

Gouvernement du Québec

**O.C. 180-98, 17 February 1998**

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

Amalgamation of Village d'Upton and Paroisse de Saint-Éphrem-d'Upton

WHEREAS each of the municipal councils of Village d'Upton and of Paroisse de Saint-Éphrem-d'Upton 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);

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

WHEREAS no 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 be constituted through the amalgamation of Village d'Upton and Paroisse de Saint-Éphrem-d'Upton, on the following conditions:

1. The name of the new municipality is "Municipalité d'Upton".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 20 November 1997 and 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 d'Acton.

5. A provisional council shall remain in office until the first general election. It shall be composed of all the members of the 2 councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members holding office plus one. The

current mayors shall alternate as mayor and acting mayor of the provisional council for 2 equal periods. The mayor of the former village shall act as mayor of the new municipality for the first period and the mayor of the former parish shall act as mayor for the second period.

If a seat is vacant at the time of 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 of the fourth month following the month in which this Order in Council comes into force. The second election shall be held on the first Sunday in November 2001. 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 two general elections, 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 d'Upton, shall be eligible for seats 1, 2 and 3 and only the persons who would be eligible under that Act, if such election were an election of the council members of the former Paroisse de Saint-Éphrem-d'Upton, shall be eligible for seats 4, 5 and 6.

8. Any budgets 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 those 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 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, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in their financial statement for the fiscal year prior to the fiscal year during which this Order in Council comes into force.

9. If section 8 applies, the portion of the subsidy granted to the new municipality 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 be paid into the general fund of the new municipality in the first year where no separate budgets are applied.

10. The terms and conditions for apportioning the cost of shared services provided for in 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.

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 as follows:

— A sum of \$10 000 shall be deducted from the surplus accumulated on behalf of each of the former municipalities and shall be paid into the general fund of the new municipality; if the amount of the surplus accumulated on behalf of a former municipality does not total the sum of \$10 000, the amount deducted from the surplus accumulated on behalf of each of the former municipalities shall be equal to the amount of the lowest surplus accumulated, or to zero where there is no surplus accumulated on behalf of a former municipality;

— The balance of the surplus accumulated on behalf of a former municipality shall be used for the benefit of the ratepayers of the former municipality that accumulated it; it may be used to carry out public works in the sector made up of the territory of the former municipality, to reduce the taxes applicable to all the taxable immovables in that sector or to repay debts charged to the entire 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 the sector made up of the territory of the former municipality.

13. Seven per cent of the balance in principal and interest of the loan made under By-law 225 by the former Village d'Upton shall be charged to all the taxable immovables of the new municipality and 93 % of that balance shall be charged to the users served by the sewer system.

Seven per cent of the balance in principal and interest of the loan made under By-law 345-92 by the former Village d'Upton shall be charged to all the taxable immovables of the new municipality and 93 % of that balance shall be charged to the users served by the waterworks system.

The taxation clauses in those by-laws shall be amended accordingly.

14. The annual repayment of the instalments in principal and interest for all the loans made under by-laws adopted by a former municipality before the coming into force of this Order in Council and not governed by section 13 shall remain charged to the sector made up of the territory of the former municipality that contracted them, in accordance with the taxation clauses of those by-laws. If the new municipality decides to amend the taxation clauses of those by-laws in accordance with the law, the amendments may refer only to the taxable immovables in the sector made up of the territory of that former municipality.

15. A tax credit shall be granted to all the taxable immovables in the sector made up of the territory of the former Paroisse de Saint-Éphrem-d'Upton as follows:

— the year of the coming into force of this Order in Council, at a rate of \$0.14 per \$100 of assessment;

— the second year, at a rate of \$0.11 per \$100 of assessment;

— the third year, at a rate of \$0.08 per \$100 of assessment;

— the fourth year, at a rate of \$0.05 per \$100 of assessment;

— the fifth year, at a rate of \$0.02 per \$100 of assessment.

Those rates shall however be in force only if the financial aid paid by the Gouvernement du Québec to the new municipality for taking charge of the local road system is equal to or greater than \$59 000.

If, for a fiscal year, the aid paid by the government is less than \$59 000, the tax credit rate shall be calculated by dividing the rate provided for the year to which that situation applies by the amount of \$59 000 and by multiplying the amount thus obtained by the amount of the financial aid paid for the year in question.

16. Any debt or gain that may result from legal proceedings for any act performed by a former municipality shall remain charged or credited to all the taxable im-

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

17. 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 all the territory of the new municipality, provided that such a by-law comes into force within 4 years following the coming into force of this Order in Council.

Such a by-law shall be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of all the territory of the new municipality.

18. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation d'Upton".

That municipal bureau shall succeed to the Office municipal d'habitation d'Upton, 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 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 Office municipal d'habitation d'Upton.

19. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale d'Acton that will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale d'Acton shall have jurisdiction over the territory of the new municipality.

20. Notwithstanding section 119 of the Act respecting municipal territorial organization, the new municipality shall use the values entered into the real estate assessment rolls in force in the former municipalities for the 1997 fiscal year, updated and adjusted after the coming into force of this Order in Council as follows:

— The values entered into the real estate assessment roll of the former Paroisse de Saint-Éphrem-d'Upton shall be divided by its median proportion and multiplied by the median proportion of the real estate assessment roll of the former Village d'Upton; the median proportions used shall be the ones that were established for the 1997 fiscal year;

— The roll made up of the roll in force in the former Village d'Upton for the 1997 fiscal year and the amended roll of the former Paroisse de Saint-Éphrem-d'Upton in accordance with this section shall constitute the roll of the new municipality for the first fiscal year. The median proportion and the comparative factor of the roll are those of the former Village d'Upton. The first fiscal year of the new municipality shall be considered as the third fiscal year of application of the roll.

21. Notwithstanding section 244.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the new municipality may, during the five-year period following the coming into force of this Order in Council, provide that the contributions paid for the services of the Sûreté du Québec are to be financed by means of a tariff. After that period, any contribution paid for the services of the Sûreté du Québec shall be financed in accordance with the provisions of the Act.

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

23. 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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#### OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ D'UPTON, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ACTON

The current territory of Paroisse de Saint-Éphrem-d'Upton and of Village d'Upton, in the Municipalité régionale de comté d'Acton, comprising, in reference to the cadastres of the parishes of Saint-André-d'Acton and Saint-Éphrem-d'Upton and of Village de Saint-Éphrem-d'Upton, 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, water-courses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northeastern angle of lot 325 of the cadastre of Paroisse de Saint-Éphrem-d'Upton; thence, successively, the following lines and demarcations: southerly, part of the line dividing the cadastre of Paroisse de Saint-Éphrem-d'Upton from the cadastres of the parishes of Saint-Théodore d'Acton and of Saint-André-d'Acton, that dividing line between the cadastres crossing the secondary public roads, the railway (lot 284) and Route 116 that it meets, to the centre line of Rivière Noire (Blanche) passing north of lot 311 of the cadastre of Paroisse de Saint-

André-d'Acton; successively, southeasterly, southerly and southwesterly, the centre line of the said river upstream to the northern extension of the eastern line of lot 266 of the cadastre of Paroisse de Saint-Éphrem-d'Upton; southerly, the said extension and part of the line dividing the cadastre of Paroisse de Saint-Éphrem-d'Upton from the cadastres of the parishes of Saint-André-d'Acton and of Saint-Valérien-de-Milton, that line crossing a public road and Rivière Noire that it meets, to the apex of the southeastern angle of lot 260 of the cadastre of Paroisse de Saint-Éphrem-d'Upton; successively, westerly, southerly and westerly, the broken line dividing the cadastre of Paroisse de Saint-Éphrem-d'Upton from the cadastre of Paroisse de Saint-Valérien-de-Milton, that line crossing the secondary public roads it meets; northerly, part of the line dividing the cadastres of Paroisse de Saint-Éphrem-d'Upton and of Village de Saint-Éphrem-d'Upton from the cadastres of the parishes of Saint-Liboire and of Sainte-Hélène, that line crossing Rivière Noire, the railway (lot 5), Route 116 and the secondary public roads that it meets, to the apex of the northern angle of lot 141 of the cadastre of Paroisse de Saint-Éphrem-d'Upton; in reference to that cadastre, southerly, the eastern line of lots 141, 140 and 139; finally, easterly, the northern line of lot 155 extended across the Chemin Rang de la Carrière, then the northern line of lot 325 to the starting point; the said limits define the territory of the Municipalité d'Upton.

Ministère des Ressources naturelles  
Service de l'arpentage  
Charlesbourg, 20 November 1997

Prepared by: PIERRE BÉGIN,  
*Land surveyor*

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Gouvernement du Québec

### **O.C. 181-98, 17 February 1998**

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

Amalgamation of the Municipalité de Risborough, the Partie sud-est du Canton de Gayhurst and the Village de Saint-Ludger

WHEREAS each of the municipal councils of the Municipalité de Risborough, the Partie sud-est du Canton de Gayhurst and the Village de Saint-Ludger 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 3 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 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 be constituted through the amalgamation of the Municipalité de Risborough, the Partie sud-est du Canton de Gayhurst and the Village de Saint-Ludger, on the following conditions:

1. The name of the municipality is "Municipalité de Saint-Ludger".
2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 3 December 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 is a part of the Municipalité régionale de comté du Granit.
5. A provisional council shall remain in office until the first general election. It shall be composed of all the members of the 3 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 three mayors will alternate as mayor of the provisional council for equal periods. At the first sitting of the provisional council, a drawing of lots shall determine which mayor will act first as mayor.

If a seat is vacant at the time of 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, or to the acting mayor if applicable, of the municipality of origin of the council member whose seat has become vacant.