

## Municipal Affairs

Gouvernement du Québec

### **O.C. 1610-95, 13 December 1995**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of the Ville de Baie-Saint-Paul, the Paroisse de Baie-Saint-Paul and the Municipalité de Rivière-du-Gouffre

WHEREAS each of the municipal councils of the Ville de Baie-Saint-Paul, the Paroisse de Baie-Saint-Paul and the Municipalité de Rivière-du-Gouffre adopted a by-law authorizing the filing of a joint application with the Government, requesting that it constitute a local municipality resulting from the amalgamation of the three municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS objections were sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality resulting from the amalgamation of the Ville de Baie-Saint-Paul, of the Paroisse de Baie-Saint-Paul and the Municipalité de Rivière-du-Gouffre be constituted, under the following conditions:

(1) The name of the new town is “Ville de Baie-Saint-Paul”.

(2) The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 10 November 1995; that description is attached as Schedule A to this Order in Council.

(3) The new town is governed by the Cities and Towns Act (R.S.Q., c. C-19).

(4) The new town will be part of the Municipalité régionale de comté de Charlevoix.

(5) A provisional council shall remain in office until the first general election. It shall be composed of all the members of the three councils existing at the time of the coming into force of this Order in Council. The quorum will be half the existing members, plus one. The current mayors will alternate as mayor of the provisional council for three equal periods. The mayor of the former Municipalité de Rivière-du-Gouffre will serve as mayor of the new town for the first period, followed by the mayor of the former Paroisse de Baie-Saint-Paul, for the second period, and then the mayoress of the former Ville de Baie-Saint-Paul, for the third period.

If a seat is vacant at the coming into force of this Order in Council or falls vacant during the period of the provisional council, one additional vote per vacant seat shall be allotted to the mayor of the former municipality in the territory in which the seat becomes vacant.

For the duration of the term of the provisional council, the council members shall continue to receive the same remuneration they were receiving prior to the coming into force of this Order in Council.

Notwithstanding the alternation provided for in the first paragraph, the mayoress of the former Ville de Baie-Saint-Paul shall retain the qualities necessary to act as warden of the regional county municipality and as president of the Union des municipalités régionales de comté et des municipalités locales du Québec until the first general election.

(6) The first general election shall be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If that date falls on the first Sunday in January, the first general election shall be postponed until the first Sunday in February. The second general election shall be held on the first Sunday in November 1999.

For the first general election, the council of the new town shall be composed of a mayor and six councillors, and the territory of the new town shall be divided into six electoral districts, of which a description is attached as Schedule B to this Order in Council.

(7) Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by

the council of the new town, and the expenditures and revenues shall be accounted for separately as if those municipalities had continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized real estate values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Order in Council 719-94 dated 18 May 1994), as appearing in their financial reports for the fiscal year preceding that during which expenditures must be shared.

The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force prior to the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

(8) The working capital of the former Ville de Baie-Saint-Paul and of the former Paroisse de Baie-Saint-Paul shall be abolished once any amounts borrowed from those funds have been reimbursed in accordance with the provisions of the Act. Moneys borrowed from those funds shall be reimbursed by levying a special property tax each year on all the taxable immovables in the sector formed of the territory of each of the former municipalities. No additional sum may be borrowed from the working capital of either of those former municipalities.

The un-borrowed part of the working capital of each of the former municipalities, as well as the amounts reimbursed each year, shall be added to the surplus accumulated on behalf of each of the former municipalities and shall be used in accordance with section 10.

Notwithstanding the first two paragraphs, the council of the new town may, where it deems it expedient to do so, set up a new working capital in accordance with the Act.

(9) By-law 368-95 of the former Ville de Baie-Saint-Paul is amended for the purpose of increasing the total loan amount decreed by that By-law from \$394 300 to \$1 209 438.

The amount of \$394 300 is intended to bail out the general fund of the former Ville de Baie-Saint-Paul by compensating for the amounts paid out of that fund by the former town under the By-law.

That amount shall be used in accordance with section 10 of this Order in Council, as though it were part of the surplus accumulated on behalf of that former town.

By-law 368-95 is amended accordingly.

(10) Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets, as well as the total amount of the working capital to which reimbursements will be added, in the case of the former Ville de Baie-Saint-Paul and the former Paroisse de Baie-Saint-Paul, shall be used for the benefit of the ratepayers in the sector formed of the territory of the former municipality in whose name it was accumulated. Those sums may be allocated for public works in the sector formed of the territory of that former municipality or for a reduction of the taxes applicable to all the taxable immovables in that sector.

Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets, as the case may be, shall remain charged to all the taxable immovables in the sector formed of the territory of that former municipality.

(11) Taxes levied under loan by-laws of any of the former municipalities that were charged to a sector thereof shall continue to be collected by the new town in accordance with the taxation clauses provided for in those by-laws.

(12) The balance in principal and interest on the loans contracted by a former municipality under the following by-laws shall be chargeable to all the users of the water supply and sewer system of the new town and shall be reimbursed by means of the compensation tariff that the town will adopt each year in respect of:

— for the former Ville de Baie-Saint-Paul:

— By-laws A-44, A-45, A-47, A-54, 126, 149 and 86-253, for the total balance;

— By-law 251-86, in a proportion of 30.30 %;

— By-law 279-88, in a proportion of 36.73 %;

— By-law 229-84, in a proportion of 36.53 %;

— By-law 314-90, in a proportion of 40 %;

— By-law 148, in a proportion of 41.17 %;

— By-law 258-87, in a proportion of 27.61 %;

— By-law 368-95, in a proportion of 38.10 %;

— for the former Paroisse de Baie-Saint-Paul:

— By-law 38(64), for the total balance;

— By-law 74-A, in a proportion of 41.06 %;

— By-law 145, in a proportion of 38.38 %;

— By-law 156, in a proportion of 70.04 %;

— By-law 176, in a proportion of 73.66 %;

— By-law 177, in a proportion of 53.31 %;

— By-law 232, in a proportion of 57.14 %.

The taxation clauses of those by-laws are amended accordingly. The new town may amend those by-laws in accordance with the Act, if it carries out work to extend the system.

(13) The balance in principal and interest on the loans contracted by a former municipality under the following by-laws shall be chargeable to all the taxable immovables of the new town.

A special tax shall therefore be imposed and levied on all the taxable immovables of the new town on the basis of their value as it appears on the assessment roll in force each year, in respect of:

— for the former Ville de Baie-Saint-Paul:

- By-law 183, for the total balance;
- By-law 251-86, in a proportion of 69.70 %;
- By-law 279-88, in a proportion of 63.27 %;
- By-law 229-84, in a proportion of 63.47 %;
- By-law 314-90, in a proportion of 60 %;
- By-law 148, in a proportion of 58.83 %;
- By-law 258-87, in a proportion of 72.39 %;
- By-law 368-95, in a proportion of 61.90 %;

— for the former Paroisse de Baie-Saint-Paul:

- By-laws 94(94-A), 106, 144, 155, 165, 170, 211, 213, 235 and 255, for the total balance;
- By-laws 247, 248 and 249, in a proportion of 30 %.

The taxation clauses provided for in those by-laws are amended accordingly.

If a loan by-law pertaining to work carried out under the Canada-Québec Infrastructure Works was made by any of the former municipalities prior to the coming into force of this Order in Council, the reimbursement in principal and interest of the annual payments on loans contracted under that by-law shall be divided among all the taxable immovables of the new town, on the basis of their value as it appears on the assessment roll in force each year. The taxation clause provided for in such by-law shall be amended accordingly.

If a loan by-law is made by the Régie intermunicipale de Baie-Saint-Paul prior to the coming into force of this Order in Council, the reimbursement in principal and interest of the annual payments on loans contracted under such by-law shall be divided among all the taxable immovables of the new town, on the basis of their value as it appears on the assessment roll in force each year. The taxation clause provided for in such by-law shall be amended accordingly.

(14) For the first ten complete fiscal years following the coming into force of this Order in Council, the sums allotted for capital expenditure out of the annual revenues, other than revenue from government subsidies, and intended for work on road infrastructures (road work, paving, sidewalks and lighting) and the water supply and sewer system, except for work considered by the council to be of common interest, shall be used in the three sectors formed of the territory of the former municipalities and shall be shared among the three sectors in proportion to the standardized real estate values of each of the former municipalities within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) at the date of the coming into force of this Order in Council and, subsequently, at the date on which the three-year roll is submitted or at the anniversary date of that submission.

(15) For each of the first eight complete fiscal years following the coming into force of this Order in Council, a special property tax shall be imposed on the immovables of the sector formed of the territory of each of the former municipalities, on the basis of their value as it appears on the assessment roll in force each year. The rate of the special tax shall be equal to the rate that would have been imposed by the Government in respect of the territory of each of the former municipalities under the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec, if the amalgamation had not taken place. Notwithstanding the foregoing, this section ceases to apply before eight years have elapsed if the Government ceases to pay in respect of the territory of either the former Paroisse de Baie-Saint-Paul or the former Municipalité de Rivière-du-Gouffre its financial assistance for the transfer of responsibility for the local road network.

(16) For each of the first five complete fiscal years following the coming into force of this Order in Council, a general property tax credit shall be granted to all the taxable immovables in the sector formed of the territory of the former Municipalité de Rivière-du-Gouffre. The reduction in the rate of the general property tax in respect of that credit shall be calculated each year by dividing the following amounts by the total amount of the taxable assessment of the sector formed of the territory of the former Municipalité de Rivière-du-Gouffre, in accordance with the assessment roll in force each year:

- 1<sup>st</sup> year: an amount of \$98 945;
- 2<sup>nd</sup> year: an amount of \$79 156;
- 3<sup>rd</sup> year: an amount of \$59 367;
- 4<sup>th</sup> year: an amount of \$39 578;
- 5<sup>th</sup> year: an amount of \$19 789.

(17) The council of the new town shall gradually abolish, over a period of three years, the property surtax imposed on non-residential immovables in the territory of the former Paroisse de Baie-Saint-Paul. For the first complete fiscal year following the coming into force of this Order in Council, the rate of the property surtax imposed on non-residential immovables in the sector formed of the territory of the former Paroisse de Baie-Saint-Paul shall be fixed at two-thirds of the rate in force in the former municipality for the preceding fiscal year. For the second fiscal year, that surtax shall be fixed at one-third and, for the third fiscal year, it shall be abolished.

Notwithstanding the provisions of the first paragraph, the council of the new town may, where it deems it expedient to do so, impose a property surtax or a property tax on all the non-residential immovables in its territory, or any business tax provided for in the Act.

(18) For each of the first two complete fiscal years following the coming into force of this Order in Council, a general property tax shall be granted on all the taxable immovables in the sector formed of the territory of the former Paroisse de Baie-Saint-Paul. The reduction in the rate of the general property tax in respect of that credit shall be calculated each year by dividing the product of the property surtax imposed under the first paragraph of section 17 by the total amount of the taxable assessment of the sector formed of the territory of that municipality, in accordance with the assessment roll in force each year.

(19) Notwithstanding section 119 of the Act respecting municipal territorial organization, the new town shall, for the purposes of imposing taxes during its first complete fiscal year following the coming into force of this Order in Council, use the values entered on the assessment rolls in force in the former municipalities for the 1995 fiscal year, kept up to date and adjusted in accordance with the second paragraph from the coming into force of this Order in Council.

The adjustment shall be done as follows: the values entered on the assessment rolls of the former Paroisse de Baie-Saint-Paul and the former Municipalité de Rivière-du-Gouffre shall be divided by their respective median proportions and shall be multiplied by the median proportion of the roll of the former Ville de Baie-Saint-Paul. The median proportions used shall be those established for the 1995 fiscal year.

The whole formed by the roll in force in the former Ville de Baie-Saint-Paul for the 1995 fiscal year and the rolls of the former Paroisse de Baie-Saint-Paul and the former Municipalité de Rivière-du-Gouffre, adjusted in

accordance with the second paragraph of this section, shall constitute the roll of the new town for the first complete fiscal year that follows the coming into force of this Order in Council. The median proportion and the comparative factor for that roll shall be those of the former Ville de Baie-Saint-Paul. The first fiscal year of the new town shall be deemed to be the third year of application of the roll.

For the second fiscal year of the new town, the assessor shall draw up, in accordance with the Act, a new assessment roll based on the amalgamation. He shall, for each assessment unit, ensure the accuracy of the relevant data in his possession. He shall also carry out an equilibration. The total cost of drawing up the new roll shall be divided among the sectors formed of the territory of each former municipality on the basis of the actual costs incurred for each sector.

If, at the submission of the new roll, the percentage increase of the total taxable value of the sector formed of the territory of the former Paroisse de Baie-Saint-Paul, in relation to the total adjusted value in force for the first fiscal year, is greater than the percentage increase of the total taxable value of the sectors formed of the territories of the former Ville de Baie-Saint-Paul and the former Municipalité de Rivière-du-Gouffre, taken together, the new town shall apply, for each assessment unit in the sector formed of the territory of the former Paroisse de Baie-Saint-Paul, the averaging of the variation in the taxable values of that part of the value increase exceeding the percentage increase in the two sectors formed of the territories of the former Ville de Baie-Saint-Paul and the former Municipalité de Rivière-du-Gouffre.

(20) Any debt or gain that may result from legal proceedings, for any act performed by a former municipality shall continue to be charged or credited to all the taxable immovables in that former municipality.

(21) A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Baie-Saint-Paul".

That municipal bureau shall replace the municipal housing bureau of the former Ville de Baie-Saint-Paul, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the municipal housing bureau of the new town as if it had been incorporated by letters patent under section 57 of that Act.

The members of the bureau shall be the members of the municipal housing bureau of the former Ville de Baie-Saint-Paul.

(22) The Régie intermunicipale de Baie-Saint-Paul shall cease to exist from the coming into force of this Order in Council.

(23) The new town shall have the rights, obligations and responsibilities of the former municipalities and of the Régie intermunicipale de Baie-Saint-Paul. It shall become, without continuance of suit, a party to any proceeding in the place and stead of those former municipalities and that former board.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities and of the former Régie intermunicipale de Baie-Saint-Paul shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are compatible with this Order in Council.

(24) The council of the new town may, within two years of the coming into force of this Order in Council, revise zoning, subdivision and building by-laws, by-laws provided for in section 116 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and by-laws respecting minor exemptions from planning by-laws, respecting comprehensive development programs, site planning and architectural integration programs or respecting municipal works agreements of each of the former municipalities, in accordance with the following terms and conditions:

— for consultation purposes, those revised by-laws shall be deemed to be by-laws affecting all of the territory of the new town;

— for the purposes of approving qualified voters, as the case may be, those revised by-laws shall be deemed to be by-laws affecting all of the territory of the new town and must, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), be approved by all the qualified voters in the territory of the new town;

— notwithstanding sections 131 and 132 of the Act respecting land use planning and development, those revised by-laws of the new town may amend, replace or revoke a provision pertaining to a matter covered by any of subparagraphs 1 to 6 and 10 to 22 of the second paragraph of section 113 or a matter covered in any of subparagraphs 1, 3, 4 and 4.1 of the second paragraph of section 115, insofar as each such provision is aimed at revising into one single by-law the provisions contained in the zoning by-law or the provisions contained in the subdivision by-law of each of the former municipalities.

(25) The resolutions adopted by the former Paroisse de Baie-Saint-Paul and the former Municipalité de Rivière-du-Gouffre in accordance with section 45 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37) apply to the new town as if the new town had adopted them.

(26) All the movable and immovable property belonging to each of the former municipalities and the former Régie intermunicipale de Baie-Saint-Paul shall become the property of the new town.

(27) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## SCHEDULE A

### OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE BAIE-SAINT-PAUL, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE CHARLEVOIX

The current territory of the Municipalité de Rivière-du-Gouffre, of the Paroisse de Baie-Saint-Paul and of the Ville de Baie-Saint-Paul, in the Municipalité régionale de comté de Charlevoix, comprising, in reference to the cadastre of the Paroisse de Baie-Saint-Paul, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights of way, islands, lakes and watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the line dividing the cadastres of the parishes of Saint-Hilarion and Baie-Saint-Paul and the line dividing the parishes of des Éboulements and Baie-Saint-Paul; thence, successively, the following lines and demarcations: in a general southerly direction, the broken line limiting the cadastre of the Paroisse de Baie-Saint-Paul to the east up to the southeast line of lot 253 of the said cadastre (low water mark), that line extended across the public roads and the railway right of way that it meets; in reference to the cadastre of the Paroisse de Baie-Saint-Paul, in a general southwesterly direction, the low water mark of the St. Lawrence River to the line dividing the cadastres of the parishes of Baie-Saint-Paul and Saint-François-Xavier, namely the southeast line of lot 1185 of that first cadastre, that low water mark extended across the mouths of du Gouffre and du Moulin rivers; in a general southwesterly direction, the broken line limiting the cadastre of the Paroisse de Baie-Saint-Paul to the southeast to the apex of the southwestern angle of lot 1907 of the said cadastre, that line extended across the railway right of

way and the public roads that it meets; northwesterly, the line dividing the cadastres of the parishes of Saint-Tite and Baie-Saint-Paul to its meeting with the north-west line of the Seigneurie de la Côte-de-Beaupré, that line extended across the public road that it meets; the northwest line of the said seigniori northeasterly to its meeting with the broken line dividing the cadastres of the parishes of Saint-Urbain and Baie-Saint-Paul; easterly, part of the said line dividing the cadastres to the apex of the eastern angle of lot 476 of the cadastre of the Paroisse de Baie-Saint-Paul, that line extended across the public roads that it meets; the extension of the said line dividing the cadastres to the centre line of rivière du Gouffre; the centre line of the said river downstream to the extension of the north line of lot 474 of the cadastre of the Paroisse de Baie-Saint-Paul; the said extension; finally, easterly, the broken line dividing the cadastres of the parishes of Saint-Urbain and Saint-Hilarion from the cadastre of the Paroisse de Baie-Saint-Paul to the starting point, that line extended across the public roads that it meets; the said limits define the territory of the new Ville de Baie-Saint-Paul.

Ministère des Ressources naturelles  
Service de l'arpentage  
Charlesbourg, 10 November 1995

Prepared by: GILLES CLOUTIER,  
*Land Surveyor*

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## SCHEDULE B

### DESCRIPTION OF THE LIMITS OF THE ELECTORAL DISTRICTS

#### Electoral district No. 1

The municipal limit (north, east and south sides), rivière du Gouffre, part of the western limit of the Municipalité de Rivière-du-Gouffre, and rivière du Gouffre to the starting point.

#### Electoral district No. 2

Starting from a point situated at the meeting of rue Leclerc and the western part of the Municipalité de Rivière-du-Gouffre, rivière du Gouffre, the St. Lawrence River, the eastern limit of the Paroisse de Baie-Saint-Paul, the Canadian National railway line, the access leading to the Petites Franciscaines de Marie Cemetery, rue Ambroise-Fafard and rue Leclerc to the starting point.

#### Electoral district No. 3

Starting from a point situated at the meeting of rivière du Bras-Nord-Ouest and rue Saint-Jean-Baptiste, that street, rue Ambroise-Fafard, the access leading to the Petites Franciscaines de Marie Cemetery, the Canadian National railway line, the eastern limit of the Paroisse de Baie-Saint-Paul and rivière du Bras-Nord-Ouest to the starting point.

#### Electoral district No. 4

Rivière du Gouffre, the limit of the western part of the Municipalité de Rivière-du-Gouffre, rue Leclerc, rue Saint-Jean-Baptiste, rivière du Bras-Nord-Ouest and the eastern limit of the Paroisse de Baie-Saint-Paul to the starting point.

#### Electoral district No. 5

Starting from a point situated at the meeting of rivière du Bras-Nord-Ouest and the eastern limit of the Paroisse de Baie-Saint-Paul, the municipal limit (south and west sides), the Hydro-Québec power line and rivière du Bras-Nord-Ouest to the starting point.

#### Electoral district No. 6

Rivière du Gouffre, part of the eastern limit of the Paroisse de Baie-Saint-Paul, rivière du Bras-Nord-Ouest, the Hydro-Québec power line and the municipal limit (west and north sides) to the starting point.

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Gouvernement du Québec

### O.C. 1611, 13 December 1995

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of the Village de Pont-Rouge and the Municipalité de Sainte-Jeanne-de-Pont-Rouge

WHEREAS each of the municipal councils of the Village de Pont-Rouge and the Municipalité de Sainte-Jeanne-de-Pont-Rouge adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the 2 municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);