

Municipal Affairs

Gouvernement du Québec

O.C. 1465-96, 27 November 1996

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

Amalgamation of the Village de Weedon Centre and the Canton de Weedon

WHEREAS each of the municipal councils of the Village de Weedon Centre and the Canton de Weedon 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 Weedon Centre and the Canton de Weedon be constituted, under the following conditions:

(1) The name of the new municipality is "Municipalité de Weedon".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 27 September 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 du Haut-Saint-François.

(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 one-half of the members in office, plus one. The current mayors will alternate as mayor of the provisional council for each one-month period beginning on the date of the coming into force of this Order in Council. The mayor of the former Village de Weedon Centre will serve as mayor of the new municipality for the first period and the mayor of the former Canton de Weedon will serve as mayor of the new municipality for the second period.

If a seat is vacant upon the coming into force of this Order in Council or becomes 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 of which the seat became 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.

(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 2000. The council of the new municipality shall be composed of 7 members, that is, a mayor and 6 councillors. From the first general election, the councillors' seats shall be numbered from 1 to 6.

(7) 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 Weedon Centre, will be eligible for seats 1, 2 and 3, 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 Canton de Weedon, will be eligible for seats 4, 5 and 6.

(8) The officers and employees of the former municipalities will become, without reduction in salary, the officers and employees of the new municipality and

shall keep their seniority and fringe benefits. They may not be laid off or dismissed be reason only of the amalgamation.

(9) 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 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 the financial reports of those former municipalities for the last fiscal year that ended before the coming into force of this Order in Council.

(10) The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force before 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.

(11) 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 in the following manner:

— An amount of \$30 000 shall be deducted from the surplus of each former municipality and shall be added to the general fund of the new municipality; where a surplus is less than \$30 000, the amount deducted from each surplus shall be equal to the amount of the lowest surplus accumulated, or to zero where there is no surplus accumulated for at least one of the two former municipalities.

— The balance of the surplus accumulated shall be used for the benefit of the ratepayers of the former municipality in whose name it was accumulated; those sums may be allotted for the carrying out of public works in the sector made up of the territory of that former municipality, for tax reductions applicable to all the taxable immovables in that sector or for the repayment of debts payable by that sector.

(12) 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 charged to all the taxable immovables of that former municipality.

(13) Any tax levied under the following by-laws shall be replaced by a tax levied on all the taxable immovables of the new municipality. A special tax shall therefore be imposed and levied on all the taxable immovables of the new municipality on the basis of their value as it appears on the assessment roll in force each year:

— For the former Village de Weedon Centre, by-laws 186 and 279;

— For the former Canton de Weedon, by-law 287.

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

(14) The annual repayment of the maturities in principal and interest on the loans made under by-law 283 of the former Village de Weedon Centre and the share payable to the Société québécoise d'assainissement des eaux by that former municipality, shall become chargeable to the users of the water supply and sewer system in the sector made up of the territory of that former municipality and shall be paid by means of a compensation tariff that the council of the new municipality shall fix each year.

The taxation clause provided for in by-law 283 is amended accordingly. The new municipality may amend the by-law in accordance with the Act if it carries out work to extend the system.

(15) The annual repayment of maturities in principal and interest on all loans made under the by-laws adopted by a former municipality before the coming into force of this Order in Council and not covered by sections 13 and 14 shall remain chargeable to the sector made up of the territory of the former municipality that contracted them, in accordance with the taxation clauses provided for in those by-laws. If the new municipality decides to amend the taxation clauses of those by-laws in accordance with the Act, those amendments may cover only the taxable immovables located in the sector made up of the territory of that former municipality.

(16) The available balance of loan by-laws 311 and 313 of the former Village de Weedon Centre shall be allotted to the repayment of annual maturities in principal and interest of those loans or, if the securities were issued for a term shorter than the term originally set, to the reduction of the balance of those loans.

If the surplus is used for paying the annual maturities on loans, the rate of the tax levied to pay the said maturities shall be reduced so that the revenue from the tax is equal to the balance to be paid, deduction made of the surplus.

(17) Any debt or gain that may result from legal proceedings for any act performed by a former municipality will continue to be charged or credited to all the taxable immovables in the sector made up of the territory of that municipality.

(18) 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 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.

(19) 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 the consultation purposes provided for by sections 124 to 126 of the Act respecting land use planning and development, those revised by-laws shall be deemed to be by-laws affecting all of the territory of the new municipality;

— those revised by-laws shall be approved by all the qualified voters in the territory of the new municipality in accordance with the Act respecting elections and referendums in municipalities;

— sections 128 to 137 of the Act respecting land use planning and development shall not apply to those revised by-laws.

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

(21) 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

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE WEEDON, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DU HAUT-SAINT-FRANÇOIS

The current territory of the Canton de Weedon and the Village de Weedon-Centre, in the Municipalité régionale de comté du Haut-Saint-François, comprising, in reference to the cadastres of the Canton de Weedon, of the Village du Lac-Weedon and of the Canton de Dudswell, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights of way, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 230 of the cadastre of the Village du Lac-Weedon; thence, successively, the following lines and demarcations: the northeast line of lots 230, 197, 198, 169 and 25, up to the shore of lac Louise, that line extended across the route (number 112) and the railway right of way (lot 236) that it meets; southwesterly, that shore to the line dividing ranges 5 and 6 of the cadastre of the Canton de Weedon; northeasterly, the line dividing the cadastres of the Village du Lac-Weedon and the Canton de Weedon, extended across lac Louise and passing northwest of the islands of lac Louise bearing lot numbers 34, 33, 32, 31, 35 and 36 of the cadastre of the Canton de Weedon, then southeast of the island bearing lot number 36 of the cadastre of the Village du Lac-Weedon to the apex of the southern angle of lot 37 of the cadastre of the Village du Lac-Weedon; the northwest line of lots 24 to 28 of range 5 of the cadastre of the Canton de Weedon, that line extended across the public road that it meets; in reference to the cadastre of the said township, the northeast line of lot 28 of ranges 5 and 4, that line extended across the public roads that it meets; part of the southeast line of range 4 to the southwest line of lot 16B of range 3; part of the said southwest line of lot 16B to the northwest line of lots 15D, 15C, 29 and 14A of range 3; the northwest line of the said lots to the northeast line of lot 13C of range 3, that line extended across rivière au Saumon and the public road that it meets; the said northeast line of lot 13C and the northeast line of lots 13H and 13D of range 2 and 13B of range 1, those lines extended across the public roads that they meet; southwesterly, part of the line dividing the townships of Weedon and Lingwick to the line dividing the townships of Weedon and Dudswell, that line extended across the public roads that it meets; part of the northeast line of lot 28B of range 1 of the cadastre of the Canton de Dudswell northwesterly to the line dividing ranges 1 and 2 of the cadastre of the said township; in reference to that cadastre, part of the line dividing the said ranges to the southwest line of lots 28A and 28B of range 2; the southwest line of the said lots; the northwest line of lots 28B, 28C and 28F of range 2; northwesterly part of the southwest line

of the Canton de Weedon to the line dividing ranges 9 and 10 of the said township, that line extended across rivière Saint-François, the railroad (lot 29) and the route (number 112) that it meets; the line dividing the said ranges to the apex of the western angle of lot 235 of the cadastre of the Village du Lac-Weedon, that line extended across the public road that it meets; finally, part of the line dividing the cadastres of the Village du Lac-Weedon and the Canton de Weedon, northeasterly to the starting point, that line extended across rivière aux Canards that it meets; the said limits define the territory of the Municipalité de Weedon.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 27 September 1996

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