
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 204

(PRIVATE)

**An Act to amend the charter
of the town of Plessisville**

First reading



Introduced by
Mr Jacques Baril
Member for Arthabaska

Québec Official Publisher
1983

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(PRIVATE)

An Act to amend the charter of the town of Plessisville

WHEREAS it is in the interest of the town of Plessisville that its charter, chapter 94 of the statutes of 1954-1955, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The town is authorized to construct, equip or operate an establishment intended for recycling waste, to enter into an agreement, for such purposes, with any other municipality or body, and to grant subsidies to any public or private body engaged in waste salvage and recycling.

2. Section 14 of chapter 94 of the statutes of 1954-1955 is replaced by the following section:

“14. Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the town of Plessisville, by inserting, after paragraph 26, the following paragraph:

“(26.1) In the case of a lot not built upon, the water-rates may be imposed upon a strip of such lot one hundred feet in depth fronting a road, street or avenue, according to the real value of the said strip entered on the assessment roll, but the annual amount of the said tax shall not be more than five per cent of the real value of the said strip, provided that the water mains and trunk sewers be installed along the road, street or avenue in front of such lot. Whatever the value of the said strip, the annual amount of the above mentioned tax shall not be less than five dollars, religious communities and religious property exempted;”.

3. Section 415 of the said Act is amended, for the town, by inserting, after paragraph 30, the following paragraph:

“(30.1) To regulate or prohibit the parking of vehicles on any parking lot or in any building intended for parking, as determined by by-law after an agreement has been reached with the owner;”.

4. Section 460 of the said Act is amended, for the town, by adding, after paragraph 22, the following paragraphs:

“(23) To regulate shops where goods of an erotic character are sold or offered for sale;

“(24) To regulate massage parlors.”

5. Section 463 of the said Act is amended, for the town, by adding, at the end of paragraph 2, the following paragraph:

“All costs incurred by the town in removing or causing the removal of the 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;”.

6. Section 16 of chapter 94 of the statutes of 1954-1955 is replaced by the following section:

“**16.** Section 464 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the town, by inserting, after paragraph 11, the following paragraph:

“(12) The council may, by resolution appropriate, out of the general funds of the town, such amounts as may be deemed useful, necessary or advantageous to advertise the town, make known its advantages, promote the tourist industry, encourage the establishment and expansion of industries, and grant money, for such purposes, provided that all such sums do not exceed twenty-five thousand dollars annually.”

7. The said Act is amended, for the town, by inserting, after section 467, the following sections:

“§ 22.3—*Subsidies for the restoration of immovables*

“**467.8** The council may, by by-law, on such conditions and in such sectors of the town as it may determine, order that the town grant a subsidy for the restoration of every building used for residential or commercial purposes.

“**467.9** The council may, by by-law, on such conditions and in such sectors of the town as it may determine, order that the town grant a subsidy for the restoration of any structure having an architectural, historical or cultural interest.

“467.10 The council may, by by-law and on such conditions as it may determine, order that the town grant to the owner of every building or structure which benefited by a restoration subsidy program adopted by by-law of the council under sections 467.8 or 467.9 a subsidy to compensate for the increase in real estate taxes resulting from the new assessment of the restored building or structure.

For the first fiscal period following such works, the amount of the subsidy shall be equal to the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due.

For the second fiscal period following the works, the amount of the subsidy shall be equal to fifty per cent of the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due.”

8. Notwithstanding any Act to the contrary, every fine claimed and recovered before the Municipal Court belongs to the town and forms part of its general account.

9. The town is authorized to acquire, by agreement or expropriation, any immovable the acquisition of which is considered appropriate for land bank or housing purposes and for works related to those purposes, and any immovable that is deemed obsolete or the occupancy of which is deemed harmful.

The town is authorized to hold, lease and manage the immovables and the buildings erected thereon acquired under the first paragraph. It may equip those immovables and instal therein the necessary public services; it may also demolish or restore buildings and other works erected thereon or construct thereon new buildings for purposes of housing, recreation, amusement and other accessory purposes.

The town is authorized to exercise the powers provided for in the second paragraph with respect to immovables that it already owns.

The town may alienate the immovables on such conditions as it may determine, with the approval of the Commission municipale du Québec, provided that the price of alienation is at least equal to the real value of such immovables and not lower than the cost price. The approval is not required when the alienation is made by public tender or public auction. The town may also alienate, gratuitously or on such conditions as it may determine, such an immovable in favour of the Government, a government agency, a school corporation or a non-profit corporation established under section 10.

10. On an application by the town, the Government may issue, on such conditions as may be set forth therein, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as its object the acquisition of housing for persons or families of other than low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that this Act confers on the town.

The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members or member and directors.

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

A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatary of the town and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21).

The town may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the necessary sums and apply for subsidies provided for by law for the purposes of making a loan to the corporation formed under this Act and allowing it to exercise its powers.

The corporation contemplated in this section must, not later than 31 March each year, send to the town council a report of its activities for the preceding financial year. The report must also include all information that may be prescribed by the town council.

The corporation must also, at any time, provide the town council with all the information it may require on its operations.

11. In order to allow the rational development of the centre of the town, the town is authorized,

(a) to acquire, by agreement or expropriation, the immovables necessary to achieve that purpose;

(b) to promote the influence of the centre of the town as a public place of social and community, cultural, artistic, sports, commercial and recreational interest;

(c) to sell all or part of such immovables by auction, public tenders or agreement, with the approval of the Commission municipale du Québec, for residential, community, commercial, public and governmental purposes, at a price not lower than the cost of acquisition including services and relevant expenses or costs related thereto;

(*d*) to demolish or restore buildings and other works erected thereon, or erect any new building or complex for public market, recreational, cultural, residential, community, commercial, public or governmental purposes or for parking and garage purposes;

(*e*) to rent such immovables by emphyteutic lease or otherwise, with the approval of the Commission municipale du Québec, for residential, community, commercial, public and governmental purposes, at a price sufficient to cover the annual expenses relating to the immovables or for the amortization of and interest on the purchase price, the cost of services, relevant expenses or costs related thereto, and municipal or school taxes.

The proceeds of such sales or leases must be used to discharge the obligations contracted by the town for that purpose;

(*f*) to exercise the powers provided for in paragraphs *b*, *d* and *e* over the immovables already owned by it.

12. The town is authorized to acquire, outside the limits of its territory, by agreement or expropriation, any immovable, or part thereof, or any servitude necessary for the setting up and operation of snow dumps.

For those purposes, the town is authorized to hold, lease, manage and operate the immovables acquired under the first paragraph. It may equip the immovables or construct thereon any building or other work necessary for that purpose.

13. 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.

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 the total amount of the snow removal expenses provided for in the corresponding year of the five-year budget.

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 1 October in any year to 1 May of 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 payment 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.

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.

14. The council may, out of the revenues provided for in the budget, establish a fund, for an amount not exceeding \$500 000, referred to as "the self-insurance reserve fund" to place at its disposal the amounts which it may need to meet the pecuniary consequences of civil liability which may be incumbent upon the town following damage, including bodily injuries, sustained by any person owing to flooding caused by the back-flow of public servers, the breaking of public waterworks or any other cause which may be imputed to the town.

The council shall appropriate, each year, out of the revenues provided for in the budget, a sum not exceeding one fifth of the maximum amount of the fund.

The expenses chargeable to that fund include, in particular,

- (a) the expenses necessary for investigation, expert appraisal, negotiation or defense purposes in the case of a claim or proceedings resulting from a loss;
- (b) the total amount of a transaction or settlement made by the town in respect of a claim or proceedings resulting from the loss;
- (c) the amount of any judgment pronounced against the town in any proceedings resulting from the loss, as well as the accrued interest on the amount of the judgment, and the costs and fees taxed on the town.
- (d) the expenses necessary for the appeal by the town from a judgment pronounced against it in any proceedings resulting from the loss.

15. Sections 8 and 15 of chapter 94 of the statutes of 1954-1955 are repealed.

16. Sections 1 and 8 of chapter 103 of the statutes of 1957 are repealed.

17. The by-laws passed by the town council of Plessisville before 1 August 1980 which have not been published according to law are deemed to be in effect and to have force of law as from the date on which they were passed or, as the case may be, as from the date of their final approval where they were submitted for one or more approvals.

No irregularity or illegality may be ascribed to the fact that such by-laws were not published in accordance with the law.

The secretary-treasurer shall enter a reference to this Act in the record of the by-laws of the town council, opposite every by-law contemplated in the first paragraph.

18. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

19. Section 2 has effect from 1 January 1982.

20. This Act comes into force on the day of its sanction.