

THIRD SESSION

THIRTY-SECOND LEGISLATURE

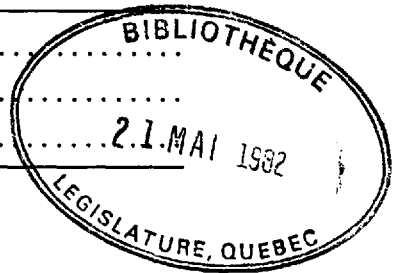
NATIONAL ASSEMBLY OF QUÉBEC

Bill 238

(PRIVATE)

An Act to amend the Charter of the city of Québec

First reading
Second reading
Third reading



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QUÉBEC OFFICIAL PUBLISHER

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(PRIVATE)

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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;

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

1. Section 15 of the Charter of the city of Québec (1929, chapter 95), replaced by section 98 of chapter 16 of the statutes of 1980, is replaced by the following section:

“**15.** The city shall pay each year to the chairman of the council, in addition to what it pays to him in any other capacity, a salary of \$3 747 and an expense allowance of \$1 873.”

2. Section 273 of the said charter, replaced by section 15 of chapter 42 of the statutes of 1980, is replaced by the following section:

“**273.** Taxes and any accounts or sums due to the city bear interest from the day they become due without its being necessary to make a special request therefor. The council shall fix by resolution, according to such terms and conditions as it may determine, the rate of interest applicable.

The rate also applies to all debts outstanding before the adoption of such a resolution.

The rate of interest payable on accounts or sums due to the city and fixed by resolution of the council comes into force fifteen days after publication of a notice to that effect in a French newspaper published in the city.

Subject to the Act respecting municipal taxation (R.S.Q., chapter F-2.1), and to any provision of the charter, by-laws, orders, contracts and agreements that may fix another date for the exigibility of sums due to the city, all sums due are exigible thirty days after the sending of the account.

The council may grant to any ratepayer who pays his taxes before they are due a discount at the rate, for the period and on the conditions fixed by resolution of the council.”

3. Section 303 of the said charter, replaced by section 24 of chapter 68 of the statutes of 1970, is amended by adding the following paragraph:

“The city may also borrow money, where it decides to provide assistance or grant a subsidy or contribution under this charter, by issuing bonds or otherwise, if the assistance, subsidy or contribution is used to pay for capital expenditures.”

4. The said charter is amended by adding, after section 453f, the following section:

“453g. 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 executive committee shall order the clerk to send, by registered or certified mail or to give a notice 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 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.

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 66% 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 executive committee.

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 coming into force 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 not refundable on the grounds that the ratepayer ceased to occupy all or part of the contemplated place of business during the said fiscal period. 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."

5. The said charter is amended by adding, after section 534, the following section:

"534a. Notwithstanding any inconsistent provision of this charter, the city is not bound to impose a water rate. If the city does not impose a water rate, it retains all the powers required to fix the price of the water sold according to the quantity of water supplied."

6. Section 546 of the said charter, replaced by section 31 of chapter 74 of the statutes of 1940, amended by section 36 of chapter 75 of the statutes of 1972 and by section 56 of chapter 42 of the statutes of 1980, is again amended by replacing the third and fourth paragraphs by the following paragraphs:

"Notwithstanding any provision to the contrary, the city may, by a resolution of its executive committee, enact the maximum or minimum speed limit of vehicles in its territory which may vary according to the area. The resolutions come into force only after they are approved by the Minister of Transport.

The council may, for each contravention of the resolution, impose the penalty provided for in section 394, which becomes applicable as soon as signs are installed in the proper places."

7. This Act comes into force on the day of its sanction, but section 1 has effect from 1 January 1982.