

Municipal Affairs

Gouvernement du Québec

O.C. 122-98, 4 February 1998

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

Amalgamation of the Village de Rawdon and the
Canton de Rawdon

WHEREAS each of the municipal councils of the Village de Rawdon and the Canton de Rawdon 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 one objection was 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 Rawdon and the Canton de Rawdon be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de Rawdon".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 12 November 1997; 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 Matawinie.

5. A provisional council shall remain in office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half of the members in office plus one. The current mayors will alternate as mayor and acting mayor of the provisional council every 30 days. The mayor of the former Canton de Rawdon will act as the mayor of the new municipality for the first 30-day period.

If a seat is vacant upon the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council, the elected municipal officers shall continue to receive the same remuneration as they received before the coming into force of this Order in Council.

6. 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.

7. For the first general election, the council of the new municipality shall be composed of nine members, that is, a mayor and eight councillors. From the first general election, the councillors' seats shall be numbered from 1 to 8.

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 Canton de Rawdon, shall be eligible for seats 1, 2, 3 and 4 and only those persons who would be eligible under that Act, if such election were an election of the council members of the former Village de Rawdon, shall be eligible for seats 5, 6 and 7. Every person who is legally eligible for all the territory of the new municipality is eligible for seat 8.

9. Any budget adopted by 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 the former municipalities 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 Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as appearing in their financial statements for the fiscal year preceding the fiscal year in which this Order in Council comes into force.

10. If section 9 applies, the portion of the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year of the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and financed with that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality in the first year where no separate budgets are applied.

11. The terms and conditions for apportioning the cost of shared services provided for in the intermunicipal agreements in force before the amalgamation shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

12. The Régie intermunicipale des loisirs de Rawdon ceases to exist upon the coming into force of this Order in Council.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year where the new municipality applied separate budgets shall be used as follows:

(a) an amount of \$100 000 shall be deducted from each accumulated surplus and be paid into the general fund of the new municipality; if the surplus accumulated on behalf of a former municipality is less than \$100 000, the amount to be deducted shall correspond to the lesser of the two amounts of accumulated surplus;

(b) any balance of the surplus accumulated on behalf of a former municipality shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used to reduce the taxes applicable to that sector and to repay debts charged to that sector.

14. 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 in the sector made up of the territory of that former municipality.

15. Any tax imposed under By-laws 441, 463, 490 and 494 of the former Canton de Rawdon and By-law 595-97 of the former Village de Rawdon shall be replaced by a tax imposed on all the taxable immovables of the new municipality.

Therefore, a special tax shall 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.

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

16. If any former municipality has adopted, after the signing of the joint application for amalgamation, a loan by-law ordering improvement or enlargement works on the municipal hall or garage under the Canada-Québec Infrastructure Works Program, the repayment of the instalments in principal and interest for that loan shall be charged to 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.

The taxation clauses in such by-law are amended accordingly.

17. If any former municipality has adopted, after the signing of the joint application for amalgamation, a loan by-law ordering improvement works on one of the waterworks under the Infrastructure Program Canada-Québec, the repayment of the instalments in principal and interest for that loan shall be charged to the users of the waterworks concerned.

The taxation clauses in such by-law are amended accordingly.

18. The annual repayment of the instalments in principal and interest of all the loans taken out under by-laws adopted by a former municipality before the coming into force of this Order in Council and not referred to in section 15, 16 or 17 shall remain charged to the sector made up of the territory of the former municipality that contracted the loans, in accordance with the taxation clauses in those by-laws. If the new municipality decides to amend the taxation clauses of those by-laws according to law, those amendments may affect only the taxable immovables located in the sector made up of the territory of that former municipality.

The amounts owing to the Société québécoise d'assainissement des eaux under agreements reached by the Gouvernement du Québec and the former Village de Rawdon, as well as the credit appropriation authorized by resolution 165-94 of that former village (improvement and complete transformation of public lighting) shall become charged to the taxable immovables in the sector made up of the territory of that former village.

19. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall remain charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that former municipality.

20. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the municipality, provided that such a by-law comes into force within 4 years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new municipality.

21. The expiry date of the three-year assessment roll of the former Canton de Rawdon which is fixed at 31 December 1998 is postponed to 31 December 1999.

Notwithstanding the fifth paragraph of section 119 of the Act respecting municipal territorial organization, the first assessment roll of the new municipality shall be made for the 2000, 2001 and 2002 fiscal years.

22. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Municipalité de Rawdon".

That municipal bureau shall succeed to the municipal housing bureaus of the former Canton de Rawdon and the former Village de Rawdon, which are 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 municipality 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 bureaus of the former Canton de Rawdon and the former Village de Rawdon. Notwithstanding the foregoing, from the first general election held in the new municipality, the number of members of the bureau shall be seven, including three appointed by the municipal council, two by the tenants and two by the Minister responsible for the Société d'habitation du Québec.

23. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale de Matawinie, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de Matawinie will have jurisdiction over the territory of the new municipality.

24. The new municipality succeeds to the rights, obligations and responsibilities of the former municipalities and of the Régie intermunicipale des loisirs de Rawdon. It shall become, without continuance of suit, a party to any proceeding in the place and stead of those former municipalities and that board.

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

26. This Order in Council comes into force on 28 May 1998.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE
TERRITORY OF THE MUNICIPALITÉ DE
RAWDON, IN THE MUNICIPALITÉ RÉGIONALE
DE MATAWINIE

The current territory of the Canton de Rawdon and of the Village de Rawdon in the Municipalité régionale de comté de Matawinie, comprising, in reference to the cadastre of Canton de Rawdon, the lots or parts of lots and their present and future subdivisions as well as the roads, routes, streets, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 28A of Rang 11 of the cadastre of the Canton de Rawdon; thence, successively, the following lines and demarcations: in reference to that cadastre, southeasterly, part of the northeastern line of the said cadastre to the apex of the eastern angle of lot 28C of Rang 3, that line crossing Chemin Parkinson, Chemin Bélair, Route 337, the Fer à Cheval and Grégoire lakes, Route 348 and Rivière Blanche that it meets, passing by

the southwestern side of the right-of-way of the county road (Saint-Ambroise and Rawdon); successively, southwesterly, southeasterly and southwesterly, the broken line separating the cadastre of the Canton de Rawdon and the cadastre of the Paroisse de Saint-Liguori and the extension of the latter line to the right bank of Rivière Ouareau, following the southeastern side of the right-of-way of Chemin du 3e Rang (Chemin Lane) and of Chemin Mailhot-Labrèche and crossing Rivière Rouge Nord-Est, Chemin de la Rivière Rouge, Rivière Rouge Nord-Ouest and Route 341 that it meets; in a general northwesterly direction, the right bank of the said river upstream to the southwestern extension, crossing the said river, of the dividing line between ranges 3 and 4 of the cadastre of the Canton de Rawdon; northeasterly, part of the said extension to the centre line of Rivière Ouareau; in a general westerly direction, the centre line of the said river upstream to the northeastern extension of the dividing line between the cadastres of the Canton de Rawdon and Paroisse de Sainte-Julienne; successively southwesterly and northwesterly, the said extension and the broken line separating the said cadastres, that line crossing Route 337, Chemin Vincent-Massey, Route 125 and Lac de la Grande Ligne that it meets; northwesterly, the southwest line of the cadastre of the Canton de Rawdon to the apex of the western angle of lot 1A of Rang 11 of the said cadastre following partially the southwestern side of a public road; finally, northeasterly, the northwestern line of the said cadastre to the starting point, following partially the northwestern side of the right-of-way of Route 335, that line crossing Route 125, Lac Berger, Rivière Ouareau, a public road (Chemin du Lac-d'Argent) and the Rock and Michel lakes; the said limits define the territory of the Municipalité de Rawdon.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 12 November 1997

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