

NATIONAL ASSEMBLY

FOURTH SESSION

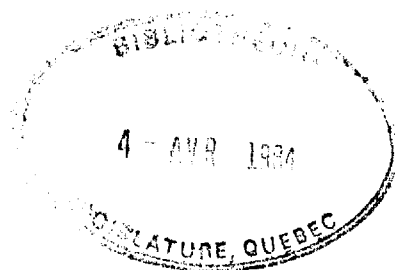
THIRTY-SECOND LEGISLATURE

Bill 61

**An Act respecting municipal
industrial immovables**

Introduction

**Introduced by
Mr. Alain Marcoux
Minister of Municipal Affairs**



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EXPLANATORY NOTES

This bill replaces the Industrial Funds Act (R.S.Q., chapter F-4).

The main object of the bill is, as in the case of the Act that it replaces, to provide assistance to local undertakings by authorizing municipalities to acquire land in view of conveying it to those undertakings.

The bill also includes several improvements not found in the Act that it replaces. First, it empowers municipalities to finance their purchases of immovables by means other than loan by-laws. Secondly, the bill reduces governmental controls in the application of the Act and simplifies the rules governing the alienation and leasing of land by municipalities. Finally, municipalities will be authorized to acquire buildings in certain cases.

ACTS AMENDED BY THIS BILL

- Act respecting land use planning and development (R.S.Q., chapter A-19.1)
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

ACT REPLACED BY THIS BILL

- Industrial Funds Act (R.S.Q., chapter F-4)

Bill 61

An Act respecting municipal industrial immovables

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A municipal corporation may, by by-law, fix the amount it may spend to acquire immovables for industrial purposes.

To come into force, the by-law must be approved by the persons qualified to vote on a loan by-law under the Act governing the municipal corporation. A certified copy of the approved by-law is sent to the Minister of Industry, Commerce and Tourism and to the Minister of Municipal Affairs.

The municipal corporation may, in the same manner, increase the amount fixed under the first paragraph.

2. A municipal corporation may, by by-law, order the acquisition of immovables for industrial purposes, by agreement or expropriation, up to the amount fixed under section 1.

To come into force, the by-law must receive the approval of the Minister of Industry, Commerce and Tourism and the Minister of Municipal Affairs and requires no other approval, even where it orders a loan.

3. If an immovable includes a building, the approval contemplated in section 2 may be granted only in the following cases:

(1) where the municipal corporation undertakes to remove the building before alienating or leasing the land on which it is erected;

(2) where an industrial building and the land on which it is erected are transferred free of charge to the municipal corporation.

4. To provide for the expenditures incurred for an acquisition under this Act, the municipal corporation may, in the by-law mentioned in section 2, order a loan, allocate sums of money from its general fund or impose a special tax to be levied in the fiscal year for which it is imposed.

Upon approval of the by-law, the amount of the expenditure is subtracted from the amount fixed under section 1.

5. A by-law made under section 2 may be amended as provided in the Act governing the municipal corporation.

Where, under the Act governing a municipal corporation, an amendment is subject to the approval of the Commission municipale du Québec, the Minister of Municipal Affairs shall exercise the powers of the Commission in its place; where, under that Act, an amendment is subject to the approval of the Minister and of the Commission, only the approval of the Minister is required.

In either case, the amendment also requires the approval of the Minister of Industry, Commerce and Tourism.

6. A municipal corporation may, on the conditions it determines and with the prior approval of the Minister of Industry, Commerce and Tourism, alienate or lease, for industrial purposes or, subsidiarily, for commercial purposes, an immovable it has acquired under this Act.

The alienation or leasing of an immovable for a price lower than its cost price to the municipal corporation also requires the prior approval of the Minister of Municipal Affairs.

7. For the purposes of the second paragraph of section 6, the Minister of Municipal Affairs may make a regulation to prescribe the mode of computing the cost price of an immovable; this mode may be different according to such cases as he may determine. The regulation may also specify the cases where computation of the cost price is not required, in which cases the prior approval of the Minister of Municipal Affairs is not required. The regulation comes into force from its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

8. In no case may the alienation or leasing of an immovable that includes a building be approved unless it has been acquired under paragraph 2 of section 3.

9. Notwithstanding section 6, a municipal corporation may, during the five years following acquisition of an immovable under this Act, lease it for any purpose, without approval, for a term not exceeding three years.

10. The sums of money derived from any alienation or lease must be used to discharge the engagements made by the municipal corporation under this Act.

If the sums of money exceed the total amount of the engagements, the surplus is paid into the general fund of the corporation.

11. The alienation or leasing by a municipal corporation of an immovable it has taken back following an alienation contemplated in this Act is subject to this Act.

The first paragraph also applies where the municipal corporation repurchases an immovable in the exercise of a right of preemption stipulated in the contract of alienation or where it acquires an immovable sold for failure to pay municipal or school taxes if, in each of such cases, the municipal corporation had originally alienated the immovable for industrial or commercial purposes.

12. On proof that an immovable acquired under this Act is unsuited for industrial purposes or, subsidiarily, for commercial purposes, the Minister of Industry, Commerce and Tourism and the Minister of Municipal Affairs may authorize the municipal corporation to alienate the immovable for other purposes.

13. The Minister of Industry, Commerce and Tourism and the Minister of Municipal Affairs may authorize a municipal corporation to use for municipal purposes an immovable acquired under this Act if the use is compatible with the industrial or commercial use of neighbouring immovables acquired under this Act.

Notwithstanding the first paragraph, the municipal corporation may without authorization use, for local improvement purposes, an immovable acquired under this Act.

No immovable contemplated in this section may be alienated or leased unless it is alienated or leased in accordance with this Act.

14. Section 126 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the first paragraph by the following paragraph:

“126. At least fifteen clear days before the meeting is held, the clerk or secretary-treasurer of the municipality shall

(1) publish, in a newspaper circulated in the territory of the municipality, a notice indicating the date, time, place and objects of the meeting;

(2) forward the notice contemplated in paragraph 1 to the Minister of Industry, Commerce and Tourism where the draft by-law affects an immovable acquired under the Act respecting municipal industrial immovables (1984, chapter *insert here the chapter number of this Act*) or under another legislative provision authorizing a municipal corporation to acquire immovables for industrial purposes; the notice must also indicate summarily how the immovable is to be affected by the planned by-law.”

15. The heading of subdivision 4 of Division VII of Title I and sections 116 and 117 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) are replaced by the following heading and sections:

“§ 4.—*Industrial immovables and industrial promotion*

“**116.** The municipalities of the territory of the Community shall not avail themselves of section 1 or section 2 of the Act respecting municipal industrial immovables (1984, chapter *insert here the chapter number of this Act*).

No public fund may be allocated to industrial promotion by the municipalities, except pursuant to the other powers conferred on them by the said Act.

“**117.** The Act respecting municipal industrial immovables applies to the Community, with the necessary changes, except that the Community does not have to power to impose a tax.

“**117.1** For the purposes of the application of the Act respecting municipal industrial immovables,

(1) the executive committee may alienate any land acquired for industrial purposes if the area of the land does not exceed 10 000 square metres;

(2) the Community may, when alienating any land, require that the acquirer pay the value of local improvement work required by the acquirer and carried out in view of his establishment on the land; the Community shall reimburse the amount thereof, if such is the case, to the municipality which carried out the work; the amount constitutes a privileged claim on the immovable of the same rank as municipal taxes.”

16. This Act replaces the Industrial Funds Act (R.S.Q., chapter F-4).

17. Every immovable to which a provision replaced by this Act applies on (*insert here the date of the day preceding the coming into force of this Act*) is subject to this Act from the coming into force of this Act.

Notwithstanding the foregoing, where an immovable that includes a building has been validly acquired for industrial purposes before (*insert here the date of coming into force of this Act*), the alienation or the leasing of the immovable, including alienation or leasing of the building may, notwithstanding section 8, be approved in accordance with this Act.

18. Every regulation or by-law in force or other act performed before (*insert here the date of coming into force of this Act*) under a provision replaced by this Act shall retain its effect until it is replaced or repealed, to the extent that it is not inconsistent with this Act.

19. The Minister of Municipal Affairs is responsible for the administration of this Act.

20. 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).

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