

THIRD SESSION  
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

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**Bill 268**  
(PRIVATE)

**An Act to amend the charter of the city of Varennes**

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First reading .....  
Second reading .....  
Third reading .....

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M. JEAN-PIERRE CHARBONNEAU

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## Bill 268

(PRIVATE)

An Act to amend the charter of the city of Varennes

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

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

**1.** Section 385 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193) is replaced for the city by the following section:

**“385.** Every by-law, on pain of nullity, must be preceded by a notice of motion given at a sitting of the council and be read at an adjournment or a sitting held on a later day.

The clerk is not required to read the by-law if the notice of motion mentions such exemption, if a copy of the draft by-law is filed at the office of the clerk from the day on which such notice of motion is given and if, before the adoption of the by-law, the members of the council who are present state that they have read it and waive the reading thereof.

From the day of the notice of motion, the clerk must issue a copy of the by-law to any ratepayer requesting it.

Before the by-law is adopted, the clerk must give a summary of its object and its implications and mention the cost, mode of financing and, where applicable, the method of payment.

The clerk must also take the necessary measures to ensure that copies of the by-law are put at the disposal of the public during the meeting, for reference.

When a notice of motion has been given to amend a zoning by-law adopted under paragraph 1 of section 426, no subdivision

or building plan shall be approved nor shall any permit be granted for carrying out works or using land which, should the amending by-law be adopted, will be prohibited in the zone or sector concerned. But if the amending by-law is not adopted and put in force within three months from the date of the notice of motion, the prohibition enacted by this paragraph then ceases to be applicable."

**2.** Section 426 of the said act is amended for the city by inserting, after paragraph 17, the following paragraph:

"(17a) Before instituting penal proceedings with respect to an infraction of a municipal by-law relating to traffic, parking or public safety, the city may send by mail to the owner or operator of the vehicle, a notice of summons describing the infraction and indicating the minimum penalty and also the place where such penalty, plus an additional \$5.00 for costs, may be paid within the following ten days.

The payment of the amount required within the delay fixed by the notice precludes the institution of criminal proceedings.

However, such payment may not be invoked as an admission of civil responsibility.

After such payment, the accused is considered to have been found guilty of the infraction. However, if the infraction involves the suspension or cancellation of a permit or a registration certificate, the accused may, if not so informed thereof in the notice, renounce the immunity from prosecution resulting from the payment and thus render his admission of guilt void."

**3.** Section 429 of the said act is amended for the city by inserting, after paragraph 35, the following paragraph:

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

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

that delay, the municipality may carry out the work at the expense of the owner of the immoveable if he has been impleaded.

The cost of the demolition, removal and repair works incurred by the municipality in exercising the powers provided for in this section constitutes against the property contemplated a charge of the same rank as the real estate tax and is recoverable in the same manner."

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

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

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

"(22a) To prohibit dumps in the city.

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

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

- (a) the owner, lessee or occupant of the land;
- (b) the owners of the vehicles deposited there.

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

All costs incurred by the city in removing or causing the removal of the scrapped objects or vehicles constitute against the property on which the scrapped objects or vehicles were situated, a charge of the same rank as the real estate tax and are recoverable in the same manner;".

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

"(2) To decree that for the owner, lessee or occupant of a vacant or partly built lot or land to leave upon such lot or land one or more motor vehicles built more than seven years previous-

ly, having no markers for the current year and in such a condition that they cannot be driven, to allow branches, brush or weeds to grow on such lot or land or to leave scrap iron, rubbish, refuse, paper, empty bottles or noxious substances thereon constitutes a nuisance.

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

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

The costs incurred by the city in removing or causing the removal of the nuisances or in carrying out any measure intended to eliminate or prevent such nuisances constitute, against the property on which the nuisances were situated, a charge of the same rank as the real estate tax, and are recoverable in the same manner.

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

**7.** Section 476a of the said act is replaced for the city by the following section:

**"476a.** The council may, by by-law, determine the guarantees to be given by a person at whose request:

- (a) it passes a by-law under paragraph 1c of section 426, or
- (b) it orders the execution of municipal works related to the erection of a new structure on the land concerned in the request.

Such guarantees may include the deposit of an amount estimated sufficient to compensate for possible expenses to the municipality incurred due to the application of sections 398a to 398o and 399 to 410, including the cost of all public notices. Any amount not used must be returned to the person making the request not later than thirty days after the conclusion of proceedings relating to such by-law.

In the case of the execution of municipal works, the council may also require payment in cash, by the person who makes the request, of a part not greater than 20% of the total cost of such works."

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

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

**9.** Section 516 of the said act is replaced for the city by the following section:

**“516.** The council may, by resolution, whenever it sees fit, instruct the treasurer or another officer to add to the amount of any taxes to be levied on taxable property in the municipality, a sum of not more than ten per cent, to cover losses, costs and bad debts.

The council may also order the addition, to the amount of taxes recoverable on the taxable property in the municipality, of a sum not greater than ten dollars on a tax bill of less than five dollars and a sum not greater than seven dollars on a tax bill of not less than five dollars and not more than ten dollars. Arrears and interest shall not be taken into account in the establishment of the additional charges provided for in this paragraph.”

**10.** Section 519 of the said act is replaced for the city by the following section:

**“519.** Arrears of municipal taxes are prescribed by five years.”

**11.** The said act is amended for the city by adding, after section 531, the following sections:

**“531 a.** The council may, by by-law, make every immovable or category of immovables liable, for any operation related to keeping the valuation roll up to date, to a compensation, which may be different for each category or class of immovables and may be fixed in such a way as to take into account the valuation established as a result of the bringing up to date, in the case of immovables used for commercial or industrial purposes. Such compensation is of the same rank as the real estate tax, for collection purposes.

**“531 b.** The council may, by by-law, for the purpose of defraying the cost of preparing the first annual roll, ordered pursuant to section 108 of the Real Estate Assessment Act, make

every immovable or category of immovables liable to a compensation which may be fixed in such a way as to take into account the valuation established as a result of the preparation of the first annual roll, in the case of immovables used for commercial or industrial purposes. Such compensation is of the same rank as the real estate tax, for collection purposes.”

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

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

**13.** The second paragraph of section 575 of the said act is replaced for the city by the following paragraph:

“The municipality may, with the authorization of the Ministre des affaires municipales, permanently retain the immovables so acquired. From that time on, such immovables are no longer subject to municipal and school taxes and any such taxes outstanding are redeemed.”

**14.** Section 693 of the said act is replaced for the city by the following section:

**“693.** The council of any municipality, by whatever law governed, may, by the affirmative vote of its members, pass a by-law submitting its territory to the jurisdiction of the Municipal Court of the city of Varennes, provided such municipality is situated in the same judicial district as that city.

Such by-law may provide for the formation of an intermunicipal committee and section 475 applies to such committee.”

**15.** The council may make by-laws:

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

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

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

(b) to determine, impose and levy certain annual dues or taxes in regard to any person or class or category of persons who or which alters the quality of water or discharges contaminants into watercourses, ditches, mains or sewers in the municipality. Such dues or taxes may vary for each person or class or category



of persons according to the nature of the water treatment required or the degree or quantity of pollution caused, as determined by by-law. Such dues or taxes shall not exceed five thousand dollars for each person for one year;

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

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

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

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

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

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

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

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

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

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

(h) to rule that all dues imposed under this section and payable by a person shall constitute, against the property where the discharges are made, a charge of the same rank as the real estate tax and are recoverable in the same manner;

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

**16.** Notwithstanding any provision to the contrary, the council may order that the registration procedure provided for in sections 398*a* to 398*o* be replaced by an agreement signed by the interested persons.

The draft by-law or draft resolution, as the case may be, must be annexed to the agreement which, when signed by at least three quarters, in members or in value as the case may be, of the interested property-owners, becomes obligatory for those who have not signed equally with those who have signed, and for the representatives of any of them.

The agreement must be signed in the presence of the clerk and after the latter has read the draft by-law or draft resolution to the persons interested.

In the case of an agreement regarding the approval of a by-law passed pursuant to paragraph 1*c* of section 426, the clerk must, at least eight days before the date the by-law is passed, give public notice of the notice of motion and of the draft by-law to those persons entered as property-owners on the valuation roll in force with regard to an immovable situated within a zone or sector contiguous with the zone or sector that is the subject of the draft by-law. Such persons, who, in the case of natural persons, must be of full age and be Canadian citizens, are considered interested and qualified to sign the agreement on presentation to the clerk, within the five days following the date of publication of the public notice, of a motion signed by at least twelve of their number, or by the majority thereof if they number fewer than twenty-four.

Where an agreement has been signed in accordance with this section, the council may adopt the by-law annexed to that agreement. Such by-law shall not be amended during adoption, except for clerical errors, and it shall not be amended unless a new agreement is signed.

For the purposes of this section, interested persons are those qualified to sign the agreement on the day the by-law or the resolution, as the case may be, is adopted.

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

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

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

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

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

The municipality may, with the authorization of the court, alienate or acquire for its own purposes an immoveable of which it has provisional possession. The consideration for such alienation must be approved by the Commission municipale du Québec and, where applicable, be deposited with the office of the court.

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

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

Such personal claim is prescribed on the day the claim respecting the right of ownership that it replaces would have been

prescribed if not so replaced, and it does not constitute a real right, a charge, a hypothec or a privilege upon the immoveables concerned.

If a person's right of ownership is recognized, the municipality may, by private agreement, reach a settlement with that person to clear up the title and it may require that the interested party fix the indemnity payable for such purpose by the Expropriation Tribunal.

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

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

The municipality may, with a view to regrouping lots or reconstituting original lots, acquire, by private agreement or by expropriation, the immoveables it deems necessary for such purposes. It may hold, lease and administer such immoveables. It may also alienate them with the approval of the Commission municipale du Québec.

**18.** (1) The council, by by-law, may establish a fund called the "snow removal expenses stabilization fund" to place at its disposal the amounts which it may need to meet snow removal expenses.

(2) For this purpose, the council shall prepare a five-year budget of snow removal expenses and appropriate each year, out of the revenues derived from the general real estate tax, an amount equal to one-fifth of the aggregate provided for in such five-year budget to pay such expenses.

(3) For the purposes of this section, the expression "snow removal expenses" includes all direct expenses incurred for snow removal and street and sidewalk maintenance during the period from the first of October in any year to the first of May in the next year.

In particular, such expenses include:

- (a) salaries and fringe benefits of employees;
- (b) purchase of materials, supplies and fuel;
- (c) lease of equipment and tools;
- (d) job contracts;

- (e) cost of repairing and maintaining vehicles and equipment;
- (f) other expenses relating to the use of vehicles and equipment;
- (g) annual payments into the working fund for renewal and purchase of equipment and tools;
- (h) debt service of the loans contracted for the purchase of equipment and tools;
- (i) claims for damage to persons and property during snow removal.

(4) Any annual surplus or deficit shall be carried forward from one year to the next, until the five-year budget expires.

At the end of such period the accumulated surplus or deficit shall form part of the general budget for the next year.

**19.** (1) The council, by by-law, may establish a fund called the "stabilization fund for the purchase and replacement of machinery and vehicles" to place at its disposal the amounts which it may need to meet expenses for the purchase and replacement of machinery and vehicles.

(2) For this purpose, the council shall prepare a five-year budget of expenses for the purchase and replacement of machinery and vehicles and appropriate each year, out of the revenues derived from the general real estate tax, an amount equal to one-fifth of the aggregate provided for in such five-year budget to pay for such expenses.

(3) Any annual surplus or deficit shall be carried forward from one year to the next, until the five-year budget expires.

At the end of such period, the accumulated surplus or deficit shall form part of the general budget for the next year.

**20.** Section 20 of the letters patent amalgamating the municipalities of the parish of Sainte-Anne de Varennes and the village of Varennes is revoked.

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