

Municipal Affairs

Gouvernement du Québec

O.C. 12-97, 15 January 1997

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

Amalgamation of the Ville de Rouyn-Noranda and
the Municipalité de Lac-Dufault

WHEREAS each of the municipal councils of the Ville de Rouyn-Noranda and the Municipalité de Lac-Dufault 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 two 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 with the amendments proposed by the Minister of Municipal Affairs that have been approved by the council of the applicant municipalities;

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

THAT the application be granted and that a local municipality be constituted through the amalgamation of the Ville de Rouyn-Noranda and the Municipalité de Lac-Dufault, under the following conditions:

1. The name of the new town is “Ville de Rouyn-Noranda”.

2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 18 October 1996; that description is attached as a Schedule 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 following special legislative provisions governing the Ville de Rouyn-Noranda apply to the new Ville de Rouyn-Noranda:

— sections 4, 21 and 38 of Chapter 63 of the Statutes of 1948;

— sections 5 and 6 of Chapter 94 of the Statutes of 1950.

5. The new town will be part of the Municipalité régionale de comté de Rouyn-Noranda.

6. Until the first general election, the territory of the Municipalité de Lac-Dufault forms an electoral district within the meaning of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2). That district is added to the nine current electoral districts of the former Ville de Rouyn-Noranda.

For the purposes of the provisional council provided for by section 7, the mayor of the former Municipalité de Lac-Dufault will serve as the councillor representing that new electoral district; should the mayor of the former Municipalité de Lac-Dufault resign or be unable to act, the following persons will act, in order, as councillor representing that electoral district on the provisional council:

- the councillor of seat number 6;
- the councillor of seat number 5;
- the councillor of seat number 4;
- the councillor of seat number 1;
- the councillor of seat number 3; and
- the councillor of seat number 2.

That order was established by a drawing of lots on 11 June 1996.

7. A provisional council shall remain in office until the first general election. It shall be composed of all the members of the council of the former Ville de Rouyn-Noranda existing at the time of the coming into force of this Order in Council and of one councillor representing the former Municipalité de Lac-Dufault for the new electoral district made up of the territory of that former municipality. The quorum will be one-half of the members in office, plus one.

The mayor of the Ville de Rouyn-Noranda will serve as mayor of the new town for the duration of the provisional council.

8. By-law 46 of the former Ville de Rouyn-Noranda respecting the remuneration of the elected members will apply to the new town, until it is amended by the council of the new town.

9. Within 30 days following the coming into force of this Order in Council, the election chairman shall set the day of the vote from among the Sundays comprised in the 5 months following the coming into force of this Order in Council for any office which, at the time of that coming into force, was vacant in the former Ville de Rouyn-Noranda.

Where a by-election procedure had been started before publication of the joint application as provided for in section 90 of the Act respecting municipal territorial organization, that procedure shall be resumed in its entirety.

However, the above does not affect the right of candidates who had incurred election expenses before the suspension of the electoral period to obtain a reimbursement within the meaning of sections 450 and following of the Act respecting elections and referendums in municipalities.

The reimbursement shall be calculated by determining the proportion of the number of weeks in the electoral period before its suspension in relation to the number of weeks initially scheduled for that period.

That proportion is then multiplied by the amount of the eligible electoral expenses which may not exceed \$2 867, that is, the amount authorized at the time of the last general election in electoral district number 3 of the former Ville de Rouyn-Noranda.

Sections 335 and following of the Act respecting elections and referendums in municipalities concerning by-election procedures apply to any vacancy that may occur in an office of a member of the council of the former Ville de Rouyn-Noranda for the term of the provisional council.

10. The first general election shall be held on the first Sunday in November 1998. The second general election shall be held on the first Sunday in November 2002.

For the first general election, the council of the new town shall be composed of a mayor and 8 councillors, and the territory of the new town shall be divided into 8 electoral districts, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

For the first general election, the sector made up of the territory of the former Municipalité de Lac-Dufault shall be part of district number 1 of the new town, and the designation of that district shall comprise the term "Lac-Dufault" and any other term that the council may determine.

11. The officers and employees of the former municipalities shall become, without reduction in salary, the officers and employees of the new town and shall retain their seniority and social benefits. They may not be laid off or dismissed because of the amalgamation.

12. Any budget adopted by each of the former municipalities for the fiscal period 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 former 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 value, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994 and 502-95 dated 12 April 1995), and appearing in their financial reports for the fiscal period preceding that during which the former municipalities adopted separate budgets.

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 period for which the former municipalities adopted separate budgets.

13. The working capital of the former Ville de Rouyn-Noranda, at the end of the last fiscal period for which the former municipalities adopted separate budgets, shall constitute the working capital of the new town. The amounts borrowed shall be reimbursed in accordance with section 569 of the Cities and Towns Act into the working capital of the new town.

14. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal period for which the former municipalities adopted separate budgets shall be used in the following manner:

— amounts from that surplus reserved by resolution of the council for specific purposes shall be used for the purposes provided for unless the council of the new town decides, where needs are less than anticipated, to re-allocate the amount in whole or in part for other purposes, in accordance with the following paragraphs:

— unreserved amounts, in the case of the Municipalité de Lac-Dufault, shall be used first and foremost for carrying out public works in the territory of that former municipality; the works referred to are the laying of asphalt on chemin England over a distance of 0.5 kilometres, from chemin des Castors to the last house, the paving of the skating rink and the entrance to the sites of the mail boxes (4, rue Bois-Vert and 64, rue Caouette) and the maintenance of Parc de l'Amitié, the softball field and the skating rink; the laying of asphalt and the paving must be carried out in 1997;

— once the works have been carried out, all or a part of the balance of the surplus accumulated by the former Municipalité de Lac-Dufault and all or a part of the surplus accumulated by the former Ville de Rouyn-Noranda may be used to increase the working capital of the new town or for the benefit of the ratepayers in the sector made up of the territory of the former municipality that accumulated it (carrying out public works in that sector, reduction of taxes applicable to all the taxable immovables located therein or reimbursement of the debts chargeable to that sector).

The part attributable to each of the 2 surpluses accumulated in the increase of the working capital of the new town shall be determined in accordance with the proportions established under the first paragraph of section 12.

Any deficit accumulated on behalf of a former municipality at the end of the last fiscal period for which the former municipalities adopted separate budgets shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. An amount of \$200 000 from the Programme d'aide financière au regroupement municipal shall be reserved by the new town and shall be used as follows.

The ratepayers in each sector made up of the territory of a former municipality may benefit from an amount of \$100 000 that may be used for the carrying out of public works, reductions in taxes on all the taxable immovables or the reimbursement of debts charged to the sector concerned.

However, with respect to the sector made up of the territory of the former Municipalité de Lac-Dufault, an amount of \$14 000 shall be used to reduce the real estate taxes over a 3-year period. The balance of \$86 000 shall be used first and foremost to lay asphalt on chemin England over a distance of 0.5 kilometres, from chemin des Castors to the last house. It may also be used to pave the grounds of the skating rink, the entrance to the sites of the mail boxes at 4, rue Bois-Vert and 64, rue Caouette

and for the maintenance of Parc de l'Amitié, the grounds of the softball field and the skating rink. The laying of asphalt and the paving must be carried out in 1997.

The balance of the amount paid by the Government under the Programme d'aide financière au regroupement municipal shall be used to increase the working capital of the new town.

16. The taxes levied under the loan by-laws of either of the former municipalities which were in the charge of a sector of its territory shall continue to be collected by the new town, in accordance with the taxation clauses provided for in those by-laws.

17. The balance in principal and interest on loans made under by-laws 6 and 61 entirely and under by-law 340 in a proportion of 76.0 % of the former Ville de Rouyn-Noranda shall be charged to all the taxable immovables in the territory of the new town served by the water supply system at the time of the coming into force of this Order in Council.

A special tax shall therefore be imposed and levied on all the taxable immovables in the territory of the new town which, at the time of the coming into force of this Order in Council, are served by the water supply system, on the basis of their value as it appears on the assessment roll in force each year.

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 works to extend the water supply system.

18. The balance in principal and interest on loans made under the following by-laws of each of the former municipalities shall be charged to all the taxable immovables in the territory of the new town. A special tax shall therefore be imposed and levied on all the taxable immovables in the territory of the new town, on the basis of their value as it appears on the assessment roll in force each year, in respect of the following by-laws:

— For the former Ville de Rouyn-Noranda:

— By-laws 16, 24, 60, 84, 85, 86, 88, 114, 118, 132, 151, 154, 160, 178, 180, 188, 189, 231, 235, 239, 291, 293, 343 and 402 entirely;

— By-law 105-91 of the former Municipalité de Saint-Guillaume-de-Granada entirely;

— By-law 131 in a proportion of 40.0 %;

— By-law 232 in a proportion of 82.7 %;

— By-law 340 in a proportion of 24.0 %;

— For the former Municipalité de Lac-Dufault:

— By-law 94-09 entirely.

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

19. Amounts owed by the former Municipalité de Saint-Guillaume-de-Granada to the Fabrique de Granada in respect of the purchase of lands under Resolution 92-07-3795 shall also be chargeable to all the taxable immovables in the territory of the new town.

20. Subject to section 12 of the letters patent of 5 July 1986 amalgamating the Ville de Rouyn and the Ville de Noranda and section 17 of Order in Council 1538-95 amalgamating the Ville de Rouyn-Noranda and the Municipalité de Saint-Guillaume-de-Granada, the balance in principal and interest on all the loan by-laws or parts thereof, adopted by a former municipality before the coming into force of this Order in Council and not covered by sections 16, 17 and 18 of this Order in Council, shall remain charged 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 town decides to amend the taxation clauses of those by-laws in accordance with the Act, those amendments may pertain only to the taxable immovables located in the sector made up of the territory of that former municipality.

Subject to sections 14, 15 and 16 of the letters patent of 5 July 1986 amalgamating the Ville de Rouyn and the Ville de Noranda, the amounts owing to the Société québécoise d'assainissement des eaux under the agreements entered into by the Gouvernement du Québec and each former municipality shall continue to be charged to the ratepayers in the sector made up of the territory of each former municipality.

21. Notwithstanding section 229 of the Act respecting municipal territorial organization, the new town shall use the values entered on the real estate assessment rolls in force in the former municipalities for the 1997 fiscal period, updated and adjusted from the coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered in the assessment roll of the former Municipalité de Lac-Dufault shall be divided by its median proportion and multiplied by the median proportion of the roll of the former Ville de Rouyn-Noranda; the median proportions used shall be those that were established for the first period of application of the triennial roll of each of the former municipalities.

The combination made up of the roll in force in the former Ville de Rouyn-Noranda for the 1997 fiscal period and the amended roll of the former Municipalité de Lac-Dufault in accordance with the second paragraph of this section shall constitute the roll of the new town for the first fiscal year. The median proportion and the comparative factor of that roll shall be those of the former Ville de Rouyn-Noranda. The first fiscal period of the new town shall be deemed to be the first application period of the roll.

22. 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 municipality.

23. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Rouyn-Noranda".

That municipal bureau shall replace the Office municipal d'habitation de Rouyn-Noranda, 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 Office municipal d'habitation de Rouyn-Noranda.

24. The new town 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.

25. 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:

— the purposes of the consultation 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 town;

— those revised by-laws shall be approved by the qualified voters in all of the territory of the new town, 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.

Until the first general election, the person who, at the time of the coming into force of this Order in Council, fills the office of councillor in seat number 2 of the former Municipalité de Lac-Dufault is ex officio a member of the planning committee of the new town.

26. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town. Notwithstanding the foregoing, the product of the sale of the town hall of the former Municipalité de Lac-Dufault, where applicable, shall be used for the exclusive benefit of the ratepayers in the sector made up of the territory of that former municipality.

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

OFFICIAL DESCRIPTION OF THE TERRITORY
OF THE NEW VILLE DE ROUYN-NORANDA,
IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ
DE ROUYN-NORANDA

The current territory of the Ville de Rouyn-Noranda and of the Municipalité de Lac-Defaut, in the Municipalité régionale de comté de Rouyn-Noranda, comprising, in reference to the cadastres of the towns of Noranda and Rouyn and of the townships of Beauchastel, Bellecombe, Dufresnoy, Duprat, Joannès and Rouyn, the lots or parts of lots, the blocks or parts of blocks 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:

First perimeter

Starting from the apex of the northeastern angle of lot 44 of range 3 of the cadastre of the Canton Dufresnoy; thence, successively, the following lines and demarcations: the east line of the said lot in ranges 3, 2 and 1 of the cadastre of the said township; easterly, part of the line dividing the townships of Dufresnoy and Rouyn to the centre line of rivière Kinojevis; in a general southerly and southwesterly direction, the centre line of the said river, not exceeding the line dividing the townships of Joannès and Rouyn, and the centre line of lac Routhier to the extension of the line dividing ranges 7 Nord and 7 Sud of the cadastre of the Canton de Rouyn; in reference to the cadastre of the said township, westerly, the said extension and part of the said line dividing the ranges to the line dividing lots 38 and 39 of range 7 Sud; the said line dividing the lots; part of the line dividing ranges 6 Nord and 7 Sud, westerly, to the line dividing lot 38 of range 6 Nord of block 163; the broken line dividing lots 38, 37 and 36 of range 6 Nord of blocks 163 and 162; westerly, in lots 36 and 35 of the said range, a straight line to the centre line of a stream, crossing lots 35, 34 and 33 of the aforesaid range, to its mouth in lac Rouyn; southwesterly, the centre line of the said stream to the line dividing ranges 6 Nord and 6 Sud; westerly, part of the said line dividing the ranges to the east line of lot 25 of range 6 Nord; the said east line; part of the northwest line of ranges 6 Nord and 6 Sud, southwesterly, to the line dividing lots 22 and 23 of range 6 Sud; the said line dividing the lots; part of the line dividing lots 22 and 23 of range 5 to the centre line of the said range; the said centre line, easterly, to the line dividing lots 40B and 41B of range 5; part of the said line dividing the lots, southerly, and the line dividing lots 40C and 40A of lots 41C and 41A of range 5; the line dividing lots 40 and 41 of range 4; part of the line dividing ranges 3 and 4, easterly, and crossing lac Vallet to the east line of the Canton de Rouyn; part of the east and south lines of the said township to the centre line of lac Kinojevis, between lots 55B and 59 of range 10 of the cadastre of the Canton de Bellecombe; the centre line of the said lake, in southwesterly and northwesterly directions, and the centre line of the river linking lac Kinojevis and lac La Bruère to the south line of the Canton de Rouyn, that centre line of lac Kinojevis passing between lots 55B, 54B, 53B and 52B and lots 55A, 54A, 53A, 52A, 51, 50, 49A and 48 of range 10 of the cadastre of the Canton de Bellecombe; part of the south and west lines of the Canton de Rouyn to the centre line of lac Beauchastel; in reference to the cadastre of the Canton de Beauchastel, a straight line in the said lake, westerly, to the point of intersection of the extension of the north line of range 1 and of the extension of the west line of lot 51B of range 3; part of the extension of the said west line to the extension of the line dividing ranges

2 and 3; a straight line, northerly, to the point of intersection of the centre line of rivière Pelletier and the north shore of lac Beauchastel; the centre line of the said river to the extension of the line dividing lots 51B and 52B of range 3; the said extension and the said line dividing the lots; part of the line dividing ranges 3 and 4, easterly, and crossing rivière Pelletier to the line dividing lots 52B and 53B of range 4; the line dividing lots 52B, 52A and 52C of lots 53B, 53A and 53C of the said range, that line extended across the public roads and watercourses that it meets; part of the line dividing ranges 4 and 5, easterly, to the line dividing lots 57B and 58A of range 5; the line dividing lots 57B and 57A from lots 58B and 58A of range 5, that line extended across the public roads and watercourses that it meets; part of the line dividing ranges 5 and 6, easterly, to the west line of the Canton de Rouyn; northerly, part of the west line of the said township to the line dividing the townships of Duprat and Beauchastel; part of the said line dividing the townships to the west line of lot 43 of range 1 of the cadastre of the Canton de Duprat; in reference to the cadastre, the west line of the said lot; part of the line dividing ranges 1 and 2, easterly, to the west line of block 124; part of the west line and northwest line of the said block 124; the north line of blocks 122, 120 and 37; part of the line dividing the townships of Dufresnoy and Duprat to the north line of block 58 of the cadastre of the Canton de Dufresnoy; in reference to the cadastre of the said township, the north line of blocks 58, 172, 1A; part of the west line, the north line and part of the east line of block 53A to the line dividing lots 75 and 76 of range Ouest Chemin-Macanic; the said line dividing the lots and its extension across the right of way of route number 101 that it meets; the south line of lot 75A of range Est Chemin-Macanic and its extension to the west line of lot 75B of the said range, that west line being the shore of Lac Dufault; the shore of the said lake in general southerly and easterly directions to the southeasternmost extremity of lot 75D of the said range; in lac Dufault, a straight line in a northeastly direction to the meeting point of the extension of the line dividing lots 32 and 33 of range 3 and of the line dividing ranges 2 and 3, that straight line passing south of island number 61 and north of island number 107; the extension and the line dividing the said lots 32 and 33, that extension skirting island number 35 to the east; finally, part of the line dividing ranges 3 and 4, easterly, to the starting point.

Second perimeter

Starting from the meeting point of the southwest side of the right of way of route number 117 and of the east line of lot 15B of range 5 of the cadastre of the Canton de Joannès; thence, successively, the following lines and demarcations: in reference to the cadastre of the said township, the southwest side of the right of way of the said route, in northwesterly and westerly directions, to the line dividing lots 9 and 10 of range 5; part of the said line dividing the lots, southerly, over a distance of 300.0 metres; in lots 9, 8A, 7A and 6 of range 5, a straight line following an astronomical azimuth of 244°00' to the line dividing lots 5 and 6 of the said range, that straight line being approximately parallel to the landing strip; part of the said line dividing the lots, southerly, to the line dividing ranges 4 and 5; easterly, part of the said line dividing the ranges to the line dividing lots 15A and 15B from lot 16A of range 5; finally, the said line dividing the lots to the starting point. The said perimeters define the territory of the new Ville de Rouyn-Noranda. The distance is expressed in metres (IS) and the direction is an astronomical azimuth in reference to the central line of the Canton de Joannès.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 18 October 1996

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