

Municipal Affairs

Gouvernement du Québec

O.C. 1430-96, 20 November 1996

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

Amalgamation of the Village de Saint-Sylvestre and the Paroisse de Saint-Sylvestre

WHEREAS each of the municipal councils of the Village de Saint-Sylvestre and the Paroisse de Saint-Sylvestre 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 both 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 no 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, upon the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality resulting from the amalgamation of the Village de Saint-Sylvestre and the Paroisse de Saint-Sylvestre be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de Saint-Sylvestre".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 1 August 1996; that description is attached as a Schedule to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality will be part of the Municipalité régionale de comté de Lotbinière.

5. A provisional council shall remain in office until the first general election. It shall be composed of all the members of both councils existing at the time of the coming into force of this Order in Council. The quorum will be held the members in office, plus one. The current mayors will alternate each month as mayor and acting mayor of the provisional council. The mayor of the former Paroisse de Saint-Sylvestre will serve as mayor of the new municipality for the first calendar month.

6. The first general election shall be held on the first Sunday in May 1997. The second general election shall be held on the first Sunday in November 2000.

7. The council of the new municipality shall be composed of 7 members, that is, a mayor and six councillors. The councillors' seats will be numbered from 1 to 6 from the first general election.

8. For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Village de Saint-Sylvestre, will be eligible for seats 1 and 2 and only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Paroisse de Saint-Sylvestre, will be eligible for seats 3 and 4.

Seats 5 and 6 will be open to any eligible person in the entire territory of the new municipality.

9. Mrs. Chantale Therrien of the former Village de Saint-Sylvestre will act as assistant secretary-treasurer of the new municipality until the council made up by the persons elected in the first general election decides otherwise.

10. 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 municipality, and the expenditures and revenues shall be accounted for separately as if those municipalities continued to exist.

11. 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.

12. 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 shall be used for the benefit of the ratepayers in the sector made up by the territory of the former municipality in whose name it was accumulated. Those sums may be allocated for works in the territory of that former municipality.

13. 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 shall remain chargeable to all the taxable immovables in the territory of that former municipality.

14. The new municipality shall have the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in the place and stead of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities 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.

15. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

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

17. The council of the new municipality 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 municipality;

— for the purposes of approval by qualified voters, if required, those revised by-laws shall be deemed to be by-laws affecting all of the territory of the new municipi-

ality and shall, in accordance with the Act respecting elections and referendums in municipalities, be approved by all the qualified voters in the entire territory of the new municipality;

— notwithstanding sections 131 and 132 of the Act respecting land use planning and development, those revised by-laws of the new municipality may amend, replace or revoke a provision pertaining to a matter provided for in any of subparagraphs 1, 6 and 10 to 22 of the second paragraph of section 113 or a matter provided for 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 consolidating into one single by-law the provisions contained in the subdivision by-law of each of the former municipalities.

18. For the first complete fiscal year following the coming into force of this Order in Council, a tax credit shall be paid to the owner of each taxable immovable located in the sector made up by the territory of the former Paroisse de Saint-Sylvestre. The total amount of those credits shall be \$42 309 and shall be distributed on a pro rata basis according to the value of all the taxable immovables in that sector.

19. This Order in Council will come into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINT-SYLVESTRE, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LOTBINIÈRE

The current territory of the Paroisse de Saint-Sylvestre and of the Village de Saint-Sylvestre, in the Municipalité régionale de comté de Lotbinière, comprising, in reference to the cadastre of the Paroisse de Saint-Sylvestre, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, lakes and watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 1 of the cadastre of the Paroisse de Saint-Sylvestre; thence, successively, the following lines and demarcations: in a general south-easterly direction the broken line dividing the cadastre of the Paroisse de Saint-Sylvestre from the cadastres of the parishes of Saint-Bernard and Saint-Elzéar to the apex of the eastern angle of lot 794 of the cadastre of the Paroisse de Saint-Sylvestre, that line extended across the public roads and watercourses that it meets; south-westerly, the broken line dividing the cadastre of the Paroisse de Saint-Sylvestre from the cadastres of the

Paroisse de Saint-Séverin and of the Canton de Leeds to the apex of the eastern angle of lot 208 of the cadastre of the Paroisse de Sainte-Agathe, that line extended across the public roads and watercourses that it meets; in general northwesterly and northeasterly directions the broken line dividing the cadastre of the Paroisse de Saint-Sylvestre from the cadastres of the parishes of Sainte-Agathe and Saint-Patrice-de-Beaurivage to the apex of the northwestern angle of lot 261 of the cadastre of the Paroisse de Saint-Sylvestre; in reference to that cadastre, the north line of said lot 261; part of the west line and the north and northeast lines of lot 230; the broken line dividing lot 231 from lots 223, 222, 219 and 218; the north line of lot 217; the extension of the said north line across chemin Craig (route 269) to the east side of the right of way of the said road; the east side of the right of way of the said chemin Craig southerly to the north line of lot 125; the said north line; the broken line limiting to the west a part of lot 109 and lots 110 to 115; easterly, part of the broken line dividing the cadastre of the parishes of Saint-Sylvestre and Saint-Patrice-de-Beaurivage to the centre line of the public road (chemin Saint-Jean) limiting to the southwest lot 55 of that first cadastre; northwesterly, the said centre line to the extension of the northwest line of said lot 55; the said extension and the said northwest line to the southwest side of the right of way of the road of rang Saint-José; the said southwest side northwesterly to the extension of the northwest line of lot 1 of the cadastre of the Paroisse de Saint-Sylvestre; finally, the said extension and the northwest line of said lot 1 to the starting point; the said limits define the territory of the Municipalité de Saint-Sylvestre.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 1 August 1996

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Gouvernement du Québec

O.C. 1431-96, 20 November 1996

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

Corrections to the Order in Council concerning the Amalgamation of the Municipalité de Crabtree and the Municipalité de Sacré-Coeur-de-Crabtree

WHEREAS Order in Council 1301-96 concerning the Amalgamation of the Municipalité de Crabtree and the Municipalité de Sacré-Coeur-de-Crabtree was made on 16 October 1996;

WHEREAS the Order in Council contains errors in writing;

WHEREAS under section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may correct such errors;

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

THAT the following corrections to Order in Council 1301-96 be made:

(1) Section 12 is corrected by substituting the words "of the new municipality" for the words "in the sector formed of the territory of that former municipality" after the words "the ratepayers".

(2) Section 18 is corrected by substituting the words "in the new municipality" for the words "in that former municipality" after the words "taxable immovables".

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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