

1982, chapter 102

## AN ACT TO AMEND THE CHARTER OF THE CITY OF TROIS-RIVIÈRES

---

### **Bill No. 264**

Introduced by Mr Marcel Gagnon

First reading: 17 December 1981

Second reading: 22 June 1982

Third reading: 22 June 1982

**Assented to: 23 June 1982**

---

**Coming into force: 23 June 1982**

---

### **Acts amended:**

Charter of the city of Trois-Rivières (1915, chapter 90)

Act to amend the charter of the city of Trois-Rivières (1965, 1<sup>st</sup> session, chapter 94)





## CHAPTER 102

### An Act to amend the charter of the city of Trois-Rivières

*[Assented to 23 June 1982]*

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

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

1965  
(1st sess.),  
c. 94,  
s. 28, re-  
placed.

**1.** Section 28 of chapter 94 of the statutes of 1965 (1st session), rendered inconsistent by section 3 of chapter 48 of the statutes of 1974, is replaced by the following section:

Pension.

**“28.** (1) The council of the city of Trois-Rivières may grant, by by-law, to every person who was a member of the council on 31 December 1974, who held that office for not less than eight years and has ceased to hold office since that date, an annual pension of \$8 000 in the case of the mayor and \$4 000 in the case of the other members of the council, payable at sixty years of age in equal and consecutive monthly instalments. The repeal of the by-law cannot be set up against persons respecting whom it applies or has already applied.

Suspension  
of pay-  
ment.

The payment of the pension is suspended during the period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

Computa-  
tion.

In computing any period of eight years, every part of a year shall be counted as a full year; every year or part of a year, either before or after 31 December 1974, must be counted in the computation.

Pension.

(2) The council may grant, by by-law, to every person who was a member of the council on 31 December 1974 and held office as

mayor or as member of the council for not less than twelve years and who has ceased to hold that office after the first day of the month following the month during which the by-law is passed, an annual pension equal to fifty per cent of his annual remuneration. The pension shall be payable at sixty years of age, in equal and consecutive instalments, on the first day of each month.

**Contribution.** In order to benefit from such pension payments, the members of the council must pay into the general administration fund a contribution equal to five and a half per cent of their annual remuneration for each year during which the members of the council have been in office.

**Reimbursement.** If a member of the council does not hold office for twelve years, the amounts paid shall be reimbursed to him without interest.

**Computation.** In computing any such period of twelve years, every part of a year shall be counted as a full year.

**Pension.** The council may also, by by-law, grant to any person who has been a council member for more than twelve years and ceases to hold that office after the first day of the month following the month during which the by-law is passed, an additional annual pension of \$ 200 for each such additional year. The repeal of such by-laws cannot be set up against persons respecting whom they apply or have already applied.

**Maximum.** However, the pension paid to the members of the council under this section shall in no case exceed sixty per cent of the remuneration to which they are entitled in their last year in office.

**Suspension of payment.** The payment of the pension is suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

**Payments to heirs.** If the beneficiary dies after acquiring the right to a pension but has collected pension payments for fewer than fifteen years, the city shall pay the pension to the heirs until that period of fifteen years expires. The pension granted is payable in advance in equal monthly instalments on the first day of each month. To entitle the heirs to benefit from pension payments, the members of the council must pay into the general administration fund a total contribution equal to six and a half per cent of their annual remuneration for each year they have been in office.

**Notice.** All the council members elected before 1 January 1975 may avail themselves of this section by notifying the council of it in writing. In such a case, section 28.1 does not apply to them."

**R.S.Q., c. C-19, s. 415, am. for the city.** **2.** Section 415 of the Cities and Towns Act (R.S.Q., chapter C-19), is amended, for the city, by adding the following subparagraphs to paragraph 6:

Parking  
area.

"To require from the person applying for a building permit, instead of the parking space required by the zoning by-law, the payment of a sum of money for an amount obtained by multiplying the required parking area by a determined factor; the sum of money must not exceed \$1 000.

Proceeds.

The proceeds from such payment must be paid into a special fund to be used exclusively for the purchase or layout of areas, structures or spaces permanently reserved and laid out for off-street parking of vehicles;"

R.S.Q.,  
c. C-19,  
s. 617.1,  
added for  
the city.

**3.** The said Act is amended for the city by inserting, after section 617, the following section:

Clerk  
deemed  
justice of  
the peace.

**"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 and search warrants must bear the handwritten signature of the judge."

R.S.Q.,  
c. C-19,  
s. 653.1,  
added for  
the city.

**4.** The said Act is amended for the city by inserting, after section 653, the following section:

Destruction  
of  
records.

**"653.1** The council, by resolution, may authorize the destruction of records of the Municipal Court closed for more than five years relating to offences against a statute of Québec, the municipal by-laws or any other legislation in force in the territory of the city."

1977, c. 84,  
s. 1, am.

**5.** Section 1 of chapter 84 of the statutes of 1977 is amended by replacing paragraph *a* by the following paragraph:

"(a) operate and administer any horse race track, including any pari mutuel system, and more specifically, the race track now situated on its own land;"

Land bank  
or housing

**6.** (1) The city of Trois-Rivières is authorized to acquire, by agreement or expropriation, any immovable whose acquisition is considered appropriate for land bank or housing purposes or for works relating thereto, and any obsolete immovable and any immovable whose occupancy is considered harmful.

Acquisi-  
tions.

The city is also authorized to acquire, by agreement or expropriation, the immovable described in the Schedule.

Territory.

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

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

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

Powers.        (2) The city is authorized to hold, lease and administer any  
immoveable acquired under subsection 1. It may also equip these  
immoveables and install therein the required public services; it  
may, furthermore, demolish or restore the buildings and other  
works thereon erected and erect thereon new buildings for housing,  
leisure, recreation, parking and any other related purposes. The  
city is also authorized to erect on the immoveable acquired under  
the second paragraph of subsection 1 new buildings for commercial  
and parking purposes.

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

Alienation.     It may alienate them on such conditions as it may determine  
with the approval of the Commission municipale du Québec, pro-  
vided the alienation cost be sufficient to meet all the expenses in  
connection with the immoveable concerned, including the expenses  
incurred for restoration, demolition and construction, as the case  
may be.

Gratuitous       The city may alienate such an immoveable or building, gratui-  
alienation.       tously or for a lower price than that provided for in this section, in  
favour of the Government, a government body, a school corporation  
or a municipal housing bureau, or any other non-profit body; in the  
last case, the authorization of the Commission municipale du  
Québec is required.

Commer-        **7. (1)** The council may, by by-law, define the limits of a com-  
cial zone.       mercial 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 establish-  
ment of an initiatives and development association having jurisdic-  
tion in that district.

Powers of        (2) Such an association may promote the economic develop-  
the asso-        ment of the district, establish joint services for its members and  
ciation.        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 application.** (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.

**Authorization.** (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.

**Authorization.** (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.
- Formalities.** (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 management.** 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.

Applica-  
tion.

(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.

Restric-  
tion.

(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.

Jurisdic-  
tion.

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

Voluntary  
mem-  
bership.

(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  
transmit-  
ted 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 no 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.

Restora-  
tion.

**8.** (1) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the restoration of all the residential parts of a building not in conformity with the standards of habitability prescribed by the laws and by-laws in force or for the conversion, for residential purposes, of all the parts of a building that could be so converted.

Amount.

The amount of such subsidy shall not in any case exceed fifty per cent of the actual cost of the restoration or conversion work or one-quarter of the actual value of the restored or converted building as entered for the first time on the valuation roll.

Demolition,  
recon-  
struction.

(2) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for demolition-reconstruction, that is, the demolition of any partly or wholly residential building deemed unfit for habitation and the construction of a new building having a floor area intended for residential purposes equal to or greater than the floor area of the building demolished.

Amount.

The amount of the subsidy shall not in any case exceed the value of the building to be demolished as shown on the real estate valuation roll, or one-sixth of the actual value of the new building, as entered for the first time on the valuation roll.

Demolition  
and  
clearing.

(3) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for demolition and clearing of any main or secondary building beyond repair, unfit for its intended purpose or incompatible with its surroundings and for the reconstruction and landscaping works rendered necessary by such demolition.

Amount.

The amount of the subsidy shall not exceed the actual cost of the works authorized.

- Demolition.** (4) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the demolition of any building deemed unfit for its intended purpose or contrary to the intended purpose of its site and for the construction of a new building.
- Amount.** The amount of the subsidy shall not in any case exceed one-half of the value of the building to be demolished as entered on the real estate valuation roll or one-sixth of the actual value of the new building as entered for the first time on the valuation roll.
- Tax increase.** (5) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant to the proprietor of any restored or reconstructed building, in accordance with subsections 1 and 2 or any public housing restoration program initiated by by-law of the council, a subsidy to compensate for the increases of the real estate taxes resulting from the new valuation of the restored or reconstructed building.
- Amount.** For the first fiscal period following such works, the amount of the subsidy shall be equal to the difference between the amount of the real estate taxes that would be due if the valuation of the building had not been changed, and the amount of the taxes actually due.
- Amount.** For the second fiscal period following the works, the amount of the subsidy shall be equal to fifty per cent of the difference between the amount of the real estate taxes that would be due if the valuation of the building had not been changed, and the amount of the taxes actually due.
- Termination.** From the third fiscal period following completion of the works, no subsidy shall be granted.
- Condition.** Subsidies shall be paid only if the proprietor shows, in the manner prescribed by by-law, that the rent paid by his tenants was not increased by reason of an increase of the real estate taxes.
- Coming into force.** **9.** This Act comes into force on the day of its sanction.

## SCHEDULE

Lots 737-2, 736-2, 735-2, 734-2, 742-4, 742-3, 733-2, 732-2, 742-2 and 731 of the revised official cadastre for the city of Trois-Rivières.