by by-law, erect signs to that effect on the street.” in the first paragraph by “The by-law must provide for the appropriate means to be used, within the time limit prescribed, by the head or the officer to announce the maintenance on public thoroughfares before it begins. An appropriate means includes the installation of signs, in the places determined by the executive committee, indicating the means of obtaining information on the maintenance on public thoroughfares where telephone, radio or television messages or any other similar means of communication are used to disseminate the information or the means of obtaining the information.”

36. The said charter is amended by inserting the following section after section 546 :

“546.1. The city may, by by-law, regulate, restrict or prohibit the traffic of heavy vehicles, buses and minibuses within the meaning of the Highway Safety Code (R.S.Q., chapter C-24.2), or certain classes thereof, according to the reason for their travel. The by-law may in particular

(a) prescribe that a licence be held to travel within the part of its territory classified as a historic district ;

(b) prescribe different rules according to classes of vehicle users ;

(c) prescribe rules to limit access to the part of its territory described in subparagraph *a* of this paragraph, according to the day or time of day.

The city may exercise the powers described in the first paragraph, in respect of bus or minibus traffic, solely in the part of its territory classified as a historic district. The city may exercise the same powers, in respect of heavy vehicles, solely in the part of its territory classified as a historic district comprised within the boundaries described in Schedule 2.

Without limiting the scope of section 627 of the Highway Safety Code, every by-law passed pursuant to this section must, to come into force, be approved by the Minister of Transport.”

37. The said charter is amended by inserting the following section after section 546.1 :

“546.2. Notwithstanding section 546.1, a by-law passed pursuant to that section comes into force at the expiry of 60 days from receipt by the Minister of Transport of a request for approval of the by-law sent by the city if, by that date, the city has not received any reply.”

38. The said charter is amended by inserting the following section after section 554 :

“554*a*. No judicial proceedings or administrative procedure founded upon the omission of a formality, even imperative, in any act of the council, the executive committee or an officer or employee of the city shall prevail, unless the omission has caused actual prejudice or it is of a formality whose omission, according to the provisions of the law, would render the act null.”

39. The said charter is amended by inserting the following sections after section 557 :

“557.1. Before taking office, a judge appointed under section 557 shall make the following oath :

“I swear that I will faithfully, impartially and honestly, and to the best of my knowledge and abilities, fulfil all the duties and exercise all the powers of a judge of the Municipal Court of the city of Québec.”

The oath shall be made before the chief judge of the Municipal Court of the city of Québec or before a judge of the Court of Québec. The writing evidencing the oath shall be transmitted to the Minister of Justice.

“557.2. The functions of the chief judge shall be

(1) to ensure that the general policy of the Court in judicial matters is applied;

(2) to coordinate, apportion and supervise the work of the judges and see to their complementary training;

(3) to ensure that the judicial code of ethics is observed;

(4) to see to the scheduling of the sittings of the Court and the allotment of cases entered on the roll.

The judges must comply with the orders and directives of the chief judge with respect to the matters referred to in subparagraph 2.

“557.3. Where the chief judge is absent or unable to act, the senior judge appointed in accordance with section 561 shall exercise the functions of the chief judge.”

40. Section 567 of the said charter, replaced by section 27 of chapter 88 of the statutes of 1988 and amended by section 44 of chapter 85 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraph:

“567. If the council is of the opinion that, for a limited period, the number of judges is not sufficient for the proper dispatch of business of the Court, the council may request the chief judge of the municipal courts, appointed under section 36.1 of the Act respecting municipal courts (R.S.Q., chapter C-72.01), to designate one or more, part-time or full-time, deputy municipal judges from among the judges of other municipal courts.”

41. Section 568 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is replaced by the following section:

“568. A deputy municipal judge so designated shall exercise the functions of municipal judge for the time indicated and, in all respects, have all the authority and powers conferred upon the judges of the Municipal Court of the city of Québec.”

42. Section 573 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is again amended by replacing “d’incapacité d’agir” in the first line of the French text by “d’empêchement”.

43. Section 589 of the said charter, replaced by section 33 of chapter 74 of the statutes of 1940 and amended by section 3 of chapter 52 of the statutes of 1952-53, section 2 of chapter 85 of the statutes of 1966-67 and section 1208 of chapter 4 of the statutes of 1990, is again amended by replacing the first and second paragraphs by the following paragraph:

“589. The Court shall have jurisdiction and decide summarily any action brought for the recovery of any sum of money due to the city under this charter, a by-law, ordinance or resolution of the council or executive committee.”

44. Section 591 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, section 2 of chapter 17 of the statutes of 1965 (1st session), section 2 of chapter 85 of the statutes of 1966-67 and section 66 of chapter 21 of the statutes of 1988, is again amended by replacing the first paragraph by the following paragraph:

“591. The Municipal Court shall also have jurisdiction and decide any action brought by the city as lessor of property, other than an immovable for housing purposes, situated in its territory.”

45. Section 609 of the said charter, replaced by section 11 of chapter 72 of the statutes of 1941 and amended by section 3 of chapter 52 of the statutes of 1952-53 and section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“609. The city may summon to appear before the Municipal Court any person against whom the city considers that it has just cause to bring an action in a matter over which the Court has jurisdiction.”

46. Section 610 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing “la sommation” in the third line of the French text of the first paragraph by “l’assignation”.

47. Section 613 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, section 2 of chapter 85 of the statutes of 1966-67 and section 1226 of chapter 4 of the statutes of 1990, is again amended by striking out “for a sum of money due to the city”.

48. Section 614 of the said charter is replaced by the following section:

“614. Where the defendant fails to appear or to plead within the time fixed, judgment may be rendered against the defendant by default.”

49. The said charter is amended by inserting the following section after section 616:

“616a. The defendant who has appeared must file his written defence within 10 days from the expiry of the time fixed to appear.”

50. Section 626 of the said charter, amended by section 1234 of chapter 4 of the statutes of 1990, is replaced by the following section:

“626. Where oral evidence is admissible, it may be submitted by the sworn statement of one witness.”

51. Section 632 of the said charter, replaced by section 1238 of chapter 4 of the statutes of 1990 and amended by section 703 of chapter 61 of the statutes of 1992, is again amended by inserting “the court costs and court office fees imposed or collected by the Municipal Court from the party condemned to the court costs and court office fees and” after “herewith,” in the second line.

52. Section 657*a* of the said charter, enacted by section 53 of chapter 84 of the statutes of 1991, is amended by adding “Notwithstanding section 6 of the Act respecting municipal courts (R.S.Q., chapter C-72.01), the city and a local municipality whose territory is situated outside the territory of the Communauté urbaine de Québec are authorized to enter into such an agreement where the city has entered into an agreement relating to police services with the municipality.” at the end of the first paragraph.

53. The heading of the schedule to the said charter is replaced by “SCHEDULE 1”.

54. The said charter is amended by adding the following after SCHEDULE 1:

“SCHEDULE 2

“Starting from a point being the intersection of the projection on the ground of the east side of Autoroute Dufferin-Montmorency (in the direction of Beauport) and the south side of rue Saint-Paul, thence, along the south side of rue Saint-Paul to Marché-du-Vieux-Port (formerly designated as carré Parent), across the said Marché-du-Vieux-Port to its intersection with the south side of rue Saint-André, the south side of rue Saint-André to its intersection with the southwest side of rue Dalhousie, the said side up to its intersection with rue du Marché-Champlain, thence, along the north side of the said street to its intersection with the west side of boulevard Champlain, along the same boundary to its intersection with the southwest side of rue du Petit-Champlain, thence, along a straight line up to the south wall of the Citadel, thence, along the said wall to its intersection with the fortifications wall, along the fortifications wall to its intersection with the extension to the south of rue Honoré-Mercier, along the northeast side of rue Honoré-Mercier, up to its intersection with the west side of the access ramp to Autoroute Dufferin-Montmorency from rue Dauphine, thence, along the west side of the access ramp to its intersection with the east side of the d’Youville parking lot exit, facing Place d’Youville, thence, along the said side to its intersection with the northwest side of the extension of rue d’Aiguillon, across Place d’Youville and rue Saint-Jean, thence, along the said line to the northeast side of Autoroute

Dufferin-Montmorency, the northeast side of Autoroute Dufferin-Montmorency to its intersection with the northwest side of Côte de la Potasse, along the projection on the ground of the east side of Autoroute Dufferin-Montmorency to the starting point.”

55. Section 51 of the Act to amend the charter of the city of Québec (1996, chapter 85) is amended by adding the following paragraph at the end:

“An application for authorization made under the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) with respect to the alienation of the immovables referred to in the first paragraph is deemed to be granted at the expiry of thirty days after its receipt if, by that date, the city has not received any reply.”

56. Section 2 of the Act to amend the Charter of the city of Québec (1989, chapter 81) is amended

(1) by replacing “1999” in the second line of the third paragraph by “2009” and “2009” in the second line of the fourth paragraph by “2019”;

(2) by replacing “in the territory in which the corporation of the Parc technologique du Québec métropolitain carries on its main activities” in the second, third and fourth lines of the fifth paragraph by “in the territory of the Parc technologique du Québec métropolitain situated in the territory of the city”.

57. The contract of sale, minute 1439, executed on 12 January 1961 by notary Paul Larue, registered in the registry office of the registration division of Québec on 18 January 1961 under the number 483,974, by which the city of Québec transfers land to the Canadian Red Cross Society to be used for the establishment of a clinic or blood donor bank may not be declared null on the ground that the contract was not ratified by the Legislature or that part of the land transferred was in the nature of a street.

58. Section 18 of the Act to amend the charter of the city of Québec (1938, chapter 104), replaced by section 8 of chapter 74 of the statutes of 1940 and amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by inserting “, a sale by the creditor, a sale under judicial authority” after “insolvency” in the first line.

59. The remuneration and expense allowances paid to the members of the council of the city for the performance of their duties on the executive committee or board of directors of the Commission de l'exposition provinciale de Québec, now ExpoCité, during the years 1990 to 1998 inclusive, are deemed to have been paid in accordance with the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

60. Paragraph 14 of section 19 and section 30 have effect from 15 June 1978.

61. Section 31 has effect from 25 October 1978.

62. This Act comes into force on 13 December 1999 except section 29, which comes into force on 1 October 2000.