

# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

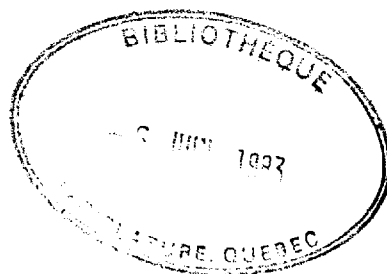
FOURTH SESSION

## Bill 223

(PRIVATE)

### **An Act to amend the charter of the city of Beauport**

First reading



Introduced by  
Mr Raymond Gravel  
Member for Limoilou



# **Bill 223**

(PRIVATE)

## **An Act to amend the charter of the city of Beauport**

WHEREAS it is in the interest of the city of Beauport and necessary for the proper administration of its affairs, that its charter, chapter 91 of the statutes of 1975, amended by chapter 108 of the statutes of 1978, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city

(1) by inserting, after paragraph 23.1, the following paragraphs:

“(23.2) To compel the owners of any establishment other than a dwelling to comply with paragraph 23.1;

“(23.3) To make special arrangements with the interested rate-payers to connect their alarm systems to a control centre situated in a municipal building and to authorize the levy of a special annual tax on any immovable equipped with that service;”;

(2) by adding, after paragraph 44, the following paragraph:

“To order the laying out of priority lanes for emergency vehicles along the perimeter of any public building as defined in the Public Buildings Safety Act (R.S.Q., chapter S-3) and any construction or structure used for industrial, manufacturing, processing or storage purposes, prohibit thereon the parking of vehicles at any time, order, in cases of contravention, the towing of any vehicle at the expense of its owner and subject any offender to the payment of a fine in accordance with the formalities in force for prohibited parking elsewhere in the municipality.”

**2.** Section 531 of the said Act is replaced for the city by the following section:

**“531.** An immovable sold for taxes may be redeemed by the owner or his legal representatives, at any time within the year following the day of adjudication, by paying to the purchaser the price of sale, including the cost of the certificate of adjudication, with interest at the rate prescribed pursuant to section 481 or section 481.1, a fraction of a year being counted as a whole year.

When the immovable sold is vacant land, the amount payable to the purchaser shall also include the total of the municipal and school taxes, general and special, imposed upon the immovable from the date of adjudication to the date of redemption, if they have been paid by the purchaser; if they have not been paid, the redemption shall free the purchaser therefrom and shall bind the owner to pay them.”

**3.** Section 534 of the said Act is replaced for the city by the following section:

**“534.** The person so redeeming, shall be entitled to be reimbursed, by the owner, the amount he has paid, with interest at the rate prescribed pursuant to section 481 or section 481.1. The redemption deed, after registration, shall give him a privilege on the immovable for the reimbursement of his money, ranking after municipal taxes, notwithstanding the provisions of article 2009 of the Civil Code.”

**4.** Section 536 of the said Act is replaced for the city by the following section:

**“536.** Whenever immovables situated in a city or town are sold for municipal or school taxes, the municipality may bid upon and acquire such immovables through the mayor or other person generally authorized for that purpose by the council, without having to immediately pay the amount of the upset price or of the adjudication.

The municipality may also bid upon and acquire, with the same privileges, such immovables, at any sheriff's sale or other sale having the same effect as a sheriff's sale.

The city is not bound to pay the school taxes due, on adjudication.

In no case, however, may the bid of the municipality at a sale contemplated in the second paragraph of this section, exceed the amount of the upset price and costs, with an amount sufficient to satisfy any privileged debts of a rank prior or equal to that of municipal taxes.

However, the city may, with the prior authorization of the Commission municipale du Québec, increase its bid to the amount of the municipal assessment.”

**5.** Section 537 of the said Act is replaced for the city by the following section:

**“537.** The city or town shall cause to be entered in its name the immovables so purchased, on the assessment and collection rolls and special apportionment rolls, and shall tax them like any other taxable immovable, and such immovables shall remain liable for municipal and school taxes as any other immovables and shall be assessed the same. However, the school taxes thus imposed shall not be exigible from the municipality.

If the right to redeem is exercised, the redemption price shall include, over and above the amount paid by the municipality for the immovable, including interest at the rate prescribed pursuant to section 481 or 481.1, the sum of the general or special municipal and school taxes assessed on such immovables from the date of the adjudication to the date of the redemption, or the instalments due on such taxes if they are payable by instalments, as well as the sums of money due to the municipality for taxes unpaid by the distribution of the proceeds of the sale.

After the redemption, the instalments of special taxes not yet due shall continue to affect the immovable redeemed, and the owner shall be liable therefor.”

**6.** Section 538 of the said Act is amended for the city by adding the following paragraph:

“Furthermore, the city is not bound to pay the school taxes due, on signing the deed of sale.”

**7.** The said Act is amended for the city by inserting, after section 539, the following sections:

**“539.1** Where an immovable is sold pursuant to section 539, all school taxes due at the time of the sale for taxes are paid within thirty days of the signing of the deed of sale if the proceeds of the sale are equal to or higher than the municipal and school taxes that are due at the time of the sale for taxes.

Where an immovable is sold pursuant to section 539, and the proceeds of the sale are less than the amount of municipal and school taxes due at the time of the sale for taxes, the proceeds shall be distributed, within 30 days of the signing of the deed of sale, to the city and the school corporations, in proportion to the amount of the taxes that is due to each of them at the time of the sale for taxes, in relation to the total amount of the taxes.

Where the city is authorized to keep the immovable for its own purposes, it shall, within thirty days of the authorization of the Minister of Municipal Affairs, pay the school taxes due at the time of the sale of taxes.

**“539.2** The city is authorized to acquire from a school board, for a price that does not exceed the amount of the school taxes due at the time of the sale for taxes, any immovable that the later has acquired at a sale for taxes; section 539 applies to such an acquisition.”

**8.** The said Act is amended for the city, by adding after section 642, the following section:

**“642.1** The council by resolution may authorize the destruction of records closed for more than five years relating to offences against the Statutes of Québec, the municipal by-laws or any other legislation in force in the territory of the city.”

**9.** Notwithstanding any Act to the contrary, the city is authorized to acquire, by agreement or expropriation, any immovable the acquisition of which is considered appropriate for land reserve or for housing purposes and for works related to those purposes, and any immovable the occupancy of which is considered obsolete or harmful.

The city is authorized to hold, lease and manage the immovables acquired under the first paragraph. It may also repair and develop the immovables and instal the necessary public services thereon. It may also demolish or restore any building or other works erected thereon or erect new buildings for purposes of housing, recreation, amusement or other related purposes.

The city is authorized to exercise the powers provided for in the preceding paragraphs in respect of immovables that it already owns.

The city 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 sufficient to cover all the expenses relating to the immovable concerned including those incurred for restoration, demolition and construction, where such is the case.

The city may alienate, gratuitously or for a price less than the price provided for in this section, such an immovable or building in favour of the Government, a government agency, a school corporation or its municipal housing bureau.

This section does not apply to the acquisition of immovables for industrial purposes.

Any sum required for the purposes mentioned above may be borrowed by a loan by-law on an issue of bonds which requires no other approval than that of the Minister of Municipal Affairs and of the Commission Municipale du Québec.

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