



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 207

(Private)

An Act to amend the charter of the City of Laval

Introduction

**Introduced by
Madam Lise Leduc
Member for Mille-Îles**

**Québec Official Publisher
1999**

Bill 207

(Private)

AN ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

WHEREAS it is in the interest of Ville de Laval that its charter, chapter 89 of the statutes of 1965 (1st session), and the Acts having amended it be again amended and that the city be granted certain powers ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 31 of the charter of the City of Laval (1965, 1st session, chapter 89) is replaced by the following section :

“31. There shall be for the city a court of record called “Municipal Court of the City of Laval”. Subject to sections 31.1 to 31.14, Chapters II to V and Division II of Chapter VII of the Act respecting municipal courts (R.S.Q., chapter C-72.01), adapted as required, apply to the court, except sections 25, 32, 34 to 42.1, 45 to 51, the second paragraph of section 53 and sections 56.1, 56.2, 64, 73 and 76 to 78 of the said Act.

The regulation made by the Government under paragraph 8 of section 118 of the said Act applies to the court.”

2. The said charter is amended by inserting the following sections after section 31.1 :

“31.1.1. In addition, if the council, upon a report by the executive committee, considers that, for a limited time and because of a special situation, the number of judges is insufficient, it may ask the chief judge of the municipal courts, appointed under section 36.1 of the Act respecting municipal courts, to designate one or more additional judges, on a full-time or part-time basis, from among the judges of the other municipal courts.

The remuneration, conditions of employment and social benefits of such an additional judge shall be those established by order of the Government pursuant to section 49 of the Act respecting municipal courts and are to be borne by the city.

An additional judge so designated shall exercise the duties of municipal judge for the period indicated and shall, in all respects, have all the authority and powers conferred on the judges of the Municipal Court of the City of Laval.

“31.1.2. Before entering office, the judge shall make the following oath: “I swear that I will faithfully, impartially and honestly, and to the best of my knowledge and abilities, fulfil all the duties and exercise all the powers of a judge of the Municipal Court of the City of Laval.”

The oath shall be made before the chief judge of the Municipal Court of the City of Laval or a judge of the Court of Québec, and the writing evidencing it shall be transmitted to the Minister of Justice.

“31.1.3. The duties of the chief judge shall be

- (1) to ensure that the general policy of the court in judicial matters is applied;
- (2) to coordinate, apportion and supervise the work of the judges and see to their complementary training;
- (3) to ensure that the judicial code of ethics is observed;
- (4) to see to the scheduling of the sittings of the court and the allotment of cases.

The judges must comply with the chief judge’s orders and directives.

“31.1.4. A majority of the judges of the Municipal Court may, at a meeting called for that purpose by the chief judge, adopt, amend or replace the rules of practice necessary for the exercise of the jurisdiction of the court. The rules must be consistent with the provisions of the Code of Civil Procedure (R.S.Q., chapter C-25) and the Code of Penal Procedure (R.S.Q., chapter C-25.1).

The rules shall be submitted to the Government for approval. The provisions of the Regulations Act (R.S.Q., chapter R-18.1), except Division V, apply to the rules.

The rules shall be posted in the office of the clerk of the court.

“31.1.5. The term of office of the chief judge is of seven years and cannot be renewed. Notwithstanding the expiry of the chief judge’s term, the chief judge shall remain in office until replaced.

A judge who has held the office of chief judge for at least seven years is entitled to receive, until the salary as a judge is equal to the amount of salary and additional remuneration the chief judge was receiving upon ceasing to hold such office, the difference between that latter amount and the chief judge’s salary.”

3. The said charter is amended by inserting the following section after section 31.10:

“31.10.1. The court may sit on any juridical day of the year and after 6 o'clock p.m., as many times as may be necessary.”

4. Section 4 of the Act to amend the charter of the City of Laval (1991, chapter 83) is repealed.

5. Sections 8, 9 and 10 of the Act to amend the charter of the City of Laval (1978, chapter 112) are repealed.

6. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the city, by inserting the following paragraph after paragraph 2.1 of subsection 1 :

“(2.1.1.) Transfer to owners of adjoining immovables, gratuitously or for valuable consideration, parcels of land of which it has become the owner through expropriation or otherwise. Such a transfer to an industrial or commercial establishment may be effected notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15) in the case of residual land of little value no longer needed by the city.”

7. Section 29.5 of the said Act is replaced, for the city, by the following section :

“29.5. The city may, for purposes within its competence, enter into 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., chapter A-2.1), a public utility enterprise or a non-profit agency, 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 performed by such body or agency and, to that end, make a joint call for tenders in view of awarding the required contracts.”

8. Section 413.1 of the said Act, enacted for the city by section 8 of chapter 57 of the statutes of 1994, is renumbered 413.2.

9. The said Act is amended, for the city, by inserting the following section after section 415.1 :

“415.2. The council of the city may, by by-law, determine the rules and conditions relating to occupancy and maintenance, by the riparian owner, of an immovable adjoining an unused portion of the right-of-way of a public thoroughfare, the whole subject to the rights of the city over the entire right-of-way of the thoroughfare, including the right to revoke without compensation any permission as regards the occupancy and to remove any development or planting made on the public domain.

As soon as the by-law comes into force, it operates, notwithstanding any contrary provision, to require the riparian owner of the immovable concerned

to maintain the unused portion of the right-of-way as if the riparian owner were the owner of that unused portion.

The riparian owner is consequently responsible for any damage to property or persons resulting from the occupancy and must take up the city's defence and hold the city harmless for any claim arising from such damage.

In addition, the city may, by a notice in writing, require any development or planting made in contravention of the provisions of the by-law made under this section to be removed. On default, the city may itself remove the development or planting or cause it to be removed at the expense of the offender, the costs being secured by a legal hypothec on the adjoining immovable."

10. Section 536 of the said Act is amended, for the city, by adding the following paragraph after the second paragraph :

"However, the city may, in the case of the acquisition of an immovable for municipal purposes, raise its bid to the amount of the municipal assessment."

11. The said Act is amended, for the city, by inserting the following section after section 570 :

"570.1. The city is authorized, by resolution of its executive committee, to acquire by mutual agreement or by expropriation all servitudes which it considers appropriate to permit their use or to cede them, on the conditions which the executive committee shall determine, to public utility enterprises, for the laying or installation of conduits, poles, wires and other accessories necessary for their operations. The servitudes mentioned in this section may be constituted without a description of the land to which the servitude is due.

In addition, the city is further authorized, by resolution of its executive committee, to acquire by mutual agreement or by expropriation all immovables and all servitudes which it may cede to the Agence métropolitaine de transport on such conditions as the executive committee determines."

12. Section 573.3.1 of the said Act, enacted for the city by section 13 of chapter 57 of the statutes of 1994, is renumbered 573.3.2.

13. The council of the city may exercise the powers it holds under section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) to regulate the setting-up of

(1) establishments where erotic shows are presented, whether or not they are presented to increase the demand for goods or services offered in the establishment ;

(2) establishments where services of an erotic nature are offered ;

(3) establishments where mainly articles of an erotic nature are offered;
and

(4) establishments where activities that exploit eroticism are carried on.

The council of the city may also make a by-law with respect to the layout and use of the premises occupied by establishments referred to in the first paragraph.

The council of the city may prescribe the minimum distance between establishments referred to in the first paragraph, the maximum floor area that may be used by, and the maximum number of, such establishments; the council of the city may prohibit the use for such purposes of any floor area or premises in excess of the maximum floor area or number of establishments allowed or within a lesser distance than the minimum distance prescribed.

The council of the city may, by by-law, compel the operator of an establishment referred to in the first paragraph, the occupancy of which has become a departure from the by-law following the adoption of a by-law respecting the establishment, to cease, without compensation, the operation of that establishment within a period of two years.

14. As part of the examination of conformity of certain by-laws with the objectives of the development plan and with the provisions of the complementary document, section 137.11 of the Act respecting land use planning and development applies to Ville de Laval. However, the application must be transmitted to the Commission municipale du Québec within 15 days after the publication of the notice provided for in section 137.10 of the said Act.

15. Ville de Laval may make a by-law to determine in which cases a by-law must be the subject of an examination of conformity with the objectives of the development plan and with the provisions of the complementary document by the Commission municipale du Québec. To come into force, the by-law must be approved by the Minister of Municipal Affairs and Greater Montréal.

16. Section 12 of the Act to amend the charter of the City of Laval (1996, chapter 84) is replaced by the following section :

“12. The second, third and fourth paragraphs of section 6 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) do not apply in respect of an immovable alienated by Ville de Laval in accordance with this Act and whose final expropriation indemnity has not been fixed. In such a case, the alienation of the immovable must be authorized by the Minister of Municipal Affairs and Greater Montréal.”

17. The first paragraph of section 10 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) does not apply in respect of an immovable acquired otherwise than under a by-law made in accordance with the first paragraph of section 2 of the said Act.

The sums of money must nevertheless first be allocated to discharge the engagements made by the city in respect of the immovable.

18. Notwithstanding the first paragraph of section 31.1.5 of the charter of the City of Laval, enacted by section 2, the person who holds the office of chief judge of the Municipal Court of the City of Laval on (*insert here the date of assent to this Act*) may continue to hold office until the person attains 70 years of age. If the person resigns as chief judge but continues to be a judge of the Municipal Court of the City of Laval, the person shall benefit from the application of the second paragraph of section 31.1.5.

19. By-laws made under the provision repealed by section 4 remain in force until they are repealed or replaced by by-laws made under paragraph 30.2 of section 415 of the Cities and Towns Act.

20. Section 5 has effect only for sales for taxes made after (*insert here the date of assent to this Act*).

21. This Act comes into force on (*insert here the date of assent to this Act*).