

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 224

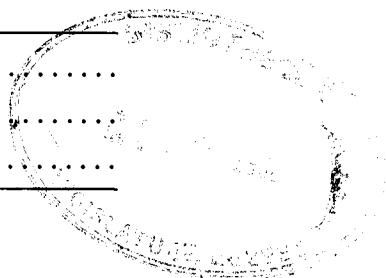
(PRIVATE)

An Act to amend the charter of the city of Shawinigan

First reading

Second reading

Third reading



M. MARCEL GAGNON

QUÉBEC OFFICIAL PUBLISHER

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(PRIVATE)

An Act to amend the charter of the city of Shawinigan

WHEREAS it is in the interest of the city of Shawinigan that certain powers be granted to it;

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

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

In the pursuit of the objects for which it is established, the association has the rights, privileges and obligations of a corporation within the meaning of the Civil Code and of Part III of the Companies Act (R.S.Q., chapter C-38). It may, in particular, 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.

Such an association may be established on the application of five ratepayers having a place of business in the district. On receiving the application, the municipal council shall order the clerk to send a notice by certified mail to every ratepayer paying a business tax in the district, informing him that a register will be open on premises situated within the district or at a distance of not over two kilometres from the perimeter of the district to receive the signatures of ratepayers who oppose the formation of the association. 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 of the notice or, if that day is a holiday, on the next working day. 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, and the text of this section together with any by-law relating thereto.

If more than 50% of the ratepayers to whom the notice was addressed sign the register, the application is denied and no new application may be filed before a period of six months has expired.

If fewer than 33% of the ratepayers sign the register, the council may establish the association by resolution.

If 33% or more but fewer than 50% of the ratepayers sign the register, the clerk shall, in the manner provided in the third paragraph, send a notice informing the ratepayers 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.

If more than 50% of the ratepayers who voted indicated that they are in favour, the council shall, by resolution, establish the association. Otherwise, the application is denied and no new application may be filed before a period of six months has expired.

The resolution establishing the association indicates the name under which it is to be known and the territory where it is to have jurisdiction. Notice of the resolution is published in the *Gazette officielle du Québec* and sent to the Minister of Financial Institutions and Cooperatives.

All the ratepayers paying a business tax in the district have the right to vote and they are members of the association. 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 municipal council.

The general meeting of the members shall choose an auditor. At a meeting specially convened for that purpose, it shall adopt the operating budget of the association, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city. 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.

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, by by-law, impose on all the ratepayers paying a business tax in the district a special business tax based on the value of each place of business entered on the roll of rental values at the time of its deposit the yield from which is equal to the

revenue indicated in the budget as derived from that source. This tax is imposed on every person who occupies premises on the first day of the fiscal period for which the budget is deposited. It is payable in one payment within thirty days following the sending of the account and is not refundable. The council may, for the purposes of imposing the tax, determine that the rental value of any premises is not to exceed a maximum percentage of the aggregate of the rental values of the district.

At the request of an association, the council may, by by-law, change the limits of a commercial district. All the ratepayers paying a business tax in the district thus changed shall be consulted in accordance with the procedure provided in this section to determine whether or not the jurisdiction of the association is to be extended to the district thus changed.

Subject to this section, the by-law determines the formalities to be followed for the formation of an association, its composition, the respective responsibilities of the general meeting of the members and of the board of directors, the modalities of establishing, imposing and levying the special tax and, generally, any matter relating to the operation and winding-up of the association.

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