

1982, chapter 89

AN ACT TO AMEND THE CHARTER OF THE CITY OF QUÉBEC

Bill No. 238

Introduced by Mr Richard Guay

First reading: 18 May 1982

Second reading: 22 June 1982

Third reading: 22 June 1982

Assented to: 23 June 1982

Coming into force: 23 June 1982

Act amended:

Charter of the city of Québec (1929, chapter 95)



CHAPTER 89

An Act to amend the Charter of the city of Québec

[Assented to 23 June 1982]

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

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1929, c. 95,
s. 15,
replaced. **1.** Section 15 of the Charter of the city of Québec (1929, chapter 95), replaced by section 98 of chapter 16 of the statutes of 1980, is replaced by the following section:

Salary and
allowance. **“15.** The city shall pay each year to the chairman of the council, in addition to what it pays to him in any other capacity, a salary of \$3 747 and an expense allowance of \$1 873.”

1929, c. 95,
s. 182,
replaced. **2.** Section 182 of the said charter, replaced by section 8 of chapter 54 of the statutes of 1976, is replaced by the following section:

Salary. **“182.** The annual salary of the fire commissioner of the city of Québec and the terms and conditions of payment of the said salary are fixed by resolution of the council. Such resolution must be approved by the Government.”

1929, c. 95,
s. 303, am. **3.** Section 303 of the said charter, replaced by section 24 of chapter 68 of the statutes of 1970, is amended by adding the following paragraph:

Issue of
bonds. **“The city may also borrow money, where it decides to provide assistance or grant a subsidy or contribution under this charter, by issuing bonds or otherwise, if the assistance, subsidy or contribution is used to pay for capital expenditures.”**

1929, c. 95,
s. 453g,
added. **4.** The said charter is amended by adding, after section 453f, the following section:

Commercial zone. **“453g.** (1) The council may, by by-law, define the limits of a commercial zone within which a single commercial district may be formed, comprising at least 50 places of business and more than 50% of the places of business in that zone, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

Powers of the association. (2) Such an association may promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

Formation. (3) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

Opposition. (4) On receiving the application, the executive committee shall order the clerk to send a notice to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

Register. (5) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

Information. (6) The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to whom the notice is being sent or on whom it is being served, and the text of this section and of any by-law relating thereto.

Hours. (7) The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending or service of the notice or, if that day is a holiday, on the next working day.

Notice. (8) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district. The procedure of registering signatures is not invalidated merely because one or several ratepayers having a place of business in the district did not receive the notice or the date of opening of the register follows the date of reception of the notice by a shorter period than the period mentioned in subsection 7.

Signature. (9) Not more than one signature may be registered for each place of business.

Denial of application. (10) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.

Authoriza-
tion. (11) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.

Poll. (12) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered or certified mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a poll is to be held within ninety days of the filing of the application; the rules provided for the keeping of the register apply to the holding of the poll.

Authoriza-
tion. (13) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise, the application is denied and no new application may be filed before a period of six months has expired.

Corporate
name. (14) The resolution authorizing the establishment of the association shall indicate the corporate name of the association and the limits of the commercial district in which it is to have jurisdiction.

Head
office. (15) The head office of the association must be situated within the limits of the city.

Copies. (16) The clerk shall transmit to the Minister of Financial Institutions and Cooperatives three certified copies of the resolution authorizing the establishment of the association. The Minister shall, on receiving the three copies of the resolution,

— register one certified copy in accordance with the Companies Act (R.S.Q., chapter C-38),

— transmit to the clerk and the association or its authorized representative a copy of the resolution and proof of its registration, and

— publish, at the cost of the city, a notice of registration of the resolution in the *Gazette officielle du Québec*.

Status. (17) From the date of registration, the association is a corporation within the meaning of the Civil Code.

Provisions
applicable. (18) To the extent that it is applicable, Part III of the Companies Act, particularly the provisions relating to dissolution, governs the association, subject to this section and the by-law approved by the Minister of Financial Institutions and Cooperatives.

Provisions
applicable. However, sections 98, except paragraphs *j* and *k* of subsection 3, 103, except subsection 3, 113, 114 and 123 of Part I of the said Act apply, *mutatis mutandis*, subject to this section and the by-laws of the council approved by the Minister of Financial Institutions and Cooperatives.

Formalities. (19) The council may, by by-law, provide the formalities of application to form an association, its composition, the responsibilities of the general meeting of members and of the board of directors, respectively, and any matter related to its organization, operation and dissolution.

Approval. Any by-law passed under the preceding paragraph must be submitted to the Minister of Financial Institutions and Cooperatives and comes into force on the date of its approval.

By-laws. (20) The council shall establish by by-law any other matter relating to the association, in particular, the terms and conditions respecting the establishment, collection and repayment of assessments.

Internal management. It shall also approve the internal management by-laws of the association.

Notice. (21) Within fifteen days following the date of the organization meeting, the association shall transmit to the Minister of Financial Institutions and Cooperatives a notice of the address of the head office and a list of its directors.

Members. (22) All the ratepayers having a place of business in the district are members of the association and, subject to subsection 23, have the right to vote at its meetings; they are entitled to one vote for each place of business.

Eligibility. (23) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

Board of directors. (24) The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.

Operating budget. (25) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.

Guarantee. (26) The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.

Approval of the budget. (27) On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may order by by-law an assessment for which it shall determine the mode of computation and the number of payments.

Assessment. (28) The rules governing the computation of the assessments of the members, the payments and the dates they become due are

established by by-law and are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.

Assessment.

(29) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

Subrogation.

(30) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

Notice.

(31) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business. The new member succeeds to the rights and obligations of the preceding ratepayer even if he has not given the notice prescribed by this subsection.

Special business tax.

(32) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected, minus collection costs, are remitted to the association.

Change of limits.

(33) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

Application.

(34) The application is filed with the executive committee, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.

Expansion.

(35) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.

Approval.

(36) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.

Restriction.

(37) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.

Jurisdiction.

(38) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

Voluntary
mem-
bership.

(39) Subsection 33 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business outside the limits of the district.

Resolution
transmit-
ted to the
Minister.

(40) The resolution changing the limits of the district of the association must be transmitted to the Minister of Financial Institutions and Cooperatives in three certified copies. On receiving the copies of the resolution, the Minister shall observe the procedures prescribed in subsection 16, *mutatis mutandis*.

Effect.

(41) The change takes effect from the date of registration of the resolution.

Grants.

(42) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

Special
general
meeting.

(43) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

"place of
business".

(44) For the purposes of this section, the expression "place of business" includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, except an employment or a charge."

1929, c. 95,
s. 534a,
added.

5. The said charter is amended by adding, after section 534, the following section:

Powers of
the city
safe-
guarded.

"534a. Notwithstanding any inconsistent provision of this charter, the city is not bound to impose a water rate. If the city does not impose a water rate, it retains all the powers required to fix the price of the water sold according to the quantity of water supplied."

1929, c. 95,
s. 546, am.

6. Section 546 of the said charter, replaced by section 31 of chapter 74 of the statutes of 1940, amended by section 36 of chapter 75 of the statutes of 1972 and by section 56 of chapter 42 of the statutes of 1980, is amended by replacing the third and fourth paragraphs by the following paragraphs:

Speed
limit.

"Notwithstanding any provision to the contrary, the city may, by a resolution of its council, enact the maximum or minimum speed limit of vehicles in its territory, which may vary according to the

area. The resolutions come into force only after they are approved by the Minister of Transport.

Penalty.

The council may, for each contravention of the resolution, impose the penalty provided for in section 394, which becomes applicable as soon as signs are installed in the proper places. However, the fine imposed must be equal to the fine enacted for a contravention provided for under the Highway Safety Code (1981, chapter 7) for the same matter."

Coming
into force.

7. This Act comes into force on the day of its sanction, but section 1 has effect from 1 January 1982.