

(e) by striking out the sixth paragraph;

(2) section 303 is amended by substituting the words “secretary of the transition committee of Montréal” for the words “secretary of the Community”; and

(3) section 305 is amended by substituting the words “council of Ville de Montréal formed during the general election of 4 November 2001” for the word “Council”.

279. The budget of the Société de transport shall be submitted to the council of Ville de Montréal at the sitting convened to adopt the city’s budget.

280. The first paragraph of section 197 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) applies, adapted as required, to the budget of the Société de transport.

281. Section 291.14 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., c. C-37.2) is amended as follows:

(1) the word “Council” means, from the time the majority of candidates elected in the general election of 4 November 2001 of Ville de Montréal have taken oath, “the council of Ville de Montréal formed of those elected officers”;

(2) by striking out the first sentence of the fourth paragraph of that section.

## CHAPTER XI FINAL

282. In case of inconsistency between a provision of this Schedule and a provision contained in the Charter of the city, the former shall prevail.

283. No provision of this Schedule and no provision maintained into force by this Schedule has the effect of limiting the scope of a provision, contained in any act that applies to the city or any municipality in general or any of their bodies, for the sole reason that it is similar to such a provision but is written in more specific terms.”

27. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

Schedule A  
(s. 222)

Schedule A consists of the schedule to chapter 69 of the Statutes of 1992 respecting Technoparc Saint-Laurent that continues to apply for that purpose.

Schedule B  
(s. 240)

Schedule B consists of the schedule to chapter 95 of the Statutes of 1999 respecting Technoparc Saint-Laurent that continues to apply for that purpose.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

4660

Gouvernement du Québec

### O.C. 1309-2001, 1 November 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56)

#### Charter of Ville de Québec

WHEREAS the Charter of Ville de Québec (2000, c. 56, Schedule II) was enacted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter and the Communauté urbaine de Québec are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS section 9 of that Charter enables the Government to determine, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter or the Communauté urbaine de Québec, the provisions that are to apply to all or any part of the territory of Ville de Québec;

WHEREAS an order pursuant to section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act;

(3) derogating from any provision of the Charter of Ville de Québec, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those Acts;

It is ordered, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal:

That the Charter of Ville de Québec (2000, c. 56, Schedule II), amended by chapter 25 and chapter 26 of the Statutes of 2001, be further amended as follows:

1. Section 8 of the Charter, amended by section 310 of chapter 25 of the Statutes of 2001, is further amended

(1) by substituting the following for the first paragraph:

“8. Subject to section 8.6, the expenditures relating to any debt of a municipality referred to in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine whether the financing or surplus should burden or be credited to only part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures relating to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures relating to a debt of a municipality referred to in section 5 for the 2001 fiscal year were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed for that fiscal year by revenues from a tax imposed for that purpose on all the taxable immovables situated in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, in establishing the tax burden provided for in section 130.1, charge to the revenues derived from the taxation specific to the non-residential sector in the territory concerned a percentage of the financing of the expenditures relating to that debt that is greater than the percentage corresponding to the quotient obtained by dividing the sum of those revenues by the total revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 8.6 and derived from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those forecast in the budget for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those of later forecasts indicates that the budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several successive statements are filed, the most recent one shall be considered.

For the purposes of the third paragraph, “revenues derived from the taxation specific to the non-residential sector” means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed;

(4) revenues from the sum in lieu of a tax referred to in any of subparagraphs 1 to 3 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it were the tax itself.”;

(2) by substituting the words “Are deemed to constitute expenditures relating to a debt of a municipality referred to in section 5 and financed by revenues derived from its entire territory the” for the word “The” in the first line of the second paragraph;

(3) by substituting the words “that municipality” for the words “a municipality referred to in the first paragraph” in the fourth line of the second paragraph;

(4) by substituting the words “. The foregoing also applies to the” for the words “, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The” in the sixth, seventh and eighth lines of the second paragraph;

(5) by substituting “section 5” for “the first paragraph” in the tenth line of the second paragraph;

(6) by deleting the words “shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality” in the eleventh, twelfth and thirteenth lines of the second paragraph;

(7) by substituting the word “sixth” for the word “second” in the third and ninth lines of the third paragraph;

(8) by substituting the words “Are deemed to constitute a surplus or expenditures relating to a debt of a municipality referred to in section 5, respectively, the” for the word “The” in the first line of the fourth paragraph; and

(9) by deleting the words “shall continue to be credited to or to burden, as the case may be, all or any portion of the taxable immovables of the sector made up of the territory of that municipality” in the third, fourth and fifth lines of the fourth paragraph.

2. Section 8.5 of that Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended by deleting the words “the taxable immovables situated in” in the sixth and seventh lines of the second paragraph.

3. Section 8.6 of the Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended

(1) by substituting the words “Notwithstanding the foregoing, such decision may not cover what is deemed, under one of the last three paragraphs of section 8, to constitute such expenditures. The following expenditures also may not” for the words “The following expenditures may not” in the first line of the second paragraph;

(2) the number “7” is substituted for the number “4” in the fourth line of the third paragraph;

(3) by substituting “in accordance with section 8” for the words “using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality” in the third and fourth lines of the fourth paragraph;

(4) by inserting the words “, notwithstanding section 6,” after the word “that” in the fifth line of the fourth paragraph;

(5) by inserting the words “and considered in establishing the aggregate taxation rate of the municipality” after the word “taxation” in the second line of subparagraph 4 of the fifth paragraph;

(6) by inserting the words “or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)” at the end of subparagraph 8 of the fifth paragraph; and

(7) by adding the following paragraphs after the fifth paragraph:

“For the purposes of the third and fifth paragraphs, the revenues of the municipality for the 2001 fiscal year are those forecast in the budget for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those of later forecasts indicates that the budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the 2002 fiscal year. If several successive statements are filed, the most recent one shall be considered.

The third, fourth and fifth paragraphs of section 8 apply, with the necessary modifications, in respect of the expenditures that the city decides, under the fourth paragraph of this section, to finance by revenues derived from all its territory, but not from a source of revenue imposed specifically for that purpose, and not reserved for other purposes.”.

4. Section 10 is amended by inserting, in the second paragraph and after the word “number”, the words “or name”.

5. The following is substituted for the first paragraph of section 23:

“**23.** The executive committee shall determine the place, the dates and the times of its regular meetings.”.

6. The following is substituted for section 27:

“27. The meetings of the executive committee are closed to the public unless it considers that, in the interest of the city, its proceedings should be public.”

The following is substituted for section 33, which was amended by section 315 of chapter 25 of the Statutes of 2001:

“33. The executive committee may adopt an internal management by-law with respect to its meetings and to the conduct of its affairs. The by-law may provide for the delegation of a power that the Charter, another Act, an order or a by-law confers upon the executive committee, to an officer or employee of the city and determine the conditions and procedures for the exercise of the delegated power.”

8. The following title is substituted for the title of Division IV of Chapter II:

“Ward Councils and Public Consultation”.

9. Section 35 is amended by deleting the second paragraph.

10. The following is inserted after section 35:

“35.1. The procedure to establish a ward council may be initiated on the application of 300 persons who are electors residing in the ward or who are persons representing a commercial, industrial, institutional or community institution situated in the ward.

The application must be made in accordance with the provisions of the by-law passed under section 35.12 and must be filed with the clerk of the city.

35.2. Within 30 days of receipt of an application, the clerk shall verify, *prima facie*, the qualification and number of applicants and whether the application complies with the by-law under section 35.12. The clerk shall report to the executive committee not later than the first meeting after the expiry of the thirty-day period.

The qualification and number of applicants shall be verified by means of the list of electors used in the most recent city polling, the property assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., c. E-12.2).

35.3. If the application complies with section 35.1 and with the by-law under section 35.12, the executive committee shall call a public meeting to decide on the establishment of the ward council and shall publish the notices provided for in the by-law under section 35.12.

35.4. A poll must be held at the end of the public meeting called to decide on the establishment of the ward council. Only persons of full age who have resided in the territory of the city for at least 12 months from the date of the filing of the application and who are residing in the ward or the persons of full age who represent a commercial, industrial, institutional or community institution situated in the ward are entitled to vote.

The clerk is responsible for the holding of the poll and must determine, *prima facie*, whether the persons wishing to vote are qualified by means of the list of electors used in the most recent city polling, the property assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., c. E-12.2).

If the clerk is unable to ascertain, *prima facie*, whether a person is qualified to vote, the person must attest his identity and qualification. A person having so attested is entitled to vote.

The clerk shall report the result of the poll to the council at the first meeting following the vote.

35.5. The calling and holding of the public meeting to decide on the establishment of a ward council or the holding of the poll are not invalid by reason of the fact that one or more persons did not receive or learn of notices prescribed by the council in the by-law under section 35.12.

35.6. Following an affirmative vote of the majority, the council may, by resolution, authorize the establishment of the ward council. Otherwise, the council shall deny the application and no new application may be filed before the expiry of a one-year period.

35.7. The resolution authorizing the establishment of the ward council shall indicate the limits of the ward and the legal name of the ward council, which shall be composed of the words “Le conseil de quartier de” followed by the name of the ward.

35.8. The head office of the ward council must be situated within the limits of the ward or, with the authorization of the council, may be situated at any place within the city’s territory.

35.9. The clerk shall send two certified copies of the resolution authorizing the establishment of the ward council or of any by-law changing the limits of a ward to the Inspector General of Financial Institutions, who shall file one copy thereof in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) and send the other copy to the clerk.

**35.10.** From the date of the filing of the resolution or by-law, the ward council shall be a legal person within the meaning of the Civil Code of Québec.

**35.11.** Wherever it applies, Part III of the Companies Act (R.S.Q., c. C-38) shall govern the ward council, subject to sections 35.1 to 35.17 and to the council's by-laws approved by the Inspector General of Financial Institutions.

However, section 98, except paragraphs *j* and *k* of subsection 3 and sections 113, 114 and 123 of that Act, with the necessary modifications, shall apply, subject to sections 35.1 to 35.17 and to the council's by-laws approved by the Inspector General of Financial Institutions.

**35.12.** The city council may, by by-law, establish the application formalities for forming a ward council, in particular, the procedure for the calling and holding of the public meeting to decide on the establishment of the ward council and the duration of and procedure for the polling.

The by-law must at least provide for the publication, once a week for two consecutive weeks, in a newspaper circulated in the city's territory, of a notice indicating the day, time and place of the holding of the public meeting to decide on the establishment of the ward council.

**35.13.** The council shall determine, by by-law, the formalities for the calling and holding of the organization meeting, the respective responsibilities of the general meeting of the members and of the board of directors of the ward council, the number of members on the board of directors and their term of office, and any matter relating to the organization, operation and dissolution of the ward council. The by-laws must be approved by the Inspector General of Financial Institutions and come into force on the date of the approval.

The council shall approve the internal management by-laws of the ward council.

**35.14.** 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 send a notice of the new address or list of its directors, as the case may be, to the Inspector General of Financial Institutions, who shall file it in the register.

**35.15.** Persons of full age who reside in the ward and persons of full age who represent a commercial, industrial, institutional or community institution situated in the ward shall be members of the ward council and are entitled to vote.

**35.16.** The city may, on the conditions it determines, grant subsidies to ward councils or assist them financially by means of loans or otherwise.

**35.17.** A ward council must report to the city council and to the borough council on its activities at the time and in the manner prescribed.”.

11. The following is substituted for section 36:

“**36.** The city council must, by by-law, adopt a public consultation policy. The by-law must indicate the matters in respect of which the city intends to consult as part of its decision-making process and the manner in which it intends to carry out the consultation. The by-law must, in particular, specify the matters to be submitted for consultation to ward councils.

The clerk must, at least 15 days before the meeting at which the council is to pass the by-law or an amending by-law, publish a notice indicating the date, time and place of the council meeting at which the by-law is to be submitted for passage, and indicating that any interested person may be heard in relation to the by-law by the council or by a council committee established for that purpose. The notice must include the main elements of the public consultation policy or the proposed amendments and must indicate where the by-law may be examined or where a copy may be obtained.

The council may establish a committee composed of the members it appoints to hear interested persons and to report to it.

**36.1.** The city council must consult with the ward council

(1) on a draft by-law to be put forth at a public consultation meeting under sections 125 to 127 of the Act respecting land use planning and development (R.S.Q., c. A-19.1); and

(2) on matters listed in the by-law respecting the public consultation policy adopted under section 36.

The ward council may also, on its own initiative, give its advice to the city council or borough council on any other matter concerning the ward.

Notwithstanding the first paragraph, the city council may, by by-law passed with a two-thirds majority of members' votes, authorize the executive committee to exclude from the ward council's consultation certain draft by-laws that are to be submitted to public consultation under sections 125 to 127 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

The by-law must specify the matters referred to in the draft by-laws that will be excluded from the ward council's consultation and the criteria that the executive committee must take into consideration. The criteria may provide, in particular, that the executive committee may exclude from the ward council's consultation certain draft by-laws only if, in its opinion, the draft by-law has no impact on or is of little consequence to authorized uses or implementation standards applicable to the areas subject to the draft by-law.

12. Section 43 is amended by deleting the second sentence.

13. The following is inserted after section 70.1, enacted by section 321 of chapter 25 of the Statutes of 2001:

**“70.2.** The borough council shall obtain the authorization of the city council before granting a subsidy to a non-profit body that has instituted legal proceedings against the city.

The city may claim from a non-profit body all or any part of a subsidy used for a purpose other than the purpose for which it was made by the city council or a borough council.”.

14. Section 114, amended by section 330 of chapter 25 of the Statutes of 2001, is further amended by substituting the following for the second paragraph:

“Subject to the provisions of this Act or of an order of the Government under section 9, the borough council shall exercise, on behalf of the city, all the powers within its jurisdiction and is subject to all the obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (R.S.Q., c. C-19) or another Act, with the necessary modifications, other than the powers to borrow, to impose taxes and to sue and be sued.”.

15. Section 129.1, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by inserting “, of section 8” after the word “division” in the third line of the second paragraph.

16. The following is inserted after section 129.1, enacted by section 338 of chapter 25 of the Statutes of 2001:

**“129.2.** Where, under any provision of this Division, revenues of the city or a municipality referred to in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in the budget adopted for both fiscal years shall be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and those of later forecasts, indicates that budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several successive statements are filed, the most recent one shall be considered.”.

17. Section 130.1, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended

(1) by inserting the following after subparagraph 2 of the second paragraph:

“2.1 the revenues considered in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2;”; and

(2) by adding the following after the third paragraph:

“For the purposes of subparagraphs 2 and 3 of the second paragraph, the word “immovables” means business establishments when the business tax or the amount standing in lieu thereof is involved.”.

18. Section 130.7, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words “last three” for the words “second and third” in the first line of the second paragraph.

19. Section 131, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words “last three” for the words “second and third” in the first line of the second paragraph.

20. Section 131.2, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words “last three” for the words “second and third” in the first line of the second paragraph.

21. Section 131.5, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words “of the municipality concerned” for the words “that the municipality concerned estimated” in the sixth line of the first paragraph.

22. Section 174, amended by section 353 of chapter 25 of the Statutes of 2001, is further amended by adding the following paragraph at the end:

“The mayor shall determine the place, date and time of the first meeting of any borough council. If that meeting is not held, the mayor shall fix another meeting.”

23. The following is added after section 174:

“**174.1.** Any person who is appointed by the transition committee or becomes a member of the personnel of the city in a position involving duties necessary for the holding of a meeting of the city council or of a borough council, for the decision-making of such a council or for the performance of an act that such a council may perform before the date of constitution of the city is deemed to be acting in the performance of duties in respect of those necessary duties performed before the date of constitution of the city.”

24. Section 175, amended by section 354 of chapter 25 of the Statutes of 2001, is further amended

(1) by deleting the words “At the first meeting,” in the first line of the first paragraph; and

(2) by adding the following after the third paragraph:

“The treasurer or secretary-treasurer of a municipality referred to in section 5 who is not already required to carry out section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), section 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision of the charter of the municipality is required to file, before the 2002 fiscal year budget of the city is adopted, at least the comparative statement on revenues provided for in the said section 105.4.”

25. The following is added after Schedule II-B:

## “SCHEDULE II-C

(provisions enacted under section 9)

### CHAPTER I THE CITY COUNCIL

1. At the first meeting following a general election, which shall be presided by the clerk, the city council must designate a member of the council other than the mayor to preside at its meetings. The mayor shall have a casting vote when participating in a tie vote.

The designated member may refuse the office of city council chair or resign the office.

2. The city council may appoint one of its members as vice-chair to replace the chair when the latter is absent or wishes to take part in proceedings. When acting as chair of the council, the vice-chair has the same privileges and duties as the chair, except the entitlement to additional remuneration provided for in a by-law under the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

3. If the chair and vice-chair are absent from or unable to act at a meeting of the council, the council shall choose one of its members to preside. The clerk shall preside until a chair is chosen.

4. For the purposes of section 331 of the Cities and Towns Act (R.S.Q., c. C-19), “mayor” refers to the “council chair”.

5. Notwithstanding section 56 of the Cities and Towns Act (R.S.Q., c. C-19), at its first meeting the council shall elect an acting mayor from among its members for the term it determines.

The acting mayor has all the duties, privileges and authority of the mayor, except as regards the executive committee, when the mayor is absent or is unable to discharge the duties of that office.

If the council does not elect an acting mayor at its first meeting after a general election or at the expiry of the term for which a member has been elected acting mayor, the election may be held at a subsequent meeting.

The council must immediately fill any vacancy in the office of acting mayor.

6. The mayor is the *ex officio* chair of all special bodies, commissions or committees of the city and may take part in the proceedings and vote. However, the mayor may move the designation of another council member as chair. If the chair is absent from or unable to act at a meeting, the members present shall designate from among themselves a chair to preside at that meeting.

7. A member of the executive committee, other than the mayor, or a borough chair may be recognized as performing the duties of their office on a full-time basis.

To be so recognized, the executive committee member or the borough chair must perform the duties of councillor and executive committee member or, as the case may be, as borough chair on a full-time basis with the mayor’s consent and file with the clerk a written statement of that fact, together with the mayor’s consent.

If the duties are no longer performed on a full-time basis, the executive committee member or the borough chair, as the case may be, must file a written statement to that effect with the clerk as soon as possible. If the mayor’s consent is withdrawn, the mayor must file a written statement to that effect with the clerk as soon as possible. Upon the filing of either declaration, the executive committee member or the borough chair, as the case may be, ceases to be recognized as performing the duties on a full-time basis.

The clerk shall table before the council any document filed under this section at the first meeting following the filing.

No executive committee member and no borough chair may lease their services or work for any person other than the city and they shall devote their time exclusively to the duties of their offices.

However, the executive committee member or borough chair may, with the authorization of the council, hold an office, with or without remuneration, on the council or on the board of directors or executive committee of a public or parapublic body or of a non-profit body whose purpose is charitable, scientific, cultural, artistic, social or sport.

8. Notwithstanding the Act respecting the remuneration of elected municipal officers (R.S.Q. c. T-11.001), the office of opposition leader is a special position that may give rise to an additional remuneration in a by-law under section 2 of the said Act. The additional remuneration granted to the opposition leader in such a by-law may not differ from the additional remuneration granted to the members of the executive committee.

For the purposes of this section, the opposition leader shall be the councillor designated by the councillors of the political party with the greatest number of elected representatives, other than the political party to which the mayor belongs. If more than one political party, other than the mayor's, has the same number of elected councillors, the opposition leader shall be the councillor designated by the councillors of the political party, among those political parties, that obtained the greatest number of votes for the office of mayor and the offices of councillors.

Notice of the designation of the opposition leader shall be submitted to the council by a councillor of the political party that made the designation, and the designation may be amended at any time. The councillor designated as opposition leader shall no longer perform the duties of that office when another councillor is designated as opposition leader, when a notice of the resignation of the opposition leader is tabled before the council or filed with the clerk or upon the expiry of the opposition leader's term as member of the council.

The opposition leader may be recognized as performing the duties of that position on a full-time basis.

To be so recognized, the opposition leader must file with the clerk a written statement attesting that the duties as councillor and opposition leader are performed on a full-time basis. If the duties as councillor and

opposition leader are no longer performed on a full-time basis, the opposition leader must file with the clerk a written statement of that fact as soon as possible.

The clerk shall table before the council any document filed under this section at the first meeting following the filing.

Section 7, with the necessary modifications, applies to the opposition leader.

9. Any application, by-law or report submitted to the city council by the executive committee must, except as otherwise provided, be approved, rejected, amended or referred back by a two-thirds majority of the votes of the members present at the meeting.

## **CHAPTER II**

### **THE EXECUTIVE COMMITTEE**

10. If both the chair and vice-chair of the executive committee are absent or unable to act, the executive committee may designate one of its members to perform the duties and exercise the powers of the chair of the executive committee.

11. Subject to the jurisdiction of a borough council, the executive committee performs the executive functions of the government of the city and shall report to the city council on any matter that is not under the jurisdiction of the executive committee. The executive committee shall report to the council within 30 days of the adoption of a resolution asking it to report on a matter under the jurisdiction of the council. The executive committee shall inform the council of its decisions and suggestions by means of reports signed by its chair.

12. The minutes of the proceedings and votes of the executive committee shall be entered in a book kept for that purpose by the city clerk. The minutes shall be signed by the clerk and the member who presided at the meeting. Where the latter is not the chair and is unable to sign due to absence, inability to act or vacancy in that member's office, the chair shall sign in the member's place.

13. The appropriations voted by the council in a budget, a loan by-law or otherwise, except appropriations that are part of a borough allocation, remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they were voted without further approval by the council.

14. The executive committee may establish rules for the transfer of funds or appropriations already voted in a budget item as well as for transfers from the contin-

gency fund, except funds or appropriations of a budget managed by a borough council and any contingency fund that may be part of such a budget. The rules may provide that the transfers may be authorized by the executive committee, the director general or the head of a department.

15. The executive committee shall see that the laws, by-laws, resolutions and contracts under the jurisdiction of the city council are faithfully complied with.

16. The city council and borough councils shall communicate with the departments through the executive committee. In their dealings with the executive committee, the city council and borough councils shall act by resolution. Council members must apply to the director general for information concerning a department.

17. The borough council shall communicate with the head of the administrative units in the borough through the borough manager. However, the borough council may at any time summon the management of the administrative units under its authority to provide any required information.

18. The executive committee shall approve all public calls for tenders in matters under the jurisdiction of the city council.

19. The executive committee may, after having called for and received public tenders, award on its own any contract within the jurisdiction of the city council for an amount that does not exceed the amount made available for that purpose.

20. The executive committee may, on a report of the director general, borough manager or head of the department concerned that attests its value, alienate or transfer, in the manner it determines, any property whose value does not exceed \$10 000.

21. The executive committee may grant subsidies of \$100 000 or less and any form of assistance that does not exceed that amount.

22. The executive committee may authorize, for a limited time and on the specific conditions it shall determine in each case, the occupancy of public or private land or the construction or occupancy of a building contrary to a municipal by-law for the purpose of making a film.

23. On a report of the borough manager or the head of the department concerned stating that public safety is endangered, the executive committee may order the owner of an unoccupied building to have the building kept

under watch in accordance with the terms and conditions the executive committee determines.

If the owner fails to comply with the order within 24 hours after it has been served or after a notice has been published in a newspaper if the owner is unknown, untraceable or unidentifiable, the executive committee may have the building kept under watch at the expense of the owner. The expenses thus incurred constitute a prior claim on the immovable in respect of which they are incurred, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The expenses are secured by a legal hypothec on the immovable.

24. The executive committee shall dispose of any lost or forgotten property that is held by the city in accordance with the Civil Code of Québec.

However, the city may destroy any dangerous lost or forgotten property upon becoming the holder thereof and shall not be required to compensate the owners of the property.

Perishable property may be alienated or destroyed immediately. If it is claimed after alienation, the city shall be liable only for the repayment of the proceeds of the sale, less incurred costs.

25. The executive committee may cause to be sold at auction, after notice in a newspaper circulated in the territory of the city or by public tender, any unclaimed motor vehicle in its possession.

If the vehicle bears a registration plate, it may be sold at the end of 30 days after the police department sends a notice by registered mail to the owner of the vehicle at the last address reported to the Société d'assurance automobile du Québec. However, if the vehicle was manufactured more than seven years previously, that time limit is reduced to 10 days.

If the vehicle bears no registration plate and its owner cannot be identified by other means, it may not be ordered sold before the end of two months after its possession by the city.

If the vehicle has no motor or is fit only for scrap, it may be destroyed without further formality and the owner shall have no recourse.

The owner shall reimburse the city for all costs incurred for the storage and disposal of the vehicle. If it is claimed after the sale, the city shall be liable only for the proceeds of the sale, less incurred costs and other expenses for its conservation.

### CHAPTER III THE DIRECTOR GENERAL

26. For the purposes of the second paragraph of section 113 of the Cities and Towns Act (R.S.Q., c. C-19) the authority of the director general is that of a mandatory of the executive committee.

27. The director general may attend the meetings of a borough council and shall exercise the powers referred to in paragraph 7 of section 114.1 of the Cities and Towns Act (R.S.Q., c. C-19).

Notwithstanding paragraph 7 of the said section, the director general does not require the permission of the chair of the meeting to give advice and make recommendations on the matters under discussion at meetings of the executive committee.

### CHAPTER IV HUMAN RESOURCES

28. On a report of the executive committee that may not be amended, the city council shall appoint the director general, the clerk, the treasurer, the assessor, the chief auditor, department heads and borough managers and their respective deputies or assistants, as required. Appointments shall be made by a resolution adopted by a majority vote of the council members, except the chief auditor whose appointment must be made by a resolution adopted by a two-thirds majority of the members. The city council may, by a two-thirds majority vote of its members and, in respect of a borough manager, after receiving the advice of the borough council, take disciplinary action against them or suspend or dismiss them.

29. The executive committee shall appoint the other permanent employees of the city. Subject to the powers of a borough council, it may take disciplinary action against the employees, and suspend or dismiss them.

30. Department heads or borough managers may, in accordance with the terms and conditions prescribed by the executive committee and those contained in any applicable collective agreement, determine the hiring, transfer, suspension or dismissal of non regular and non permanent employees of the department or assigned to the borough by the city.

31. For the purposes of the second paragraph of section 52 of the Cities and Towns Act (R.S.Q., c. C-19) and the third paragraph of section 113 of the Act, the suspension shall remain in effect until the city council, the borough council or the executive committee, according to their respective jurisdictions, at its next meeting, rules on the suspension.

The executive committee may temporarily suspend an officer or employee appointed by the council. The suspension shall remain in effect until the council, at its next meeting, rules on the suspension.

32. If a department head or borough manager to whom the council has not appointed a deputy or assistant is absent or unable to act, the executive committee may appoint a replacement who shall have, during the term of that appointment, all the powers and duties of the department head or borough manager replaced.

If the director general is absent or unable to act, the executive committee shall designate as the director general's replacement a deputy director general previously appointed by the council or, if that is not possible, another person. That person shall have, during the term of that appointment, all the powers and duties of the director general.

33. The executive committee shall prepare and submit to the council every job classification plan and the related compensation policy.

34. Each job description and classification must be approved by the executive committee. It shall determine the salaries of all the employees of the city except those appointed by the council.

35. For the purposes of section 45 of the Charter, the clauses of a collective agreement relating to the matters referred to in that section may not be negotiated and agreed on by the borough council until a collective agreement has been entered into under section 42 of the Charter.

Every agreement on the matters referred to in the first paragraph is deemed to form part of the collective agreement referred to in the first paragraph.

### CHAPTER V GENERAL POWERS

36. The city council shall, not later than 31 December 2003, adopt by by-law a management framework for the administration of the city. The by-law must, *inter alia*, state the city's objectives as to the level and the quality of its services to the public and contain a strategic plan stating its mission, strategic guidelines, results targeted over the period covered by the plan, and the intervals at which it the plan is to be reviewed.

The city's strategic plan must also state the city's course of action and the objectives it wishes to reach through its mandatory bodies or agencies or bodies at least half of whose executives are appointed by the city or at least half of whose operating budget is financed by the city.

37. The city may, for the purposes within its jurisdiction and, in particular, for the purpose of promoting the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with an agency representing or administering Canadian or foreign local or regional communities. The city may also join associations or groups of persons or agencies representing or administering Canadian or foreign local or regional communities and participate in their activities.

38. The city may give any of its property that is no longer needed. The procedure provided in paragraph 2.1 of subsection 1 of section 28 of the Cities and Towns Act (R.S.Q., c. C-19), with the necessary modifications, applies to the gift.

If the property referred to in the first paragraph is an immovable, the gift also requires the authorization of the Minister of Municipal Affairs and Greater Montréal unless it is a transfer by gratuitous title of a servitude to a public utility, to Her Majesty or to a municipality.

39. The city council or a borough council may enter into agreements to entrust all or part of the administration, operation and management on its behalf of the property belonging to it or which it has the use of and the programs or services within its jurisdiction, with the exception of those concerning traffic, peace, public order, decency and good morals.

The agreements are not subject to sections 573 to 573.3.2 of the Cities and Towns Act (R.S.Q., c. C-19) if they are made with the Government, one of its departments, mandataries or agents, with the Communauté métropolitaine de Québec or, where they relate to environmental protection or development, resource conservation, recreation or community matters, if they are made with a non-profit body to which the city may grant subsidies.

40. Notwithstanding sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19), the city may enter into an agreement with a railway company to have work carried out on a railway right-of-way.

41. The city may authorize an agreement with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), a public utility or a non-profit body for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services, or for the carrying out of joint works, whether simultaneous or related to works carried out by such body and, where required for that purpose, make a joint call for tenders to award the contracts.

A party to a joint call for tenders may delegate, to another party all or any of the powers necessary to call for tenders or award the contracts. In that event, the acceptance of a tender by the delegated party shall bind the city and each participating body or enterprise towards the selected tenderer.

The total amount of the contract following a joint call for tenders must be taken into consideration by the delegated party for the purposes of the rules governing the awarding of contracts.

Notwithstanding any contrary provision, any party to a joint call for tenders is subject to sections 573 to 573.3 of the Cities and Towns Act (R.S.Q., c. C-19). The Minister of Municipal Affairs and Greater Montréal may exempt the city, a body or an enterprise from the application of all or some of the provisions.

For the purposes of the first, second and third paragraphs, a borough council in its fields of jurisdiction and the executive committee in respect of other matters may authorize an agreement for the purpose of acting jointly with a body or an enterprise and delegate to that body or enterprise all or any of the powers necessary to make a joint call for tenders. A borough council and the executive committee may also delegate the awarding of contracts within their jurisdictions.

42. The city may, when carrying out works, enter into an agreement with a public utility for the carrying out of works on behalf of the utility and at its expense.

43. The city may enter into an agreement with the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., c. S-4) or with a department referred to in the second paragraph of section 4 of that Act for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services or for the carrying out of works.

The party responsible for carrying out an agreement under section 43 may, by agreement, delegate that responsibility to the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement or to a department referred to in the second paragraph of section 4 of that Act.

The rules governing the awarding of contracts by the city do not apply to acquisitions made or conditions of acquisition negotiated by the General Purchasing Director or a department in accordance with the regulations under the Public Administration Act (2000, c. 8).

The city may enter into an agreement for the same purpose with a body referred to in the second paragraph of section 29.9.2 of the Cities and Towns Act (R.S.Q., c. C-19).

The third paragraph of section 29.9.2 of the Cities and Towns Act (R.S.Q., c. C-19) applies, with the necessary modifications, to acquisitions made under an agreement referred to in the first paragraph.

44. The city and the Public Protector may enter into an agreement whereby the city becomes subject to the jurisdiction of the Public Protector.

The agreement may, *inter alia*,

(1) provide that the expenses incurred in carrying out the agreement will be borne by the parties in the proportion determined in the agreement;

(2) fix the term of the agreement and, where appropriate, stipulate the terms and conditions for its renewal;

(3) contain any other particular necessary for its implementation.

For the purposes of an agreement under the first paragraph, the Public Protector shall exercise, in respect of the city, the powers conferred on him by the Public Protector Act (R.S.Q., c. P-32), with the necessary modifications.

45. The city and a contiguous municipality have authority to make arrangements for the carrying out of works of any kind, including maintenance, snow removal and widening operations, in the public streets or public squares situated partly in the territory of the city and partly in that of the other municipality or entirely in one or the other but bordering their common boundary.

The city and the municipality have authority to apportion among their respective ratepayers their share of the cost of such works, including expropriations and all incidental expenses, in the same manner and with the same effect as if the work had been carried out within their own boundaries.

Failing an arrangement, the city or the municipality may apply to the Commission municipale du Québec to compel the other to carry out or pay for the works in the proportion determined by the Commission municipale du Québec.

46. The city has all the powers required to carry out the duties and obligations under any agreement between the city and the Government of Québec or any of its

departments, agencies or mandataries or the Government of Canada, a department or agency of the Government of Canada in respect of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. 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.

47. The city and Université Laval may enter into an agreement providing that the city by-laws relating to traffic, parking or public safety shall apply throughout the territory of Université Laval.

An agreement under the first paragraph prevails over any provision of a general law or special Act.

48. Streets and land in the territory of the city administered by the National Battlefields Commission are considered, for the purposes of the Charter, an order under section 9 of the Charter or a city by-law, to be streets and public land of the city upon publication of a resolution to that effect adopted by the city and the National Battlefields Commission in a newspaper circulated in the territory of the city.

To be applicable, the provisions of the Charter, of an order under section 9 of the Charter or of a city by-law, as well as the places where they apply must be specified in the resolution.

This application shall terminate upon repeal of the resolution by the city or the National Battlefields Commission.

49. The city may require the owner, tenant or occupant to pave or landscape land used as a parking lot in a part of the city targeted in a district restoration, improvement or renovation assistance program if not less than twenty-five per cent of the cost of the paving or landscaping work is covered by an assistance program.

The city may order that if the owner, tenant or occupant of the lot refuses or fails to carry out the work, the city may do so and recover the cost, less the grants under the assistance program. The cost constitutes a prior claim on the land in respect of which they were incurred in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the land.

50. The city may, for municipal purposes and with the consent of the owner, carry out development, restoration, improvement or renovation work on any lane or private immovable generally accessible to the public,

except a private road, and situated near a street, lane, public square or park in respect of which such work is being carried out by the city, or situated in a part of the territory of the city in which an intervention or revitalization program is in effect.

The city may maintain the work thus carried out and grant a tax credit to the owner of an immovable in respect of which such work is carried out in order to compensate for the increase in property tax that may result from the re-assessment of the immovable after the completion of the work.

The city may 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 may carry out the work and recover the cost thereof, less any grants under an assistance program. The 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., c. 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 in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The 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 the third and fourth paragraphs.

51. The city may, with the consent of the owner, plant and maintain trees, shrubs and other plants on private property, in the parts of the territory of the city and on the conditions it determines.

52. The city may, by by-law, adopt a grant program for the acquiring, planting and maintaining of trees, shrubs and other plants on the conditions and in the parts of the territory of the city it determines. The grants may be uniform or may vary in the different parts of the territory of the city.

53. The city may order that no person may, without its authorization, use the corporate name of the city, its escutcheon, arms or coat of arms, or the name or title of any of its departments or a name or title likely to be confused with that of the city or of one of its departments.

54. The city may offer street parking spaces for rent exclusively to certain persons.

55. The city may establish and maintain a non-profit body in its territory having as its purpose the management and maintenance, in accordance with an agreement entered into with the city, of all or any part of a corridor for recreational and sports activities, paths or lanes reserved for bicycle riding or other modes of locomotion listed in section 91 of the Charter or entrust by agreement all or any part of that responsibility to any other non-profit body. The city may grant such a body the funds necessary for the fulfilment of its obligations under the agreement.

56. 1. On the application of persons holding, as owners, immovables representing more than 50%, in property value, of the total value of the immovables adjacent to a private lane or any part of a private lane, the city may install and operate, in that lane or part of lane, a lighting system connected to the public network.

The city shall, by by-law, impose a special property tax on the owners of the adjacent immovables based on the municipal assessment or on any mode of tariffing in accordance with Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1) to cover the cost of installing such a lighting system.

The city may also impose such a mode of tariffing to recover from the owners of the serviced immovables the cost of operating the lighting system.

2. For the purpose of installing a lighting system in a private lane under subsection 1, the city may, notwithstanding any provision to the contrary, enter in and upon any immovable without any formality other than those prescribed in the second and third paragraphs of this section and subsection 3. The city becomes the holder of a servitude on the area of land occupied by the lighting system and of a servitude of right of way on the lane for the purpose of maintaining the lighting system once it has been installed.

At least 30 days before the beginning of the work, the city shall notify the owner of the lane of the approximate date and nature of the work and of the content of this section and shall give the owner a provisional plan of the site of the work.

Within 60 days following the end of the work, the city shall give the owner a copy of the plan and technical description prepared by a land surveyor in accordance with the rules respecting the publication of rights, showing the exact location of the installations together with a description of the servitude. The city shall, by way of a notice describing the immovable concerned, request publication of the plan and of the technical description relating thereto at the registry office. The registrar shall make an entry for the lighting system servitude and the servitude of right of way under the number of each lot referred to in the notice. The immovable becomes encumbered by the servitudes in favour of the city from the date of registration.

3. The owner of an immovable encumbered by a servitude established under subsection 2 may claim an indemnity from the city within the year following the sixtieth day after the completion of the work.

Failing agreement, the Administrative Tribunal of Québec shall fix the indemnity upon the application of the owner or the city and sections 58 to 68 of the Expropriation Act (R.S.Q., c. E-24) apply, with the necessary modifications.

57. Notwithstanding the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1), the city may alienate, for purposes other than industrial, para-industrial or research purposes, the immovables described in the Schedule to chapter 85 of the Statutes of 1966 which remains in force solely for the purposes of this section.

58. On an application by the city, the Lieutenant-Governor in Council, on such conditions as are set forth therein, may issue letters patent under the Great Seal of the Province constituting a non-profit body having as its purpose the acquisition of residential buildings for persons or families other than those of low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the leasing, management and restoration of buildings thus acquired, the acquisition of land and the construction of new housing.

The application must mention the name of the new body, the location of its head office, its powers, rights and privileges and the rules governing the exercise of its powers and the appointment of its members or member and directors. The name of the body must indicate that it is a municipal housing corporation.

Notice of the issue of the letters patent must be published in the *Gazette officielle du Québec*.

A body so constituted has, among other powers, those of a legal person constituted by letters patent under the Great Seal of the Province, is a mandatory of the city and is deemed to be a municipality for the purposes of the Act respecting the Ministère du conseil exécutif (R.S.Q., c. M-30). The Government, one of its bodies or any other interested person may participate jointly with the city in the establishment and management of that body.

59. 1. The city may promote the construction, renovation or restoration of buildings and acquire, renovate, restore, construct, sell, lease or administer immovables.

The city may also promote employment development, housing development and the economic development of the city in general.

For the purposes referred to in this subsection, the city may, *inter alia*, participate in any venture capital investment fund, become associated with any person, partnership or association, give grants or financial assistance in the form of loans or otherwise.

2. The city may also apply for the establishment of a non-profit body having as its purpose the exercise of the powers granted to the city under subsection 1. The said body may also exercise the powers of a body referred to in section 58.

The body must submit to the council for approval any project for the acquisition, renovation, restoration or construction of an immovable involving a capital expenditure in excess of \$1 million.

The body requires the approval of the council before selling an immovable it owns.

The body has authority to order any disbursement that does not exceed \$100 000.

The authorization of the council is required for any expenditure in excess of \$100 000.

The body shall be established in accordance with the procedure under section 58. It is deemed to be a municipality for the purposes of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30). The Government, one of its bodies or any other interested person may participate jointly with the city in the establishment and administration of that body.

60. The city may apply for the establishment of a non-profit body with whom it may enter into an agreement referred to in the second paragraph of section 112 of the Charter.

The body shall be established in accordance with the procedure under section 60. It is deemed to be a municipality for the purposes of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30).

61. The bodies referred to in sections 58 to 60 shall, not later than 31 March each year, report to the executive on their activities for their preceding fiscal year. The report must also contain all the information required by the executive committee. It shall be tabled at the first meeting of the council following the thirtieth day after its receipt by the executive committee.

Those bodies must at all times provide the executive committee with any information it may require on their operations.

The city may grant loans to the bodies referred to in sections 58 to 60 for the carrying out of their activities. It may also, for the same purpose, grant subsidies to them, remit the loans granted before 12 June 1984 or secure the obligations contracted by them. For those purposes, the city may appropriate a determined sum out of its annual budget, appropriate any subsidy received or borrow by means of a bond issue or otherwise.

The bodies referred to in sections 58 to 60 are mandataries of the city and the latter may, by resolution, entrust them with specific mandates. No body to which a mandate has been entrusted by the city may exceed its mandate or engage in activities that are not included in its mandate unless it has received the specific authorization of the council. Every act or deed performed without such an authorization is null and void.

The bodies referred to sections 58 to 60 may not amend their letters patent or supplementary letters patent without the approval of council.

62. The city council may hold exhibitions and appoint a commission accountable to it to organize and administer the exhibitions. The commission shall be composed of members appointed in the manner provided in the first paragraph of section 70 of the Cities and Towns Act (R.S.Q., c. C-19) and in section 7. The director general and the treasurer, or the persons designated by them, are *ex officio* members of the commission.

Notwithstanding any general law or special Act, the immovables forming part of the Parc de l'Exposition Provinciale may be used and operated for all purposes conducive to maximum profitability. The commission may, *inter alia*,

(1) operate and administer a race track, including any pari mutuel system and, more specifically, the race track presently on its grounds;

(2) promote, operate or organize, alone or with others, commercial, sports, recreational, artistic, or cultural activities or that are in the public interest;

(3) with the approval of the council, enter into agreements with any person for the purpose of exercising all or any of its powers;

(4) at the request of the council, exercise its powers in respect of any other immovable in the possession of the city;

With the approval of the council, the commission may grant financial assistance to any person for the purpose of promoting the development of sport, recreation, art, letters and science.

The commission may make any disbursement that does not exceed \$100 000.

Expenditures in excess of \$100 000 require the authorization of the executive committee and the council.

The commission may also lease all or any of the immovables it administers; however, any lease for a term greater than 12 months requires the authorization of the executive committee and the council.

The commission may, by resolution, adopt rules of procedure and internal management and appoint an executive committee and determine its powers. The resolution does not become effective until it receives the approval of the council.

## CHAPTER VI REGULATORY POWER

63. Notwithstanding the second paragraph of section 356 of the Cities and Towns Act (R.S.Q., c. C-19), the reading of a by-law is not required if a motion to dispense with the reading is made at the same time as the notice of motion and if a copy of the proposed by-law is immediately given to the council members present and given to the other members no later than two juridical days before the meeting at which it is to be passed.

64. The city may authorize, by by-law, the police chief or any other officer designated in the by-law to prohibit parking on certain streets or parts of streets during public thoroughfare maintenance operations. The

by-law must prescribe the appropriate means and a time limit for the chief of police or police officer to make announcements before the commencement of the maintenance operations. Appropriate means include the erection of signs, in the places determined by the executive committee or the borough council concerned, indicating the means of obtaining information on the maintenance operations where telephone, radio or television messages or any other similar media are used to transmit the information or the means of obtaining it.

When parking is prohibited, a constable may have any contravening vehicles towed or moved to any place the constable determines, including other streets or another place on the same street.

65. The city council may pass a by-law concerning the construction, installation or setting of cellar vent-holes. The by-law may require the owners of such vent-holes to provide them with iron gratings, or in the event of their failure to do so, to hold the city harmless against any claim for damages arising from the breaking of windowpanes by the snow ploughs or other machinery or equipment used by the city or its contractors.

66. The city council may pass a by-law to impose rules of conduct and discipline on the owners and drivers of animal-drawn vehicles used for the transport of passengers in the territory of the city and to require them to obtain a licence or permit, as the case may be. The by-law may limit the number and determine the cost of such licences or permits, determine the streets or routes the drivers of such vehicles must use and fix the tariffs they may charge, prescribe the hours during which the vehicles may operate, the places where they may park and the parking rates, and require mandatory passenger insurance.

The owner or driver of such a vehicle may be prosecuted for any violation of a by-law under this section.

The city may build, maintain, administer, on its own or in cooperation with another person or body, and regulate the use of one or more public stables to stable the horses used to transport passengers in the territory of the city. The city may, by by-law, require the horse owners or keepers to stable their horses in such a community stable.

The city may also enter into agreements with a person or body authorizing the person or body for the enforcement of a by-law or any part of a by-law under this section. For that purpose, the person or the body and its employees, as the case may be, are deemed to be municipal officers.

67. The city council may pass a by-law concerning painters or portrait artists on the public property of the city. The by-law may establish classes of painters or portrait artists and may, *inter alia*, in respect of one or more classes,

(1) require that painters or portrait artists obtain a permit;

(2) prescribe as one of the conditions for obtaining a permit that painters or portrait artists be members of an association recognized by the city;

(3) impose rules of conduct and discipline on painters or portrait artists;

(4) determine the places, dates and hours where and when painters or portrait artists may engage in their activities;

(5) prescribe the areas painters or portrait artists may occupy; and

(6) prescribe the process or methods that may be used for producing the works offered for sale and the maximum number of copies of a single work.

The city may entrust the enforcement of the by-law to a third party.

68. The city council may pass a by-law concerning the exhibition and sale of artistic works or handicraft on the public property of the city. The by-law may establish classes of artists, artisans or agents and may, *inter alia*, in respect of one or more classes,

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

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

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

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

(5) determine the types or classes of products, objects or works that may be offered for sale or exhibited and the process or methods that may be used to produce the works, which may vary according to the types or classes.

The city may entrust the enforcement of the by-law to a third party.

69. The city council may pass a by-law concerning the activities of public entertainers on the public property of the city. The by-law may establish classes of public entertainers and may, *inter alia*, in respect of one or more classes,

- (1) require that public entertainers obtain a permit;
- (2) prescribe as one of the conditions for obtaining a permit that public entertainers be members of a association recognized by the city;
- (3) impose rules of conduct and discipline on public entertainers;
- (4) determine the places, dates and hours where and when public entertainers may engage in their activities;

The city may entrust the enforcement of the by-law to a third party.

70. The city council may pass a by-law concerning guides or chauffeur-guides. The by-law may, *inter alia*,

- (1) require that guides or chauffeur-guides obtain a permit;
- (2) impose rules of conduct and discipline on guides and chauffeur-guides;
- (3) determine the maximum amount that guides or chauffeur-guides may charge clients for their services.

71. The city council may pass a by-law to prohibit vehicle drivers from parking or leaving their vehicles on private residential property unless authorized by the owner or occupant of the property or on a lot owned by the city or any of its bodies, mandataries or agents wherever public parking is prohibited. The by-law may provide for the towing and impounding of the vehicles at the expense of their owners and require a prior written complaint about the offence by the owner or occupant of the property or the owner or occupant's representative.

72. The city council may pass a by-law to regulate, restrict or prohibit the traffic of heavy vehicles, buses and minibuses within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2), or certain classes thereof, on the basis of the reason for their travel. The by-law may, *inter alia*,

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

(2) prescribe different rules for the different classes of vehicle users; and

(3) prescribe rules to limit access to the part of its territory described in subparagraph 1 of this paragraph according to the day or time of day.

The city council may exercise the powers described in the first paragraph, in respect of bus or minibus traffic, solely in the part of the territory of the city classified as a historic district. The city council may exercise the same powers, in respect of heavy vehicles, solely in the part of the territory of the city classified as a historic district comprised within the boundaries described in Schedule 2 to the Charter of the city of Québec (1929, c. 95), enacted by section 54 of chapter 93 of the Statutes of 1999, which remains in force solely for the purposes of this section.

Without limiting the scope of section 627 of the Highway Safety Code (R.S.Q., c. C-24.2), every by-law under this section requires the approval of the Minister of Transport before coming into force.

Notwithstanding the preceding paragraph, a by-law under this section comes into force at the end of 60 days after the Minister of Transport receives a request from the city for approval of the by-law if, by that date, the city has not received a reply.

73. A borough council may, in a by-law under paragraph 10 of section 413 of the Cities and Towns Act (R.S.Q., c. C-19), regulate the keeping, deposit, storage, removal, collective selection of residual materials and reusable or recyclable matter. The city council may regulate the disposal, elimination, salvage and treatment thereof. Within their respective jurisdictions, a borough council and the city council may establish the conditions for obtaining and maintaining the licence and for its suspension and revocation. A by-law under this paragraph may prescribe the rules, standards and operating procedures for the prevention or control of fire, odours, gas emissions, noise, air pollution or the pollution of run-off or lixivial water, and any other nuisance.

A by-law under the first paragraph requires the approval of the Minister of the Environment before coming into force. Notice of the approval must be published in the *Gazette officielle du Québec*.

74. The city may, by by-law, prohibit or regulate the collection and removal of refuse and residual materials or recyclable matter by any person other than the city prescribe the manner of disposing thereof.

75. The city council may also, in a by-law under paragraph 13 of section 460 of the Cities and Towns Act (R.S.Q., c. C-19), prohibit or license and regulate the sale of services in the streets and public squares.

76. The city council may prescribe the conditions for the issue of licences and permits and limit their number except with respect to permits issued in accordance with a by-law under the Act respecting land use planning and development (R.S.Q., c. A-19.1).

It may pass a by-law to provide for the revocation of the licences or permits.

77. The city council may pass a by-law concerning the conduct of occupants, spectators or visitors in a building or on land in possession of the city and accessible to the public. The city council may, by that by-law, prohibit any act of such a nature as to be prejudicial to the peace, good order, comfort and well-being of the users and permit the expulsion of offenders.

78. The city council may, in a by-law under section 411 of the Cities and Towns Act (R.S.Q., c. C-19), authorize officers or employees of the city, in the performance of their duties,

(1) to require that books, registers and documents relating to matters referred to in a by-law or order be produced and that any other information on such matters as the officers or employees consider necessary or useful be furnished;

(2) to take samples of any nature, without charge, for the purpose of analysis;

(3) to take photographs of the places visited; and

(4) to be accompanied by one or more police officers if the officers or employees have reason to fear that they may be molested in the performance of their duties.

79. No person may hinder a person responsible for the enforcement of the Charter, an order under the Charter or the by-laws of the city in the performance of those duties, or to deceive or attempt to deceive that person by concealment or by false or misleading statements.

80. The city council may, in a by-law under paragraph 7 of section 415 of the Cities and Towns Act

(R.S.Q., c. C-19), assign a name to any pedestrian or bicycle path and change it. In no case may a name be assigned to a street or private lane or may the street or lane be designated under such a name without the prior approval of the city council.

81. The city council may regulate the lanes and to order that so long as they remain private property they shall be made and maintained in common by the owners of the property bordering on the lanes.

82. Any peace officer may remove or have removed by a service vehicle or towtruck any vehicle parked in violation of a traffic or parking by-law or order. The statement of offence must mention the removal.

Where the Charter, an order under section 9 of the Charter, the Cities and Towns Act (R.S.Q., c. C-19), or any other Act provides that a vehicle may be removed or towed away, the owner may not recover the vehicle until payment of the storage costs at the current rate and, where the towing or removal costs have not been claimed on the statement of offence in accordance with section 83, until payment of those costs.

If the offender refuses or is unable to pay the security in accordance with the Code of Penal Procedure (R.S.Q., c. C-25.1), the arresting peace officer may, in addition, have the vehicle impounded until the Court authorizes its return, with or without security, on an application made at the appearance.

However, upon payment of the minimum fine provided for the alleged offence and the costs incurred, including the costs for towing and impounding the vehicle, the offender may recover the vehicle.

The security must be sent to the clerk of the court at the same time as the copy of the statement of offence.

83. The city council and a borough council may, by by-law, establish a tariff of costs for the removal or towing of an illegally parked vehicle. In all cases where it is provided that a vehicle may be removed or towed for a parking or traffic violation, the prescribed removal or towing costs may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

84. The city council may, by by-law, authorize the executive committee to make orders relating to any by-law. The authorization must specify the purpose of each such order.

Such orders shall form part of the by-laws to which they relate and become mandatory upon publication of a notice specifying their purpose and stating the date on which they were made or upon the erection of appropriate signs or signals or upon the posting of the order or its relevant provisions in the places concerned.

## CHAPTER VII LAND USE PLANNING AND DEVELOPMENT

85. The issue of any permit that does not comply with a draft amendment to a zoning, subdivision or building by-law shall be suspended from the adoption of a resolution by the executive committee requiring the competent department to prepare the amendment, except where it is expressly decided otherwise by the executive committee.

The first paragraph ceases to have effect if the executive committee resolution is not ratified by the city council at its first meeting following the adoption of the resolution and if an amendment to the provisions contemplated by the draft amendment is not adopted within 160 days of the executive committee resolution or if it does not come into force in accordance with section 137.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

86. No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date the executive committee adopts a resolution requiring the competent department to prepare the documents necessary for the establishment of a reserve to the date the notice of establishment of the reserve is registered, which period may not exceed 160 days.

No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date a resolution of the executive committee is adopted requiring the competent department to prepare the documents necessary for an expropriation to the date the notice of expropriation is served, which period may not exceed one year.

The owner of a building referred to in the first or second paragraph may claim an indemnity from the city. Failing agreement, the Administrative Tribunal of Québec may shall fix the indemnity upon the application of the owner or the city and sections 58 to 68 of the Expropriation Act (R.S.Q., c. E-24) apply, with the necessary modifications.

The first and second paragraphs cease to have effect if the executive committee resolution is not ratified by the city council at its first meeting following the adoption of the resolution.

87. Where the executive committee has adopted a resolution recommending that the council pass or amend a by-law under section 145.21 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), no building or subdivision permit and no certificate of authorization or occupancy may be issued where the issue thereof will be subordinated, should the by-law whose passage is recommended by the executive committee be passed, to the making of an agreement provided for in section 145.21.

The first paragraph ceases to have effect if the executive committee resolution is not ratified by the city council at its first meeting following the adoption of the resolution, if the by-law that is the subject of the executive committee resolution is not passed within two months of the adoption of the resolution, or if it is not put into force within four months of its passage.

88. An application for an intervention by the city by means of a by-law, resolution, order or otherwise for the purpose of carrying out a project that, in the opinion of the executive committee, is likely to have a substantial social, economic or architectural impact, the executive committee may, before examining the application, require from the applicant, in addition to the tariff under sections 244.1 to 244.10 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), a security deposit equal to the amount of the actual file examination costs in excess of the costs exigible under the set tariff. The security deposit shall be refunded to the applicant if the project is carried out within the time prescribed by the executive committee, or shall belong to the city if it is not.

89. The executive committee may, in respect of an application for an amendment to a zoning by-law, prescribe the posting of a notice describing the nature of the application in the manner it determines.

90. The executive committee may require, as a prerequisite to the issue of a permit or certificate of approval referred to in section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and in section 94, the deposit of a performance bond that does not exceed 10% of the value of the planned work. The bond shall be refunded to the applicant when the work for which the permit or certificate was issued is completed. If the work is not completed within the time indicated in the permit or certificate, the amount of the bond may be confiscated by the executive committee.

91. 1. The city council may, by by-law,

(1) authorize, on the conditions and for the rent it determines, certain types of temporary or permanent occupancies of the public property of the city, above as

well as below public land, sidewalks, streets, lanes, municipal stretches of water and streams ;

(2) prescribe, where applicable, the manner in which the works relating to such occupancy are to be carried out and the materials to be used ;

(3) provide for the revocation by the executive committee of certain special occupancies that have been authorized under the by-law, upon written notice to that effect served on the owner of the immovable for which the authorization was granted and published at the registry office at least one month before the revocation ;

(4) provide for the removal, at the expense of the owner, of all or any part of the buildings or installations on the public property of the city that do not meet the requirements of an authorization provided for in this section.

## 2. The executive committee may

(1) authorize, on the conditions and for the rent it determines, certain temporary or permanent occupancies of the public property of the city, above as well as below public land, sidewalks, streets, lanes, municipal stretches of water and streams that are not the object of a by-law under subsection 1 or that are not authorized under such a by-law ;

(2) prescribe, where applicable, the manner in which the works relating to such occupancy are to be carried out and the materials to be used ;

(3) provide for the revocation of an authorization under paragraph 1 of subsection 2, upon written notice to that effect served on the owner of the immovable for which the authorization was granted and published at the registry office at least one month before the revocation.

The borough council shall exercise the powers of the executive committee referred to in this subsection on the streets and roads that are under its responsibility pursuant to a by-law passed by the city council under section 94 of the Charter.

3. The owner of an immovable for the use of which an authorization is granted may publish the authorization at the registry office. Where a by-law or a resolution authorizes occupancy of two or more areas of the public property of the city for the benefit of one immovable only, the right may be published by the owner of the immovable for certain areas only.

Publication is effected by way of a notice indicating the title of the by-law or resolution, its number and the date on which it was passed. The second paragraph of article 2995 of the Civil Code of Québec applies to such a notice.

A certificate of the clerk of the city attesting that the described occupancy is authorized must accompany the notice.

The notice requires the registrar to make an entry in the register, in respect of each lot affected, stating that occupancy of the public property of the city is authorized in accordance with the by-law or resolution referred to in the notice. The certificate is not required to be kept in the records of the registry office.

4. Where an authorization for occupancy of an area of the public property of the city has been published, its revocation must also be published.

Publication of the revocation is effected by way of a notice given by the clerk. The notice shall indicate the title, the number and the date of adoption of the resolution revoking the authorization and request the registrar to cancel the registration of the authorization in respect of each lot affected.

5. The owner of property occupying the public property of the city, aboveground or belowground, is liable for any damage or injury resulting from the occupancy and shall take up the defence of the city and hold it harmless from any claim made against it by reason of such damage or injury.

92. Several structures forming a single project, with common use of parking areas, appurtenant buildings, services or equipment, may be built on the same lot. After work has begun, any subdivision or alienation of any part of the lot is void unless the city has consented thereto by resolution of the executive committee, except, however, subdivisions made in view of the registration of a declaration of co-ownership on the whole project or alienations effected following the registration of the declaration of co-ownership.

The council may exercise its powers under 117.1 and 117.2 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), with the necessary modifications, as a prerequisite for the issue of any building permit in respect of a lot referred to in the first paragraph.

93. The city council may pass a by-law to allow, when buildings constructed before 1967 are renovated or restored, the building of a dwelling unit or room that does not comply with applicable construction codes or by-laws, provided that, in the opinion of the officer designated under paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and of the head of the fire prevention department, the health and safety of the occupants are safeguarded.

94. The city may issue a certificate of occupancy required under a by-law under section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) for a dwelling unit or room that does not comply with applicable construction codes or by-laws provided that, in the opinion of the officer designated under paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and of the head of the fire prevention department, the health and safety of the occupants are safeguarded.

The first paragraph does not apply to an immovable erected or converted after 25 May 1984 nor to a part of an immovable converted or added after that date, if the immovable is a public building within the meaning of the Public Buildings Safety Act (R.S.Q., c. S-3).

95. Where it is impossible to provide an immovable with two emergency exits leading to the public road in accordance with the Acts, regulations and by-laws in force, the owner of such an immovable may, after serving notice on the city, submit a motion to the Superior Court for the issue of an order requiring the owner of an adjoining immovable to grant the persons in the petitioner's immovable a right of way in case of an emergency or an evacuation drill, and all required accessory real rights to enable the petitioner to provide such an exit. The Court shall award the indemnity on the basis the value of the assigned right and the amount of any damage resulting directly from the assignment.

An order under the first paragraph has the same effect as a servitude and must indicate which land is dominant and which is servient. The order shall take effect upon its publication at the registry office and upon evidence that the indemnity has been paid or deposited at the office of the Superior Court.

The publication fees shall be paid by the owner of the dominant land.

The owner of the dominant or servient land may submit a motion to the Superior Court, served on the owner of the other land and on the city, for the amend-

ment or revocation of the order if the circumstances so justify. Such an order takes effect in the same manner as an order under in the first paragraph.

96. The city council may pass a by-law to regulate or restrict the demolition of a structure, prohibit any demolition without a demolition permit or require that, prior to the consideration of an application for a demolition permit for a demolition that is not governed by a by-law under section 412.2 of the Towns and Cities and Towns Act (R.S.Q., c. C-19) or for any demolition if the city council has not passed a by-law under section 412.2, the owner must submit for approval a program for the reutilization of the vacated land. The by-law may also require the owner, if the program is approved, to deposit prior to the issue of the permit, a performance bond in respect of the program in an amount not exceeding the value of the immovable to be demolished on the assessment roll.

97. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe the maximum number of employees who are not domiciled or not residing in the city that may work in a dwelling where, according to a zoning by-law, professional activities may be carried on in a person's residence.

98. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1),

(1) regulate the setting-up of establishments

(a) where erotic shows are presented on a frequent or regular basis, whether or not they are presented with a view to increasing the demand for goods or services in the establishment;

(b) where services of an erotic nature are offered;

(c) where the goods offered are mainly of an erotic nature;

(2) regulate the lay out and use of the premises occupied by establishments described in paragraph 1;

(3) prescribe, within a zone, the minimum distance between establishments described in paragraph 1, the maximum floor area that may be used by such establishments and the maximum number of such establishments and prohibit the use, for such purposes, of any floor area or premises in excess of the maximum floor area or number of establishments authorized or within a lesser distance than the minimum distance prescribed;

(4) require the operator of an establishment described in paragraph 1 whose occupancy contravenes the by-law as result of the passage of a by-law respecting the establishment to cease, without indemnity, the operation of that establishment within two years;

(5) require that establishments described in paragraph 1 cease any contravening use protected by vested rights if the use or the control of the corporation operating such use has been alienated;

(6) require, for the protection of youth, the operator of an establishment described in paragraph 1 to deny minors admittance to his establishment.

99. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, for each zone, with or without exceptions for antennas used for public safety purposes, requirements relating to the mode and place of installation and the maintenance, number and height of antennas and other similar devices outside buildings or certain categories of buildings.

The by-law may require the owner of an antenna which does not comply or no longer complies with any by-law respecting antennas or any amendments thereto to bring it into conformity with such by-laws or amendments or remove it, without indemnity, within the time prescribed by the council and prescribe such time limits according to the various categories of antennas it determines or their cost, provided the time limits are not shorter than one year nor longer than two years from the coming into force of such by-laws or amendments.

The by-law may prescribe that antennas that have not been brought into conformity with the by-laws or amendments within the prescribed time may be removed by the city, without indemnity, after a 90-day notice in writing to the owner, subject to the city's right to remove them at any time for public safety requirements.

The removal expenses constitute a prior claim on the immovable on which the antenna was located in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The expenses are secured by a legal hypothec on the immovable.

100. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, within a zone, the minimum distance between establishments occupied by similar uses, the maximum floor or land area that may be used for any use or combination of uses and the maximum number of establishments operating such

uses in a zone and prohibit the use for such purposes of any floor area, or of any establishment greater than the area or the maximum number permitted or under the minimum distance prescribed.

101. The city council may, in a by-law under subparagraph 12 of the second paragraph of section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prohibit, for each zone, land excavation, the removal of humus, the planting and felling of trees and any excavation or landfill work.

102. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), regulate or prohibit the leasing of the parking spaces that are prescribed by by-law for use by users of the immovable to persons other than those users.

103. The city council may prohibit the continuation of a use of land or of a building, subject to an indemnity, where appropriate, to the owners, tenants or occupants of the buildings already built or in the process of being built or that have been issued building permits.

Any indemnity that must be paid shall be fixed by three arbitrators, one of whom shall be appointed by the city, one by the owner, the tenant or the interested occupant, and the third, by the first two arbitrators appointed or, failing agreement, by a judge of the Superior Court.

104. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), regulate or prohibit, in all or any part of the territory of the city, the construction, permanent or temporary installation, alteration, upkeep and maintenance of awnings, baldaquinos, canopies, valances, marquees and shelters and their supports or any construction or structure wholly or partially made of canvas or any other flexible or semi-rigid material.

The by-law may require every owner who erects, installs or alters such a construction or structure in contravention of the by-laws to bring it into conformity or remove it and, failing which, authorize the city to remove the construction or structure at the expense of the owner and dispose of it.

The by-law may require the owner of any such construction or structure erected or installed in compliance with the by-laws in force at the time of its erection or installation, but that contravenes new by-laws concerning such constructions or structures, to bring it into conformity or remove it, without indemnity, within the time prescribed by the council. In no case may the time limit be shorter than four years nor longer than seven

years after the date of the coming into force of the new by-law resulting in the infringement.

The by-law may prescribe that any construction or structure which has not been brought into conformity or removed within the prescribed time may be removed by the city, without indemnity, after a two-month notice in writing to the owner.

The removal expenses constitute a prior claim on the immovable in which the construction or structure was located in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The expenses are secured by a legal hypothec on the immovable.

For the purposes of this section, the word “owner” includes the proprietor, the possessor or the occupant of the immovable where the construction or structure is located.

105. The city council may pass a by-law to determine the conditions of occupancy and maintenance of buildings; require, whenever such buildings are decrepit or dilapidated, the carrying out of restoration, repair and maintenance work; and establish the procedure by which the owner of the non-complying immovable is notified of the work that must be carried out.

The by-law may provide that if the owner refuses to carry out the work, the city may carry it out and recover the cost. The cost of such work constitutes a prior claim on the immovable on which the work is carried out in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.

106. The city council may, after serving notice on the interested parties, shut down and demolish buildings that are no longer fit for dwelling or occupancy and recover from the owners of those buildings the cost of the shutdown and demolition when the city has carried them out. The cost of such work constitutes a prior claim on the immovable in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.

107. The city council may, in a by-law under subparagraph 14 of the second paragraph of section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, in the parts of the territory of the city it determines, the minimum distance between billboards, which may not exceed 500 metres.

108. The city council may pass a by-law to impose higher fines for failing to obtain a building permit when the offender is a person whose main activity is carrying out work that requires a building permit.

109. The city council may, in a zoning by-law under 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe special standards for building construction and land development where the building or land is to be occupied or used in whole or in part by a class of persons determined by by-law. The by-law may prescribe that only persons of that class may occupy or use the buildings constructed or land developed in accordance with those standards.

110. The city council may pass a by-law to authorize, notwithstanding any provision of a zoning, subdivision or building by-law, for a period that may not exceed five years, in the parts of the territory and on the conditions it determines, a use in respect of an immovable or of a part of an immovable, even if the use is not authorized by the by-laws in force or if the immovable or the part of an immovable does not comply with the by-laws in force, with respect to the use being made thereof.

Sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) apply to by-laws under the first paragraph. The public consultation meeting shall be held by the borough council concerned.

111. The city council may pass a by-law to grant, for the period it determines, notwithstanding the provisions of any zoning, subdivision or building by-law, individual, non-transferable authorizations for the use of land or for construction, alteration or occupancy of a building for religious purposes or as residences for religious ministers or members of a religious community, for educational, cultural or charitable purposes or for offering assistance to persons needing assistance, protection, shelter or medical or hospital care.

Sections 123 to 127 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) apply to by-laws under the first paragraph. The public consultation meeting shall be held by the borough council concerned.

112. 1. The city council may pass a by-law to approve a construction or alteration plan or authorize the occupancy of one or more buildings or other works.

The by-law may authorize a departure from any municipal by-law and subject the said approval to any condition departing from a municipal by-law.

The by-law must prescribe a time limit within which the project approved thereby is to be undertaken; if the project is not undertaken within the prescribed time, any amendment to or departure from a by-law authorized by that by-law ceases to have effect upon the expiry of the prescribed time limit.

2. Where a construction plan filed for the purposes of subsection 1 includes the construction in phases of buildings or other works, the city may, before approving the plan, require the applicant to deposit a performance bond for an amount the city considers sufficient to ensure the construction of all the buildings and works shown on the plan within the prescribed time.

3. To exercise its powers under subsection 1, the council must pass a by-law that

(1) specifies the parts of the territory of the city to which it applies;

(2) determines, for each part of the territory, the standards with which the construction or alteration plans must comply, in particular with respect to the implementation and size of the project, the uses for which it is designed and the impact on the environment;

(3) establishes the procedure to be followed for the approval of the plans; and

(4) prescribes the plans and documents to be submitted by the applicant.

Sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) apply to a by-law under subsection 1 and sections 123 to 127 of that Act apply to a by-law under subsection 3. The public consultation meeting shall be held by the borough council concerned.

113. The city council may, in the parts of the territory of the city it determines, order the construction and use of indoor or outdoor pedestrian paths or walkways through or on immovables. The council may also order the opening of roads, paths, strips, promenades or walkways or order their closing, widening, extension or any alteration, and provide for the mode of construction or maintenance of those facilities.

A by-law under the first paragraph may not be passed unless it complies with a prior agreement entered into between the city and the owner of the immovable concerned.

114. For the purposes of section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais

(2000, c. 56), the development plan must include, in addition to the items referred to in section 5 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the land uses and approximate occupation densities, an approximate layout of the main thoroughfares, the nature and approximate layout of public services, the nature, site and approximate layout of public utilities, the subdivision rules, and approximate expansion phases.

115. Notwithstanding the fourth paragraph of section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), the city shall, rather than amend its planning program before 1 January 2004 to render it applicable to the part of its territory made up of the territory of the former Ville de Québec, enact, before 31 December 2004, a new planning program applicable to the whole of the territory of the city under sections 81 to 106 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

116. Notwithstanding the time limits in section 102 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the city council shall pass or amend the by-laws referred in that section to bring them in conformity with the planning program under the fourth paragraph of section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) and with section 115 in the year following the adoption of the planning program.

Section 239 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) applies in respect of the time limit to pass or amend by-laws imposed in the first paragraph.

119. Subject to section 124, the city council shall pass the by-laws under section 145.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1). The ward council concerned must be notified as soon as possible of any permit application subject to such a by-law. The borough council concerned shall approve the plans under section 145.19 of that Act and determine the requirements for the approval under section 145.20 of that Act.

118. A borough council in a territory in which a by-law under section 145.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), or by-law of a municipality referred to in section 5 of the Charter granting a minor exemption, is in force must, before 28 February 2002, establish a planning advisory committee under section 146 of the Act respecting land use planning and development.

119. A majority of the members of a planning advisory committee established under section 146 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) must be residents of the borough who are not members of the city council.

The committee must have no less than six and no more than eight members.

The quorum of the committee may not be less than the majority of its members.

120. For the purposes of section 145.6 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the clerk or the person in the borough designated by the clerk must send a copy of the notice to the ward council concerned no later than the date of its publication.

121. The community, economic and social development plan referred to in section 75 of the Charter must be adopted before 31 December 2004. The plan may be adopted in sections or in stages. The rules relating to the financial support a borough council may grant to a body carrying on its activities in the borough and whose mission is the local economic, community and social development may be adopted separately.

122. Notwithstanding any inconsistent provision, the western part of l'Anse du Foulon described in Schedule II to chapter 63 of the Statutes of 1983, which remain in force solely for the purposes of this section, may be developed for recreational uses only.

## **CHAPTER VIII** **COMMISSION D'URBANISME ET DE** **CONSERVATION DE QUÉBEC**

123. The city council may, by by-law, set up a city planning commission called "Commission d'urbanisme et de conservation de Québec".

The by-law shall determine the number of Commission members, their qualifications, remuneration and term of office, and establish the rules of procedure and of internal management of the Commission. The majority of Commission members must be city residents who are not members of the city council.

The number of Commission members must be no less than six and no more than eight.

The quorum of Commission sittings may not be less than the majority of its members.

The city council may provide, in the Commission's rules of procedure and of internal management, that the Commission must obtain the city's approval or that of the appropriate borough before exercising its jurisdiction or may prescribe other means of involving a city or borough council in Commission decisions.

The city council shall, by resolution, appoint the Commission members and officers.

124. Within the various parts of the territory of the city over which it has jurisdiction, the Commission may control the architectural appearance and symmetry of buildings; for such purposes, notwithstanding any building by-law, no permit for the building, repair, transformation or demolition of immovables situated in the city may be issued without the prior approval of the Commission. The Commission shall state its reasons when refusing its approval. The city council may, by by-law, exclude classes of work from the commission's jurisdiction.

The city council shall, by by-law, at the latest upon the coming into force of the by-laws referred to in section 102 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, according to the part of the city or the building class, the objectives, guidelines and criteria that the Commission must take into consideration in exercising its jurisdiction. Until that time, the Commission shall take into consideration the objectives and criteria determined in a by-law under section 145.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) that is applicable to the part of the city over which the Commission has jurisdiction.

125. The Commission has jurisdiction over the following parts of the city:

(1) historic districts, protected areas of historic monuments, natural districts, historic sites, archeological sites or protected areas such as defined in the Cultural Property Act (R.S.Q., c. B-4);

(2) the parts determined by the city council where the quality of the architecture, patrimony or environment should be preserved or enhanced;

(3) until the coming into force of the by-laws referred to in section 102 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the part of the city's territory made up of the territory of the former Ville de Québec as it existed on 31 December 2001.

However, the city council may, by by-law, limit the jurisdiction of the Commission to certain parts of the territory referred to in paragraph 3 of the first paragraph.

126. For the purposes of section 145.7 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), an application for a minor exemption in parts of the city over which the Commission has jurisdiction shall be approved before the borough council renders its decision.

## **CHAPTER IX PUBLIC SAFETY**

127. The city council may, by by-law and in all or part of the city's territory require the owner, tenant, possessor or occupant, under any title, of any immovable or any category of immovables, to provide the immovable with any construction item, apparatus, device, alarm system, mechanism or equipment to safeguard or preserve the safety of the property or the health and safety of persons or to prevent crime.

The by-law may require the owner, tenant, possessor or occupant, under any title, of any immovable equipped with such construction item, device, mechanism or equipment, to maintain them in good working order.

The by-law may provide for grants to cover the purchase or installation cost of such apparatus, device, mechanism or equipment.

128. In a by-law under paragraph 44.1 of section 412 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may prohibit alarm systems or certain classes of alarm systems, or may prohibit alarm systems or certain classes of alarm systems that are installed in certain classes of buildings or establishments.

129. The city may acquire the construction items, apparatus, devices, alarm systems, mechanisms or equipment referred to in sections 127 and 146 in order to give them or sell them at a rebate to the owner, tenant, possessor or occupant, under any title, of an immovable in which their installation is mandatory under a by-law pursuant to sections 127 and 146.

130. In a by-law under paragraph 5 of section 460 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may compel the persons referred to therein to keep in their possession things purchased or held and prescribe the methods and time limits for the keeping of such things.

131. A person responsible for the carrying out of this Charter and the by-laws may, in the performance of that

person's duties, order the suspension of work or the closing of a construction or building or the termination of an activity where that person ascertains an offence that is likely to endanger public health or safety.

132. In a by-law under paragraph 22 of section 415 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may prescribe that snow or ice be removed from the roof of a building, at the expense of the building owner, where the owner refuses or neglects to fulfil his or her obligations in this respect. The cost constitutes a prior claim on the immovable concerned, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.

133. For the purposes of paragraph 23 of section 415 of the Cities and Towns Act (R.S.Q., c. C-19), the rate of tax imposed may be the same for the entire territory of the city or may vary for various parts of the territory determined by by-law, but a single rate must be applied in a given part of the territory even where several types of service are provided. The city may include a certain amount in the cost of such service to maintain a reserve fund that would stabilize the cost.

## **CHAPTER X UNDERGROUND CONDUITS**

134. When underground conduits have been constructed, the city council, may, by by-law, order that, after the expiry of a minimum three-year period, electric, communications or cable companies remove from the city streets or public squares the posts on which wires or cables of such companies are fixed, and that the wires and cables be placed underground.

The by-law may order that failure of such companies to cut down and remove the posts and wires and cables within the time limit specified in the by-law, the city may have them cut down and removed at the expense of the companies in default.

The companies are entitled to construct their own underground conduits with the city's consent and under the supervision of the appropriate department head.

135. The city may plan, design, construct, and operate, with the right to regulate the use thereof, a system of underground conduits, wherein shall be placed all wires and cables and transmission lines belonging to any person who, now or in the future has or exercises rights or privileges in, on or above the streets, public or private lanes, thoroughfares or other places.

Such conduits must be of sufficient size and capacity not only to fulfil the present requirements, but also to provide for foreseeable future requirements.

As the city decides to construct underground conduits in any part of its territory, the persons referred to in the first paragraph shall provide such information as may be required by the city and shall indicate what portion of the underground conduits they wish to reserve.

The city may impose a fine of \$200 for each day such persons remain in default after sixty days from the date the city gave notice.

This section shall not be construed as giving the city the authority to manage the installations of those various persons.

136. As the city constructs such underground conduits, the council may compel the persons having, operating or maintaining overhead wires or cables, poles and transmission lines, to remove them. The council may determine by by-law the characteristics of the transmission lines and equipment to be installed or placed in the conduits and the manner in which it shall be done.

Where underground conduits have been constructed in a street, lane or public square, any person who refuses to remove overhead wires or cables and to place them in the underground conduits, may be compelled to do so by the Commission municipale du Québec upon request from the city.

Separate openings or separate compartments in the openings shall be given to each user of the said conduits when applied for and provided it is practicable. If the Commission des services électriques de la Ville de Québec should refuse to allocate separate openings to a person, an appeal may be lodged with Commission municipale du Québec, which shall decide the issue and determine who shall pay the costs.

The conduits shall be constructed so that non-conducting material insulates or separates the various types of wires and cables and the entrance to each part of the conduit shall be by separate manhole openings.

137. No poles, string wires, or cables, may be erected or installed in or across streets, parts of streets, or public squares where municipal conduits have been or are being constructed. In streets or public squares, only the city may construct underground conduits. The council may however grant any such rights to install or erect street lamp poles and distribution poles as it finds necessary.

138. Whenever the city has ordered the removal of poles, wires, cables and overhead constructions, an indemnity shall be awarded the owners for the actual value, at such time, of the materials, including the installation so expropriated. Failing agreement, such indemnity shall be determined as provided in section 140. After such indemnity has been paid, the said poles, wires, cables and overhead constructions and all materials shall become the property of the city.

139. Whenever the city decides to place wires or cables underground in streets, lanes or public squares, the existing underground conduits shall become the property of the city. It shall pay a reasonable indemnity for such underground conduits and also for cables and appurtenances that become useless.

After such indemnity has been paid, the underground conduits and all materials shall become the property of the city. The indemnity shall be determined in accordance with section 140.

140. All indemnity shall be determined by the Commission municipale du Québec. The said Commission shall hear the interested parties and give its award within four months. The decision of the Commission shall be final and without appeal.

141. The city may determine the method and means of connecting the main trunk lines with distribution lines and of making the service connections. It may construct, administer and maintain distribution ducts, charging a rental fee for their use as determined under section 142, or it may allow persons to construct their own distribution ducts under the supervision and with the approval of the council and delegate its powers to them.

142. The city may determine and collect rental fees from all persons using the overhead constructions and underground conduits owned by the city. Such rentals shall cover the cost of maintenance and administration of the constructions and conduits, repayment of the debt in less than 20 years on loans contracted by the city for the construction or purchase of the underground conduits, and the budget of the Commission des services électriques of the city set up under section 144, where applicable. The amount of such rental fees for each person shall be in proportion to the portion of the conduits that person occupies or reserves.

143. The city may enter in and upon any private property, without the consent of the owner, for the purpose of placing conduits, poles or overhead or underground wires and appurtenances. Indemnity shall be paid for any actual damages caused by the work carried out.

The indemnity shall be determined in accordance with section 140.

144. To carry out such undertaking as referred to in sections 134 to 143, the city may, by by-law, set up the Commission des services électriques de la Ville de Québec. The Commission shall exercise the rights of the city referred to in sections 134 to 143 as they are delegated to it by the council for the purposes of such undertaking.

The Commission's mandate is to prepare plans, drawings and specifications for underground conduits for the parts of the city in which it intends to construct underground conduits. The plans, drawings and specifications shall be submitted for approval to the Commission municipale du Québec, which may, after hearing the interested parties, approve and adopt them with or without amendment.

Such Commission shall consist of five members as follows:

(1) one member, the chair, who shall be appointed by the Government;

(2) two members appointed by the city;

(3) one member appointed by Hydro-Québec;

(4) one member appointed by the users of underground conduits, who, except for Hydro-Québec and the city, have confirmed in writing to the clerk that they intend to vote, within 30 days of the sending of the notice referred to in the fourth paragraph.

At least 45 days before the date set for the appointment of the member referred to in subparagraph 4 of the third paragraph, the clerk shall send to all the users of underground conduits referred to in this paragraph, based on the list provided by the chair of the Commission des services électriques, a notice giving the date on which the member will be appointed and informing them of their right to nominate a candidate and to vote. A user who intends to present a nomination must notify the clerk, at the same time as the confirmation provided for in subparagraph 4 of the third paragraph, of the name and position or title of the candidate.

At least ten days before the date set for the appointment of the member referred to in subparagraph 4 of the third paragraph, the clerk shall send a voter's slip to the users who have confirmed their intention to vote. The slip must give the name and position or title of all the candidates and, for each candidate, the name of the user who nominated the candidate. Each user is entitled to only one vote.

On the date set for the appointment, the clerk shall count the votes received in the presence of a witness. The person who receives the greatest number of votes shall be declared elected. Where the number of votes is equal, the clerk shall designate the member by means of a draw. Should the users fail to nominate a candidate on the date set, the other members of the Commission des services électriques may appoint the member.

Remuneration of Commission members shall be determined by the executive committee.

145. The Commission des services électriques shall draw up the rules and by-laws respecting the use, management and maintenance of such conduits, which rules and by-laws shall come into force and have effect from the time of their approval by the Commission municipale du Québec.

The Commission des services électriques shall receive the tenders for the construction of the underground conduits and report to the city.

It alone shall carry out the direction and supervision of the construction and maintenance of the said underground conduits, once its rules, by-laws, plans, drawings and specifications have been approved by the Commission municipale du Québec and the construction contracts have been awarded by the city.

An appeal from any rule, by-law, decision or other act of the Commission des services électriques or the city may be lodged with the Commission municipale du Québec, at the request of the city or other interested party, in respect of any matter concerning such undertaking, except in matters of contracts where the parties have agreed to waive the right to appeal.

Such appeal must, under pain of nullity, be brought within 30 days of the date of service on the interested party or publication of a notice of the fact appealed from.

The appeal is brought by means of an inscription filed with the secretary of the Commission municipale du Québec. Notice thereof must be served on the adverse party or on that party's attorney.

## CHAPTER XI WATERWORKS AND SEWER SYSTEMS

146. The city council may by by-law require the owner, tenant, possessor or occupant, under any title, of any immovable or any category of immovables, to provide the immovable with any construction item, apparatus, device, alarm system, mechanism or equipment to reduce water consumption.

The by-law may require the owner, tenant, possessor or occupant, under any title, of any immovable equipped with such construction item, apparatus, device, mechanism or equipment to maintain them in good working order.

The by-law may provide for grants to cover the purchase or installation cost of such construction items, apparatus, devices, mechanisms or equipment.

147. In a by-law under paragraph 13 of section 413 of the Cities and Towns Act (R.S.Q., c. C-19) or paragraphs 3 or 7 of section 432 of that Act, the city council may regulate or prohibit, even outside the city limits, any construction or any activity liable to contaminate the supply for the city waterworks system or affect its flow.

Notwithstanding section 177 of the Charter, paragraph 203 of section 336, sections 499, 500, 501, 501(a), 502, 503, 503(a), 503(b), 503(c), 504 and 505 of the Charter of the city of Québec (1929, c. 95) and section 6 of the Act to amend the charter of the city of Beauport (1994, c. 66) shall remain in force until the date of coming into force of a by-law referred to in the first paragraph applicable to Lac Saint-Charles, to Rivière Saint-Charles upstream from the source of the waterworks system and to Lac des Roches.

## **CHAPTER XII**

### **FINANCIAL PROVISIONS**

148. During the course of the 2002 fiscal year, the city council may pass a loan by-law contracting a loan in the amount of \$30 000 000 for a term not exceeding ten years and that the amount be allocated to the city's working fund.

149. The aggregate of the contributions that the city must pay into the Ville de Québec employees' pension fund as it existed on 31 December 2001 may not be less, for each year between 1 January 1998 and 31 December 2010, than 13% of the total payroll of the pension plan participants.

150. For the purposes of section 486 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may, for any fiscal year prior to the 2004 fiscal year, impose and impose a surtax on serviced or unserved vacant land. The amount of the surtax is determined by the council and may amount to up to 100% of the total property taxes imposed in the same year on such land, to which all taxable immovables in the territory of the municipality are subject. The council may fix different amounts for serviced vacant land and for unserved vacant land, in which case the amount fixed for the former must be higher than that fixed for the latter.

151. 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, or 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., c. F-2.1).

152. A licence may be issued upon payment of one-half of the price of such licence if it is required after 1 September.

153. A licence is valid from the day it is issued to 1 January of the next year. The city may, however, prescribe a different period of validity, which may not exceed one year.

154. The council may by by-law prescribe, as a penalty for failure to hold a permit or licence required under a by-law, a fine at least equal to the cost of the permit or licence. The council may also impose the fine at an amount equal to the cost of the permit or licence, where the cost exceeds the maximum fine that may be imposed under section 369 of the Cities and Towns Act (R.S.Q., c. C-19). The imposition of a fine does not exempt the offender from the obligation to obtain a permit or licence and pay the cost.

155. Sections 484 and 498 of the Cities and Towns Act (R.S.Q., c. C-19) shall apply to the recovery of all prior claims owing to the city.

156. The interest rate set under section 481 of the Cities and Towns Act (R.S.Q., c. C-19) shall apply to any amount owing to the city.

157. For the purposes of section 497 of the Cities and Towns Act (R.S.Q., c. C-19), any person who, not being the debtor, pays a municipal or school, property or personal, general or special tax, or the water rates for a third party, is subrogated of right in respect of the prior claims and legal hypothecs of the city on the property of the debtor and may recover from the debtor the amount of taxes so paid even if the payment was made without the debtor's consent.

If the movable or immovable property subject to those taxes is sold, the subrogation shall not prevent the city from being collocated by preference to the subrogated party for any taxes owing and arrears after the subrogation.

158. A payment made by a ratepayer shall first be allocated to the interest on taxes owing in arrears and then to the principal of the longest-standing tax arrears.

159. The council may apply, for the purposes it determines, after the end of a fiscal year but before the financial report has been prepared by the treasurer in accordance with section 105 of the Cities and Towns Act (R.S.Q., c. C-19), any revenues that are in excess of the expenditures of the terminated fiscal year that have been the object of an availability certificate issued by the treasurer and filed before the council.

160. The expenses incurred by the city to remove a nuisance because a person has failed to comply with the order provided for in section 463 of the Cities and Towns Act (R.S.Q., c. C-19) shall constitute a prior claim on the immovable in which the nuisance was located, in the same manner and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec. The expenses are secured by a legal hypothec on the immovable.

161. The term of a loan contracted by the city with respect to water purification and waste elimination equipment may exceed the maximum period for repayment determined under section 1 of the Act respecting municipal debts and loans (R.S.Q., c. D-7) but may not exceed 50 years.

162. Notwithstanding any contrary provision, a city commission consisting of the mayor, the director general, the treasurer and one councillor may authorize the city to use its sinking funds to redeem its outstanding bonds, or, with such money, purchase at current market rates other bonds of the city to be issued, or treasury bonds issued in anticipation of its bond issues and also deposit certificates issued by chartered banks, trust companies or institutions governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1) or other bonds in accordance with section 39 of the Act respecting municipal and school debts and loans (R.S.Q., c. D-7).

The council may delegate to the treasurer the power to invest, in accordance with that Commission's directives, the money from the sinking funds into some or all of the investment categories referred to in the first paragraph.

163. For the purposes of subparagraph 1.1 of paragraph 1 of section 28 of the Cities and Towns Act (R.S.Q., c. C-19), the procedures, know-how and data of any body created by the city, by the Communauté urbaine de Québec or a municipality referred to in section 5 of the Charter and those of the companies incorporated upon request by the city, the Communauté urbaine de Québec or the municipalities, belong to the city.

164. Notwithstanding the Highway Safety Code (R.S.Q. c. C-24.1) and applicable regulations, the city shall be exempt, up to an annual amount of \$290 000, from paying the registration fees for the road vehicles it owns and that are used for municipal work.

165. In exercising the powers conferred on it by the Charter, by an order made under section 9 of this Charter, by the Cities and Towns Act (R.S.Q., c. C-19) and by the Act respecting municipal taxation (R.S.Q., c. F-2.1) with respect to immovables situated in the part of the Parc technologique du Québec métropolitain that is within the territory of Ville de Québec, as described in the Schedule to chapter 81 of the Statutes of 1989, which remain in force solely for the purposes of this section, or respecting the persons referred to in section 232 of the Act respecting municipal taxation who carry on their activities therein, the city may impose a property or business tax at a rate that is different from the rate applicable elsewhere in the territory.

The city may, by by-law, prescribe the terms and conditions of taxation of such immovables and persons.

Such tax may not be imposed on an immovable that is entered on the property assessment roll after 31 December 2009 or on a person referred to in section 232 of the Act respecting municipal taxation if the commercial establishment is entered on the roll of rental values after that date.

The city may exercise the powers conferred on it by this section starting with the 1990 fiscal year until 31 December 2011. Exercising those powers may not, however, result in the imposition of different tax rates for an immovable or a person referred to in section 232 of the Act respecting municipal taxation for a period exceeding ten years.

The city may, by by-law, amend the description appearing in the Schedule to chapter 81 of the Statutes of 1989, which remain in force solely for the purposes of this section, to take into account the changes to the territory of the Parc technologique du Québec métropolitain situated in the territory of Ville de Québec, as it existed on 31 December 2001. The by-law requires the approval of the Minister of Municipal Affairs and Greater Montréal and shall come into force on the date of its publication in the *Gazette officielle du Québec*.

166. The city council may establish, out of the estimated revenues of each annual budget or out of any other source of financing, a reserve fund for the purpose of financing any self-insurance program. The city may not assign more than 1% of the budget to such purpose yearly.

167. The city may preserve and enhance movable and immovable property forming part or having formed part of the cultural or historical heritage of the city. For that purpose, the city may acquire, maintain, lease, administer and manage any movable or immovable property.

The city may also create a cultural and historical city heritage preservation fund and pay a determined amount into the fund out of the annual budget or assign to it any donation made to the city for the preservation of the cultural and historical heritage of the city.

The proceeds of the alienation of property acquired out of the moneys of the special fund shall be paid into the fund. The city may also pay into the fund any other revenues from the leasing or management of property acquired out of the moneys of the fund.

The fund shall be used exclusively for the preservation of the cultural or historical heritage of the city.

168. The city may collect from any person selling fire insurance, or that person's agent carrying on a business in the city's territory, an amount equal to three quarters of the city's expenditures for remuneration, fringe benefits and other employee benefits for the fire investigation commissioner specified under the Fire Safety Act (2000, c. 20) and for the investigative and support services that it provides to the fire investigation commissioner.

The city shall establish by by-law the annual proportion payable by those persons or their agents, along with the rules of collection.

This section shall not apply to the Assurance mutuelle des fabriques de Québec.

### **CHAPTER XIII** **ASSISTANCE AND SUBSIDIES**

169. The city may grant subsidies or assistance in the form of a loan or otherwise to any person or agency, including a foundation, the aims of which are national, patriotic, religious, philanthropic, charitable, scientific, artistic, cultural, literary, social, professional, athletic or sport, for the protection of the environment or the conservation of resources or other public interest goals not specifically provided for that are in the interests of the city or of its citizens, and to charge them with the organization and the management of activities for municipal purposes and concerning the goals they are pursuing.

170. The city may grant, for a period of five years, an exemption of 50% of the general property tax imposed on part of a building to which the public has access exclusively for parking motor vehicles.

The exemption may not be granted on the basis of the value of the property where such building is erected, nor on the property where no structure is erected.

171. The city council may by by-law adopt a program of intervention or revitalization of the city's territory or of part thereof. The program may provide that the city may give, under the conditions determined by the council, a grant for the carrying out of work. The amount of the grant may not exceed the actual cost of the work.

172. The city council may by by-law award a grant to the owner of an immovable that is partially or totally destroyed by fire, dilapidated, deserted or vacant situated in a part of the city's territory that has been classified as a historic district who wants to implement a restoration, renovation project or to redesign or reconstruct the immovable. The amount of the grant may not exceed the actual cost of the work.

173. Within the scope of the action or revitalization program, the city council may by by-law on the conditions and in the sectors of the city it determines, grant a property tax credit for buildings that are or were eligible for renovation work. The tax credit may not exceed the actual cost of the eligible work and may be allocated over more than one fiscal year.

174. Within the scope of the action or revitalization program, the city council may by by-law on the conditions and in the sectors of the city it determines, give a grant or a property tax credit to individuals or housing cooperatives to promote the acquisition of residential property.

175. The provisions of the Charter, an order under section 9 of the Charter or the Cities and Towns Act (R.S.Q., c. C-19) that authorize the city to give grants or tax credits or any assistance in the form of a loan or otherwise shall apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15).

176. The city council may, by by-law, with respect to a grant given under a provision of the Charter, an order under section 9 of this Charter or the Cities and Towns Act (R.S.Q., c. C-19) or within the scope of a by-law under one of their provisions

(1) stipulate that any change in the destination or mode of occupancy of an immovable, the alienation of all or part of the immovable or a transfer of control by the legal person that owns the immovable, within such time, not exceeding ten years, as the council determines, shall entail the repayment to the city, in such proportion as the council determines according to the time elapsed, of the grant paid in respect of the immovable, or the refusal of any permit required for a change of destination or occupancy until such repayment is made ;

(2) provide for the classes of change of destination or mode of occupancy, the classes of total or partial alienation or the classes of transfer of control by the legal person that owns the immovable that shall be exempt from the requirements of subparagraph 1 ;

(3) provide that repayment of the grant shall be exigible from any person who is the owner of the immovable at the time of the change of destination or occupancy ;

(4) provide that repayment of the grant shall be exigible from any person who is the owner of the immovable at the time of its alienation or the alienation of the legal person that owns the immovable or any subsequent owner ;

(5) prescribe formalities required to guarantee compliance with the requirements under subparagraphs 1 to 4 ; and

(6) prescribe, for the entire period in which the grant may be repaid, the obligation for the owner of the immovable to maintain a damage insurance in force that provides for, in the event of partial or total destruction of the immovable and its non reconstruction within the deadline prescribed by city council, the preferred payment to the city, under nominate insured title, of an amount equal to its interest in the repayment of the grant.

The owner who receives the grant shall, if the by-law contains provisions under subparagraph 3, 4, or 5 of the first paragraph, have a document published establishing the limits to the right of ownership of the immovable. The registrar of real rights must publish the document and enter it in the appropriate registers.

For the purposes of subparagraph 6, the council may establish classes based on the characteristics of the immovables or the nature and extent of the work to be done and prescribe different reconstruction deadlines according to those classes.

177. The city council may, for the purposes of a provision authorizing the city to give a grant or a tax credit or any assistance in the form of a loan or otherwise, set different rates for the grants or tax credits, provide different types of assistance or create exemptions for certain classes of recipients based on the criteria and characteristics it determines.

#### **CHAPTER XIV OTHER PROVISIONS**

178. A ward council in existence on 31 December 2001 shall continue to exist and to have jurisdiction in the territory for which it was created until a ward council created in accordance with sections 35.1 to 35.17 of the Charter acquires jurisdiction over part of or all the territory in its stead.

From that day, the ward council in existence on 31 December 2001 shall cease to have jurisdiction in the territory in which a ward council created in accordance with sections 35.1 to 35.17 acquires jurisdiction.

179. A ward council in existence on 31 December 2001 shall be dissolved in accordance with the procedures provided for in section 35.11 of the Charter where the entire territory over which it had jurisdiction on 31 December 2001 is subject to the jurisdiction of a ward council created in accordance with sections 35.1 to 35.17 of the Charter or, at the latest, two years after the coming into force of a by-law under section 35 of the Charter.

Notwithstanding the first paragraph, the city council may authorize a ward council in existence on 31 December 2001 not to dissolve if, in the opinion of the city council, the territory of the ward described in the by-law under section 35 of the Charter corresponds significantly to the territory of the ward in existence on 31 December 2001.

180. A ward council in existence on 31 December 2001 shall continue to be subject to the operation and composition by-laws in force on 31 December 2001, but shall become subject to the by-laws relating to the formation, composition and operation of a ward council passed by the city council, upon the coming into force of a by-law to that effect under sections 35.12 or 35.13 of the Charter.

181. The Ville de Québec fire commissioner in office on 15 November 2000 is entitled to a pension equal to his salary on that date, payable in the same manner and by the same persons as provided for in sections 182 and 183 of the Charter of the city of Québec (1929, c. 95) as they read on that date.

182. The clerk may amend minutes of a meeting, by-law, resolution, order or other act of the municipal council, executive committee, or borough council to correct an error that is obvious on the simple reading of documents produced in support of a decision or action. In such cases, the clerk shall attach to the original document that was amended the minutes of the correction and shall table, before the next meeting of the municipal council, executive committee or borough council, as the case may be, a copy of the amended document and the minutes of the correction.

183. The Minister of Municipal Affairs and Greater Montréal may, upon the city's request, postpone a deadline imposed on the city under a legislative provision the application of which lies with the Minister of Municipal Affairs and Greater Montréal. Where it is expedient to do so, the Minister may grant another postponement according to the conditions the Minister determines.

An action or a document is not unlawful on the sole grounds that it was made or adopted after the expiry of a deadline imposed on the city, or, as the case may be, granted or postponed by the Minister under the first paragraph.

184. The contracts under the jurisdiction of the city council or the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may designate in writing, in a general or special manner, another member of the executive committee who may sign contracts in his stead.

The executive committee may authorize, upon proposal of the mayor, in a general or special manner, the director general, department head, or another designated officer, to sign the contracts or documents the nature of which the committee determines and that fall under the jurisdiction of the city council or the executive committee, except the by-laws and resolutions, and prescribe, in such cases, that certain contracts or documents or certain classes of these do not require the clerk's signature.

The contracts under the jurisdiction of a borough council shall be signed on behalf of the city by the chair of the borough council and by the clerk or the person designated by the clerk. The chair of the borough council may authorize in writing, in a general or special mandate, another member of the borough council to sign the contracts in his stead.

The borough council may authorize, on proposal by the chair, in a general or special mandate, the borough manager, the department head or another officer the council director designates, to sign the contracts and documents the nature of which the council determines

and that fall under the jurisdiction of the borough council, except the by-laws and resolutions, and prescribe, in such cases, that certain contracts or documents or certain classes of these do not require the clerk's signature.

For the purposes of section 53 of the Cities and Towns Act (R.S.Q., c. C-19), the contracts shall be presented by the clerk to the authorized signatory under this section.

185. The city may revise part or all of its by-laws and for that purpose, revoke or amend them; however, those revocations or amendments may not be construed as affecting any matter or thing done or to be done, any rights or obligations of city officers, who shall continue to be governed by the prior by-laws until the expiry of the set term.

For the purposes of the first paragraph, the council may, by by-law, establish a terminology as well as rules for the writing, citation and publication of revised by-laws. It may also establish in that by-law all the rules required for the coming into force of the revised by-laws and provide for the updating mechanisms to ensure a permanent consolidation of the by-laws.

186. Notwithstanding section 79 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the documents collected or prepared by the assessor more than 15 years before to draw up the roll, whether they were used or not for the roll, and were sent to the city archives, shall be subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1).

187. Notwithstanding any provision to the contrary, a person who contravenes a provision of the Charter or an order under section 9 of the Charter commits an offence and is liable to a fine of at least \$100 for an offence against the Charter or an order, \$50 for an offence against a by-law and up to \$1 000 if the offender is a natural person or \$2 000 if a legal person, and, for subsequent offences, to a fine of at least \$500 up to \$2 000 if the offender is a natural person or \$4 000 if the offender is a legal person.

188. The city shall succeed to the rights, property and obligations of the Bureau d'assainissement des eaux du Québec métropolitain, established under the Greater Québec Water Purification Board Act (1968, c. 56).

189. The city may, by filing a declaration under the private signature of the clerk describing the immovables and real rights of the Bureau d'assainissement des eaux du Québec métropolitain, of the Communauté urbaine de Québec or of a municipality referred to in section 5 of the Charter, register those immovables or real rights under its name.

190. Until the coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec, the city shall be a member of the Agence des forêts privées de Québec 03, created under the Forest Act (R.S.Q., c. F-4.1).

From the date of coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec, the Communauté métropolitaine de Québec shall be a member of the Agence des forêts privées de Québec 03.

A regional county municipality whose territory is included in the Communauté métropolitaine de Québec and the cities of Québec and Lévis shall cease to be members of the said Agence des forêts privées de Québec 03 from the date of coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec.

191. The auditors appointed by the Communauté urbaine de Québec and by the municipalities referred to in section 5 of the Charter must complete their mandate for the 2001 fiscal year and report on their audit to the city council.

192. The provisions of the Charter of the city of Québec (1929, c. 95), the Charter of the city of Sainte-Foy (1976, c. 56) and any specific legislative provision governing the Communauté urbaine de Québec or a municipality referred to in section 5 of the Charter authorizing the payment of a pension, retirement indemnity or other benefit shall not be repealed by section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) or by section 177 of the Charter for the sole purpose of preserving any rights held at 31 December 2001.

193. Any reference in an Act or by-law to a provision repealed by section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) or by section 177 of the Charter is deemed a reference to the corresponding provision of the Charter, an order under section 9 of this Charter or the Cities and Towns Act (R.S.Q., c. C-19).

194. In the event of inconsistency between a provision of this Schedule and a provision of the Charter, the former shall prevail.

195. No provision of this Schedule or other provision remaining in force under this Schedule shall restrict the scope of any provision of an Act applicable to the city or

any municipality in general or to one of their bodies, for the sole reason that is it similar to such provision but written in more specific terms.”.

26. This Order in Council shall come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 1310-2001, 1 November 2001**

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56)

Charter of Ville de Longueuil

WHEREAS the Charter of Ville de Longueuil (2000, c. 56, Schedule III) was enacted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 136 of that Charter;

WHEREAS under section 9 of that Charter, the Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter, determine the provisions that are to apply to all or any part of the territory of Ville de Longueuil;

WHEREAS that order made under section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act; and

(3) derogating from any provision of the Charter of Ville de Longueuil, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act