

THIRD SESSION

THIRTY-SECOND LEGISLATURE

# NATIONAL ASSEMBLY OF QUÉBEC

---

## Bill 276

(PRIVATE)

**An Act to amend the charter of the city  
of Saint-Hyacinthe**

---

First reading .....

Second reading .....

Third reading .....

---

M. MAURICE DUPRÉ

---

QUÉBEC OFFICIAL PUBLISHER

1982



## **Bill 276**

**(PRIVATE)**

An Act to amend the charter of the city  
of Saint-Hyacinthe

WHEREAS it is in the interest of the city of Saint-Hyacinthe that its charter be amended;

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

**1.** Section 356 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by replacing the first paragraph by the following paragraph:

**“356.** Every by-law, on pain of nullity, must be preceded by a notice of motion given at a sitting of the council and be read at an adjournment or a sitting held on a later day. A period of two juridical days must elapse between the date on which the notice of motion is presented and that on which the by-law is passed by the council.”

**2.** Section 460 of the said Act is amended for the city by replacing paragraph 3 by the following paragraph:

**“(3)** To license, regulate or prohibit pin ball machines, billiards, pool, pidgeon-hole tables, bowling alleys, bagatelle boards, shooting galleries, electronic games and games arcades;”.

**3.** Section 460 of the said Act is amended for the city by adding, after paragraph 23, the following paragraphs:

**“(24)** To regulate shops where articles of an erotic character are sold or offered for sale;

**“(25)** To regulate massage parlours.”

**4.** Section 463 of the said Act is amended for the city by inserting after paragraph 4, the following paragraph:

“(5) To prohibit dumps in the city.

For the purposes of this paragraph, the word “dump” means any place where scrapped objects are deposited or accumulated; this word particularly includes car dumps.

Where an infringement of such a by-law is committed, the following persons shall be liable to the penalties provided therein:

- (a) the owner, lessee or occupant of the land;
- (b) the owners of the vehicles deposited there.

The court pronouncing sentence may, in addition to the fines and costs, order the removal of the scrapped objects or vehicles in the dump which were the subject of the infringement, within eight days from the judgment rendered, by the owner, lessee or occupant of the lot, or by the owners of the vehicles, and on failure by such person or persons to comply within such time limit, the removal of the scrapped objects or vehicles by the city at the cost of such person or persons.”

**5.** Section 536 of the said Act is amended for the city by adding the following paragraph:

“However, with the previous authorization of the Commission municipale du Québec, the municipality may increase its bid up to the amount of the municipal valuation.”

**6.** Section 569 of the said Act is amended for the city by replacing subsection 1 by the following subsection:

**“569.** (1) The council may, with a view to placing at its disposal the moneys it needs for any purpose within its competence, constitute a fund known as the “working fund”, or increase the amount of it; to that effect, it shall adopt a by-law to appropriate the unallocated available sums of its general funds or the surplus of its general fund or to order a loan repayable within a period not exceeding fifteen years.

Such a by-law requires no other approval than that of the Minister of Municipal Affairs and of the Commission municipale du Québec.”

**7.** (1) 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.

(2) 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 portion established in such five-year budget to pay the expenses provided for the year concerned.

(3) 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 the first of October in any year to the first of May in the next year; in particular, such expenses include:

- (a) salaries and social benefits of employees;
- (b) purchase of material, supplies and fuel;
- (c) lease of equipment and tools;
- (d) job contracts;
- (e) cost of repairing and maintaining of 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.

(4) Any annual surplus or deficit is 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 forms part of the general budget for the next year.

However, in the case of a foreseeable or current deficit, the council, out of the revenues derived from the general real estate tax of the current year, may increase its annual contribution by an amount equivalent to the fraction of the deficit based on the number of the unexpired years of the five-year plan.

**8.** (1) The council may, by by-law, construct, administer and maintain a system of underground conduits in which must be placed all telegraph, telephone, television and electric light wires, motive power supply wires, cables and transmission lines owned by any person having or exercising any right or privilege on, under or above private lanes and public streets, highways, squares and lanes, such

conduits to be of sufficient size and capacity to meet present requirements amply and to provide to a reasonable extent for future needs, and generally regulate the use of such system of conduits.

(2) The by-laws determining the use, administration and maintenance of such underground conduits shall come into force and have effect upon their approval, with or without amendment, by the Régie des services publics.

(3) As the city decides to construct underground conduits in any part of its territory, any owner of cables or transmission lines contemplated in subsection 1 must, upon a notice to that effect, supply the city with the information which it requires of him and declare what part of such conduits he wishes to reserve.

The city is authorized to order a fine of twenty-five dollars for each day's delay in supplying such information and making such declaration from the sixtieth day after receipt of such notice.

(4) An appeal shall lie to the Régie des services publics, at the request of the city or of another interested party, from any by-law, decision or act of the city in any matter connected with the said conduit undertaking.

Such appeal must be lodged, under pain of nullity, within thirty days after service on the interested party, or publication in a newspaper circulated in the municipality, of a notice advertising the matter appealed from.

The appeal shall be filed by an inscription filed with the secretary of the Régie des services publics; notice thereof must be served on the interested party or his attorney.

(5) The council may compel any person owning, using or maintaining poles, overhead wires or cables or transmission lines to remove them and install suitable wires in underground conduits in the manner specified by it.

(6) When any person who owns cables or wires over a street, lane or public place refuses to remove them and install the adequate wires in the city's underground conduits, the Régie des services publics may compel him to do so, upon an appeal by the city.

(7) The city is authorized to impose upon and collect, by by-law approved by the Régie des services publics, dues from any person who uses its underground conduits.

**9.** The city of Saint-Hyacinthe is authorized to acquire, by agreement or expropriation, any immovable the acquisition of which is considered appropriate for land bank, housing or business purposes

and for works related to those purposes, and any immovable that is obsolete or the occupancy of which is harmful.

The city may exercise the power provided for in the first paragraph within its territory.

This section applies subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

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

**10.** The city is authorized to hold, lease and manage the immovables acquired under section 9. 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, business and other accessory purposes.

The city is authorized to exercise the powers provided for in the first paragraph with respect to immovables of which it is already the owner.

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 or any other non-profit body; in the latter case, the authorization of the Commission municipale du Québec is required.

**11.** The city may, by resolution, sell at a price approved by the Commission municipale du Québec, to a corporation created under section 13, any immovable that it has acquired under this Act or that it already owns.

**12.** The city 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 the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under this Act.

**13.** On an application by the city, the Government may issue, on such conditions as it may determine, 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 city.

**14.** 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 and directors.

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

**16.** On an application by the corporation established under the authority of this Act, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in section 14. Notice of the issuance of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

**17.** 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 city and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21).

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

(2) Such an association may 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.

(3) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

(4) On receiving the application, the executive committee shall order the clerk to send by registered or certified mail a notice to



every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

(5) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

(6) 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 or on whom it is being served, and the text of this section and of any by-law relating thereto.

(7) 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 or service of the notice or, if that day is a holiday, on the next working day.

(8) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district. The procedure of registering signatures is not invalidated merely because one or several ratepayers having a place of business in the district did not receive the notice or the date of opening of the register follows the date of reception of the notice by a shorter period than the period mentioned in subsection 7.

(9) Not more than one signature may be registered for each place of business.

(10) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.

(11) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.

(12) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered or certified mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him 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.

(13) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise, the application is denied and no new application may be filed before a period of six months has expired.

(14) The resolution authorizing the establishment of the association shall indicate the corporate name of the association and the limits of the commercial district in which it is to have jurisdiction.

(15) The head office of the association must be situated within the limits of the city.

(16) The clerk shall transmit to the Minister of Financial Institutions and Cooperatives three certified copies of the resolution authorizing the establishment of the association. The Minister shall, on receiving the three copies of the resolution,

- register one certified copy in accordance with the Companies Act (R.S.Q., chapter C-38),

- transmit to the clerk and the association or its authorized representative a copy of the resolution and proof of its registration, and

- publish, at the cost of the city, a notice of registration of the resolution in the *Gazette officielle du Québec*.

(17) From the date of registration, the association is a corporation within the meaning of the Civil Code.

(18) To the extent that it is applicable, Part III of the Companies Act, particularly the provisions relating to dissolution, governs the association, subject to this section and the by-law approved by the Minister of Financial Institutions and Cooperatives.

However, sections 98, except paragraphs *j* and *k* of subsection 3, 103, except subsection 3, 113, 114 and 123 of Part I of the said Act apply, *mutatis mutandis*, subject to this section and the by-laws of the council approved by the Minister of Financial Institutions and Cooperatives.

(19) The council may, by by-law, provide the formalities of application to form an association, its composition, the responsibilities of the general meeting of members and of the board of directors, respectively, and any matter related to its organization, operation and dissolution.

Any by-law passed under the preceding paragraph must be submitted to the Minister of Financial Institutions and Cooperatives and comes into force on the date of its approval.

(20) The council shall establish by by-law any other matter relating to the association, in particular, the terms and conditions respecting the establishment, collection and repayment of assessments.

It shall also approve the internal management by-laws of the association.

(21) Within fifteen days following the date of the organization meeting, the association shall transmit to the Minister of Financial Institutions and Cooperatives a notice of the address of the head office and a list of its directors.

(22) All the ratepayers having a place of business in the district are members of the association and, subject to subsection 23, have the right to vote at its meetings; they are entitled to one vote for each place of business.

(23) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

(24) 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 council of the city.

(25) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.

(26) 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.

(27) 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 order by by-law an assessment for which it shall determine the mode of computation and the number of payments.

(28) The rules governing the computation of the assessments of the members, the payments and the dates they become due are established by by-law and are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.

(29) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

(30) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and

obligations of the preceding ratepayer, who then ceases to be a member.

(31) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business. The new member succeeds to the rights and obligations of the preceding ratepayer even if he has not given the notice prescribed by this subsection.

(32) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected, minus collection costs, are remitted to the association.

(33) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

(34) The application is filed with the council, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.

(35) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.

(36) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.

(37) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.

(38) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

(39) Subsection 33 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business outside the limits of the district.

(40) The resolution changing the limits of the district of the association must be transmitted to the Minister of Financial Institutions and Cooperatives in three certified copies. On receiving the

copies of the resolution, the Minister shall observe the procedures prescribed in subsection 16, *mutatis mutandis*.

(41) The change takes effect from the date of registration of the resolution.

(42) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

(43) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

(44) For the purposes of this section, the expression "place of business" includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, except an employment or a charge.

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