

1982, chapter 95

AN ACT RESPECTING THE CITY OF VERDUN

Bill No. 247

Introduced by Mr Maximilien Polak

First reading: 17 December 1981

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Assented to: 23 June 1982

Coming into force: 23 June 1982

Act amended:

Charter of the city of Verdun (1907, chapter 73)



CHAPTER 95

An Act respecting the city of Verdun

[Assented to 23 June 1982]

Preamble. WHEREAS it is in the interest of the city of Verdun that certain powers be granted to it;

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

Land bank and housing. **1.** The city of Verdun is authorized to acquire, by agreement or expropriation, any immovable the acquisition of which is considered appropriate for land bank or housing purposes and for works relating thereto, and any immovable that is obsolete or the occupancy of which is harmful.

Territory. The city may exercise the power provided for in the first paragraph on any part of its territory.

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

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

Powers. **2.** The city is authorized to hold, lease and manage the immovables acquired under section 1. 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 and other accessory purposes.

Powers. The city is authorized to exercise the powers provided for in the first paragraph in respect of immovables already owned by it.

Price of alienation. 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 immoveable concerned, including those incurred for restoration, demolition and construction, where such is the case.

Gratuitous alienation.

The city may alienate, gratuitously or for a price less than the price provided for in this section, such an immoveable 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 last case, the authorization of the Commission municipale du Québec is required.

Sale to non-profit corporation.

3. The city may, by resolution, sell at a price approved by the Commission municipale du Québec, to the corporation created under section 5, any immoveable that it has acquired under this Act or that it already possesses.

Loans and subsidies.

4. 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.

Non-profit corporation.

5. 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.

Letters patent.

6. 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.

Notice.

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

Supplementary letters patent.

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

Mandatory of the city.

9. A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatory 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).

Commercial zone.

10. (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.

Powers of the association.

(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.

Formation.

(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.

Opposition.

(4) On receiving the application, the executive committee shall order the clerk to send 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.

Register.

(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.

Information.

(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.

Hours.

(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.

Notice.

(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.

Signature.

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

- Denial of applica-
tion. (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.
- Authoriza-
tion. (11) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.
- Poll. (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.
- Authoriza-
tion. (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.
- Corporate
name. (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.
- Head
office. (15) The head office of the association must be situated within the limits of the city.
- Copies. (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*.
- Status. (17) From the date of registration, the association is a corporation within the meaning of the Civil Code.
- Provisions
applicable. (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.

Provisions
applicable.

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.

Formali-
ties.

(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.

Approval.

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.

By-laws.

(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.

Internal
manage-
ment.

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

Notice.

(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.

Members.

(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.

Eligibility.

(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.

Board of
directors.

(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 executive committee.

Operating
budget.

(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.

Guarantee.

(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.

Approval
of the
budget.

(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.

Assessment.

(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.

Assessment.

(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.

Subrogation.

(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.

Notice.

(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.

Special business tax.

(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.

Change of limits.

(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.

Application.

(34) The application is filed with the executive committee, 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.

Expansion.

(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.

Approval.

(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.

Restriction.

(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.

Jurisdiction.

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

Voluntary membership.

(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.

Resolution transmitted to the Minister.

(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*.

Effect.

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

Grants.

(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.

Special general meeting.

(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.

"place of business".

(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.

R.S.Q., c. C-19, s. 412, amended for the city.

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

(1) by replacing paragraph 17 by the following paragraph:

Animals;

"(17) To regulate or prohibit the keeping of animals or certain categories of animals and limit the number of such animals a person may keep on or in his immovable; to require a licence from the owner or keeper of such animals; to prevent the straying of such animals in the city and authorize their elimination in a summary manner or the impounding and sale thereof for the benefit of the city or of any society or person the city may designate; to require the owner or keeper of such animals to remove their excrements both on public and private property and determine the manner of disposing thereof; to compel him to keep at all times the implements required

therefor; to enable the city to make agreements with any person or body authorizing such person or body to collect the cost of animal licences and apply any municipal by-law respecting animals; for that purpose, the persons or agencies with whom or with which the council has made an agreement and, where such is the case, their employees, are deemed to be municipal officers;”;

(2) by adding, after paragraph 19, the following paragraphs:

Pounds;

“(19.1) To establish pounds under the supervision and control of the council for the storage of cars and other moveable effects that may, in conformity with the law, be removed, seized, confiscated or towed.

The council may determine by resolution the location of such pounds and the fees for the storing, towing or carrying of such cars or other moveable effects;

Delegation
of power;

“(19.2) The council may delegate the power to establish and administer municipal pounds to a third party;”.

R.S.Q.,
c. C-19,
s. 461, am.
for the
city.

Unclaimed
vehicles.

12. Section 461 of the said Act is amended for the city by adding the following paragraphs:

“The council may dispose of motor vehicles entrusted to the city’s care, abandoned or found, and remaining unclaimed after thirty days in the case of motor vehicles manufactured more than seven years before. The time limit is twenty-four hours in the case of a vehicle which is motorless or in such a state that it can only be scrapped.

Liability.

In such cases the municipality shall be responsible to the owner only for the proceeds of the sale, after deducting the costs of storage or sale, or any other expenses incurred by the municipality.

Delegation
of power.

The council may delegate the power to dispose of those motor vehicles to a third party.”

R.S.Q.,
c. C-19,
s. 617.1,
added for
the city.
Clerk
deemed
justice of
the peace.

13. The said Act is amended for the city by adding, after section 617, the following section:

“**617.1** In the absence of the judge of the Municipal Court, the clerk of the Court may adjourn any case appearing on the roll of the Court, in accordance with the law; for that purpose, the clerk is deemed to be a justice of the peace.

Signature.

Every time the signature of the clerk or deputy-clerk of the Municipal Court is legally required, his name may be engraved, lithographed or printed. However, warrants of arrest or search warrants must bear the handwritten signature of the judge.”

Coming
into force.

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