

NATIONAL ASSEMBLY

FIRST SESSION

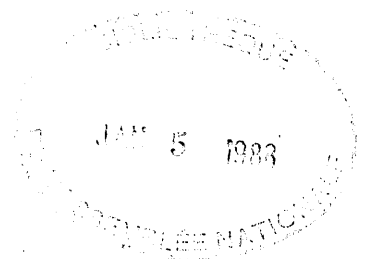
THIRTY-THIRD LEGISLATURE

Bill 250
(Private)

An Act to amend the Charter of the city of Québec

Introduction

Introduced by
Mr Jean Leclerc
Member for Taschereau



Québec Official Publisher
1987

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(Private)

An Act to amend the Charter of the city of Québec

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 21 of the Charter of the city of Québec (1929, chapter 95), replaced by section 2 of chapter 86 of the statutes of 1969, amended by section 6 of chapter 46 of the statutes of 1985 and by section 833 of chapter 57 of the statutes of 1987, is again amended by replacing paragraph *d* by the following paragraph:

“(d) whoever has, directly or indirectly, by himself or his partner, any contract, other than his contract of employment as an officer or employee, with the city. Acceptance of or application for municipal services or the purchase of movable property offered to the public according to a fixed tariff, by auction or public tender, or the purchase of immovables alienated by the city in accordance with the provisions governing it in respect of the alienation of immovables, is not and has never been considered to be a contract with the city.”

2. Section 336*a* of the said charter, enacted by section 39 of chapter 86 of the statutes of 1969 and amended by section 13 of chapter 97 of the statutes of 1974 and by section 16 of chapter 54 of the statutes of 1976, is again amended

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

“336a. Where an immovable is in such a condition that it may endanger the life or health of persons or where a building is unoccupied or in such condition that it cannot be inhabited or occupied, or has lost one-half of its value, a judge of the Superior Court, upon a motion by the city presented even during a suit, may order the owner of the immovable or any other person in charge thereof to carry out such work as he determines or to demolish the building within such time as he fixes and order that, on failure to do so within such time, the city may proceed with such work or demolition at the expense of the owner of the building.”;

(2) by inserting the words “work or” after the word “such” in the third line of the second paragraph;

(3) by replacing the word “building” in the first line of the third paragraph by the word “immovable”;

(4) by inserting the words “work or” before the word “demolition” in the fifth line of the third paragraph;

(5) by replacing the word “building” in the second line of the fourth paragraph by the word “immovable”;

(6) by inserting the words “the carrying out of the work or” after the word “for” in the first line of the sixth paragraph.

3. Section 386 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is amended by adding the following paragraph:

“For the purposes of the first paragraph, the council may determine, by by-law, the terminology and set forth rules respecting the drafting, reference to and publication of the revised by-laws; it may also set forth such rules as are necessary in respect of the coming into force of the revised by-laws and provide for an annual updating method that will allow for continuous consolidation.”

4. The said charter is amended by adding the following section:

“452. Notwithstanding section 116 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), the city may, with the authorization of the Minister of Industry and Commerce,

(a) acquire by agreement or expropriation any immovable for industrial purposes;

(b) sell, lease or otherwise alienate for industrial or commercial purposes any immovable acquired under subparagraph a;

(c) where an immovable acquired under one of its powers, including an immovable acquired under section 453*a*, may be more adequately used for industrial purposes, sell, lease or otherwise alienate it for industrial purposes, on such conditions as it may determine;

(d) where an immovable acquired under subparagraph *a* cannot be adequately used for industrial or commercial purposes, use it or dispose of it for other purposes.

If the city takes back an immovable that has been sold, leased or otherwise alienated under subparagraphs *b* and *c* of the first paragraph to protect its claim or to exercise certain privileges contained in the contract, it may then dispose of it for the same purposes as those provided for in this section.

The city is not subject to the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1).

For the purposes of paragraph *a*, the authorization of the Minister of Municipal Affairs is required.”

5. Section 453 of the said charter, replaced by section 29 of chapter 61 of the statutes of 1984, is amended

(1) by replacing the second paragraph of subsection 2 by the following paragraph:

“The city may, for the purposes of carrying out construction work or for the construction of streets, sidewalks, parks or public places impose, by expropriation, such perpetual or temporary servitudes as are required, and especially

(a) a servitude of non-access to one of its immovables;

(b) a servitude not to build, prohibiting the erection or rebuilding of any construction on a specified parcel of land.”;

(2) by adding the following subsection:

“(3) The city is authorized to acquire by agreement or expropriation any immovable, part of an immovable, servitude or immovable real right for urban renewal purposes where fragmentation of the land, an inadequate network of streets and lanes, the obsolescence or state of repair of buildings or a use not conforming with the by-laws or the development plan for the territory, does not permit a rational use of the land.”

6. Section 453*c* of the said charter, replaced by section 32 of chapter 61 of the statutes of 1984 and amended by section 142 of chapter 27 of the statutes of 1985, is amended by replacing the second paragraph by the following paragraph:

“The city may apply for the incorporation of a non-profit corporation having as its objects the exercise of the powers vested in the city under the first paragraph. The corporation may also exercise the powers of the corporations contemplated in section 453*b* or 453*d*.”

7. Section 453*g* of the said charter, enacted by section 4 of chapter 89 of the statutes of 1982 and amended by section 34 of chapter 61 of the statutes of 1984, is amended by replacing paragraph 44 by the following paragraph:

“(44) For the purposes of this section, the expression “place of business” includes any premises or establishment entered on the roll of rental values 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, whether or not for lucrative purposes, except an employment or a charge.”

8. The said charter is amended by adding, after section 540, the following section:

“**541.** The city shall have all the powers required to carry out the duties and obligations resulting from any convention between the city of Québec and the Government of Québec, any of its departments, agencies or mandataries, respecting the development, conservation or promotion of the historic district of Québec.”

9. Section 545*d* of the said charter, enacted by section 40 of chapter 61 of the statutes of 1984 and amended by section 36 of chapter 116 of the statutes of 1986, is amended by replacing the words “a snow removal operation” in the second line of the first paragraph by the words “the maintenance of public thoroughfares”.

10. Section 546*b* of the said charter, replaced by section 19 of chapter 97 of the statutes of 1974 and amended by section 42 of chapter 61 of the statutes of 1984, is amended by adding, at the end of the fifth paragraph, the words “The judge or the clerk rendering such a judgment by default shall sign it, or shall affix his signature or cause it to be affixed thereto by means of a mechanical device.”

11. The said charter is amended by adding, after section 556, the following section:

“556a. The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) does not apply to maintenance, renovation, repair or alteration work performed by salaried workers hired directly by the city.”

12. Subject to section 8 of chapter 66 of the statutes of 1963, Part III of the Companies Act (R.S.Q., chapter C-38), and more particularly the provisions relating to dissolution, governs “La Corporation de l’Hôpital Civique de Québec”.

13. The contract made on 1 May 1986 between the city of Québec and Val-Pert Inc., before Richard Trudel, notary, under number 2167 of his minutes and registered at the registry office of Québec on 9 May 1986 under number 1 184 509, is hereby ratified.

14. The sole defect remedied by section 13 consists in the fact that the city of Québec may not have had the power to acquire, for industrial purposes, the immovables acquired under those contracts.

The city clerk shall register section 13 of this Act by deposit, in the registry office of the registration division of Québec. The registrar of the registration division of Québec shall enter, opposite the deeds ratified by section 13, the following: “ratified by the legislative provisions registered under number...”.

15. The city of Québec may, for the fiscal years 1988, 1989 and 1990, grant a reduction of the amount of the business tax payable for a place of business.

For that purpose, section 237 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) applies to the city, subject to the following adaptations:

(1) the words “where the rate of the business tax exceeds 15%, the” in the first line of the first paragraph are replaced by the word “The”;

(2) the word “twice” in the fourth line of the first paragraph is replaced by the words

(a) “one and one third” for the fiscal year 1989;

(b) “two thirds of” for the fiscal year 1990;

(3) the percentage “5%” in the first line of subparagraph 1 of the second paragraph is replaced by the percentage “3%”;

(4) the figure “\$1 500” in the first line of paragraph *a* of subparagraph 2 of the second paragraph is replaced by the figure “\$900”;

(5) the percentage “10 %” in the second line of paragraph *b* of subparagraph 2 of the second paragraph is replaced by the percentage “8 %”.

16. This Act comes into force on (*insert here the date of assent to this Act*), except section 1 which comes into force on 1 January 1988.