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Bill 203
(Private)

An Act to amend the charter of the City of Laval

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An Act to amend the charter of the City of Laval

WHEREAS it is in the interest of Ville de Laval, hereinafter referred to as “the city”, that its charter, chapter 89 of the statutes of 1965 (1st session), and the Acts amending it be again amended and that the city be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 13 of the Act to amend the charter of the City of Laval (1978, chapter 112), replaced by section 3 of chapter 89 of the statutes of 1984 and amended by section 1 of chapter 113 of the statutes of 1987 and by section 2 of chapter 57 of the statutes of 1994, is again amended

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

“The city is authorized to hold, lease and manage an immovable acquired under the first paragraph. It may also equip the immovable, instal the necessary public services thereon, erect a structure thereon or demolish, move or restore a structure already erected thereon. It may also alienate the immovable, on the conditions it determines, in accordance with the Act governing it.”;

(2) by replacing the fifth paragraph by the following paragraphs:

“The city is authorized to exercise the powers provided for in the first and second paragraphs for the purposes of housing, education, research, leisure, recreation, consolidation of immovables capable of being used for real and continuous agricultural operations, and for other related purposes.

The power to acquire, by agreement or expropriation, immovables capable of being used for real and continuous agricultural operations shall be exercised only in respect of such immovables situated in an agricultural zone as described pursuant to section 49 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) and that are not being used for agricultural purposes.”

2. Section 51*a* of the Cities and Towns Act (R.S.Q., 1964, chapter 193), enacted for the city by section 12 of chapter 89 of the statutes of 1965 (1st session), is amended by replacing the words “acting chairman” in the fifth line of the first paragraph of subsection 1 by the word “vice-chairman”.

3. Section 58 of the said Act, enacted for the city by section 13 of chapter 89 of the statutes of 1965 (1st session), is amended by replacing the words “acting chairman” in the third line by the word “vice-chairman”.

4. Paragraph 24 of section 460 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted for the city by section 11 of chapter 57 of the statutes of 1994, is renumbered “(26)”.

5. The said Act is amended, for the city, by inserting, after section 486, the following sections:

“486.1 In addition to any real estate tax that it may impose and levy on vacant land, whether or not it is serviced, the council may impose and levy annually on such land situated in an agricultural zone a surtax that may be equal to the total of the real estate taxes referred to in subsection 1 of section 486. The council may by by-law order that the amount of the surtax for such land shall not be less than a minimum amount it fixes in the by-law and that may not exceed \$200.

The by-law may provide for categories of land subject to the surtax and impose a surtax whose rate may vary according to the category.

Such surtax ranks, in every respect, as a general real estate tax of the city. It applies to the land entered on the assessment roll in force as part of the categories fixed in the by-law.

“486.2 The following land is not subject to the surtax provided for in section 486.1:

(1) land on which there is a building whose real estate value exceeds 25% of the real estate value of the land according to the assessment roll in force;

(2) land owned by a railway undertaking and on which there is a railway track;

(3) land used for overhead electric power lines;

(4) land forming part of an agricultural operation registered in accordance with a regulation made pursuant to section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);

(5) land that may be used for purposes other than agriculture pursuant to an authorization of the Commission de la protection du territoire agricole du Québec.

“486.3 The debtor of the surtax is entitled to a refund where the unit of assessment subject to the surtax is land more than 50% of the area of which is used to cultivate soil and plants.

The city may, in the by-law, determine the formalities applicable to surtax refunds.

“486.4 The revenues from the surtax imposed under section 486.1 shall be paid into a special fund.

The sums from the fund shall be used solely to promote consolidation of land situated in agricultural zones and reuse of the land for agricultural purposes. In particular, the sums may be used for the purpose of acquiring land by agreement or by expropriation and of exchanging or alienating land.”

6. Where the city, under provisions enacted by this Act, becomes the owner of immovables whose use for agricultural purposes is possible, it shall submit to the Minister of Energy and Resources a plan entailing the striking out or replacement of the numbers of the lots it owns in accordance with article 3043 of the Civil Code of Québec.

7. Every operation carried out under section 6 must be authorized by the Minister of Agriculture, Fisheries and Food.

8. The city shall, within 2 years following the authorization provided for in section 7, offer for sale, at its actual value, the lot concerned by the cadastral amendment to enable it to be used for agricultural purposes, and shall so advise the Minister of Agriculture, Fisheries and Food and the Fédération régionale de l'Union des producteurs agricoles.

If the city fails to find a purchaser for a lot at its actual value within the required time, it shall so advise the Minister of Agriculture, Fisheries and Food who may grant a new time limit for the selling of the lot or, at the request of the council, authorize the city to retain it permanently.

9. The treasurer of the city is required, for the purposes of sections 24, 25.1 and 32 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), to perform the duties which are imposed by those provisions on the clerk or the secretary-treasurer of a municipality.

Section 33 of the Act respecting municipal debts and loans applies to the treasurer in a case referred to in the first paragraph.

10. The first two paragraphs of section 57 and paragraph 13 of section 174 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), with the necessary modifications, apply to the surtax that the council, under section 486.1 of the Cities and Towns Act (R.S.Q., chapter C-19), as amended for the city, may impose and levy on vacant land, whether or not it is serviced, situated in an agricultural zone. The roll must indicate which category, among the categories provided for in the by-law adopted by the council for that purpose, a unit of assessment subject to the surtax referred to in this paragraph is part of.

11. To the extent that a regulation of the Government under paragraph 8.2 of section 262 of the Act respecting municipal taxation is in force, the city may, by by-law, provide that all or part of the aliquot share owed by it in respect of property, services or activities of the Société de transport de la Ville de Laval shall be financed by means of a tariff.

12. The second, third and fourth paragraphs of section 6 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) do not apply in respect of an immovable alienated by Ville de Laval in accordance with the first paragraph of that section and whose final expropriation indemnity has not been fixed. In such a case, the alienation of the immovable must be authorized by the Minister of Municipal Affairs.

13. Notwithstanding section 22 of the Act respecting municipal taxation, Mr Ernest Lépine, a chartered appraiser, may be the assessor of a municipal body and act in that capacity.

14. Section 4 of the Act respecting certain agricultural operations in the territory of Ville de Laval (1994, chapter 76) is amended by adding, at the end, the following paragraph:

“However, the following shall not be considered to be transfers of ownership:

(1) a transfer by succession;

(2) a transfer in favour of a spouse, an ascendant or a descendant;

(3) a transfer by a transferor who is a natural person to a transferee that is a corporation where at least 90 per cent of the issued full voting shares of the capital stock of the corporation immediately after the transfer are owned by the transferor.”

15. Section 14 has effect from 17 June 1994.

16. This Act comes into force on 30 October 1996.