

## Municipal Affairs

Gouvernement du Québec

### **O.C. 1057-98, 21 August 1998**

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

Amalgamation of Ville de Shawinigan and the Village de Baie-de-Shawinigan

WHEREAS each of the municipal councils of Ville de Shawinigan and the Village de Baie-de-Shawinigan 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 objections were sent to the Minister of Municipal Affairs, but 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, which were approved by the councils 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 resulting from the amalgamation of Ville de Shawinigan and the Village de Baie-de-Shawinigan be constituted, under the following conditions:

1. The name of the new town is “Ville de Shawinigan”.
2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 16 July 1998; 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 new town will be part of the Municipalité régionale de comté du Centre-de-la-Mauricie.

5. The following special legal provisions governing the former Ville de Shawinigan apply to the new town:

(a) section 19 of the Act to revise and consolidate the charter of the town of Shawinigan Falls (1908, c. 95);

(b) section 4 of the Act to amend the charter of the town of Shawinigan Falls (1914, c. 85);

(c) section 6 of the Act to amend the charter of the town of Shawinigan Falls to erect it as a city (1921, c. 120);

(d) section 8 of the Act to amend the charter of the city of Shawinigan Falls (1950-51, c. 77);

(e) section 1 of the Act to authorize the city of Shawinigan Falls to establish a toll bridge on the St. Maurice river (1952-53, c. 69);

(f) sections 9 and 10 of the Act to amend the charter of the city of Shawinigan Falls (1954-55, c. 57);

(g) section 2 of the Act to amend the charter of the city of Shawinigan Falls (1955-56, c. 75);

(h) section 5 of the Act to amend the charter of the city of Shawinigan Falls (1957-58, c. 61);

(i) section 6 of the Act to amend the charter of the city of Shawinigan Falls (1958-59, c. 55);

(j) section 8 of the Act to amend the charter of the city of Shawinigan Falls (1968, c. 100);

(k) section 1 of the Act to amend the Charter of the city of Shawinigan (1982, c. 119);

(l) section 2 of that Act, amended by section 297 of Chapter 38 of the Statutes of 1984;

(m) section 3 of that Act, replaced by section 298 of Chapter 38 of the Statutes of 1984;

(n) sections 1 to 9 of the Act respecting Ville de Shawinigan (1997, c. 114).

6. Until the first general election, the territory of the new town shall be divided into 9 electoral districts: the 8 districts of the former town and a ninth district made up of the territory of the former village.

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 Shawinigan at the time of the coming into force of this Order in Council and of a representative of the former Village de Baie-de-Shawinigan for the new electoral district made up of the territory of that former municipality. The quorum shall be half of the members in office plus one. The mayor of the former Village de Baie-de-Shawinigan shall be the representative of the new electoral district; should the mayor of the former village resign or be unable to act, the councillor on seat 4 of the council of the former village shall act as the representative of that electoral district.

The mayor of the former Ville de Shawinigan shall act as mayor of the new town for all the term of the provisional council.

By-law 2051 of the former Ville de Shawinigan respecting the remuneration of elected officers applies to the new town, until amended by the council of the new town.

The mayor of the former Ville de Shawinigan and the mayor of the former Village de Baie-de-Shawinigan shall continue to sit on the council of the Municipalité régionale de comté du Centre-de-la-Mauricie until the first general election and they shall have the same number of votes as before the coming into force of this Order in Council.

8. The first meeting of the provisional council shall be held at the date fixed by the clerk of the new town, at the town hall of the former Ville de Shawinigan.

9. The first general election shall be held on the first Sunday of November 1998, if the amalgamation takes effect before 10 September 1998; otherwise, it shall be held on the first Sunday of December 1998. The second general election shall be held on the first Sunday of November 2002.

Notwithstanding section 99 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), the notice of election for the first general election shall be given not later than the 44th day before polling day.

If the notice of election is given after the 58th day before polling day, a nomination paper may be filed

only from the day of publication of the notice of election.

For the first general election and for any subsequent by-election held before the second general election, the territory of the former Village de Baie-de-Shawinigan shall be included in the electoral district No. 2 of the former Ville de Shawinigan, as defined in by-law 3238 dividing the territory of the former Ville de Shawinigan into electoral districts. That by-law, as amended to take into account the inclusion of the territory of Village de Baie-de-Shawinigan, applies to the new town.

For the period from the date of the first general election to 1 January 1999, the representative designated to represent the former Village de Baie-de-Shawinigan on the provisional council, in accordance with section 7, shall continue to sit on the council of the new town as a councillor.

10. Ms. Louise Panneton, clerk of the former Ville de Shawinigan, shall act as clerk of the new town.

11. Any budgets 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 must 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 will be charged to the budget 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 appearing in their financial reports for the fiscal year preceding the fiscal year in which this Order in Council comes into force.

12. If section 11 applies, the portion of the subsidy granted 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 town for the first year without separate budgets.

13. The terms and conditions for apportioning the cost of shared 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.

14. The working fund of the new town shall be the working fund of the former Ville de Shawinigan, as it is at the end of the last fiscal year for which the former municipalities adopted separate budgets.

The money borrowed from the working fund of the former Ville de Shawinigan shall be repaid out of the working fund of the new town.

15. 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 is paid into the general fund of the new town.

16. The deficit accumulated in the name of the former Village de Baie-de-Shawinigan, at the end of the last fiscal year for which the new town applies separate budgets, shall be treated as follows.

The new town shall be responsible for the deficit accumulated in the name of that former village up to \$200 000.

To that effect, the council of the new town is authorized to adopt a by-law for a loan not exceeding \$200 000 repayable over 5 years, intended to consolidate the deficit accumulated in the name of the former Village de Baie-de-Shawinigan. That loan shall be charged to all the taxable immovables in the new town and it must be approved by the Minister of Municipal Affairs only.

If the deficit accumulated in the name of the former village and charged to the town exceeds \$200 000, the balance shall be charged to the sector made up of the territory of the former village.

That balance shall be established as soon as the claims made by the former village to the Government concerning the landslide of 9 November 1996 will be settled and to Abitibi Consolidated Inc. concerning the right to pass granted by the former village for the installation of a power line in 1997.

The amounts recovered through those 2 claims shall be used to reduce the deficit accumulated in the name of that former village.

17. The taxes imposed under the loan by-laws of the former municipalities and that were charged to a sector of their territory shall continue to be charged and levied by the new town, in accordance with the taxation clauses in those by-laws.

18. Any tax imposed on all the taxable immovables of the territory of a former municipality under the loan by-laws adopted by the former municipalities before the coming into force of this Order in Council shall be replaced by a tax imposed on all the taxable immovables in the territory of the new town.

Therefore, a special tax will be charged 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.

The taxation clauses provided for in the by-laws in question shall be amended accordingly.

The share payable to the Société québécoise d'assainissement des eaux by a former municipality shall also be charged to all the taxable immovables in the territory of the new town.

19. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall become 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 new town shall succeed to the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in place 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.

21. 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 town 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 new town, 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, by the qualified voters of the whole territory of the new town.

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

That municipal bureau shall succeed to the municipal housing bureaus of the former Ville de Shawinigan, 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 Ville de Shawinigan 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 bureau of the former Ville de Shawinigan.

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

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

25. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE SHAWINIGAN, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DU CENTRE-DE-LA-MAURICIE

The current territory of the Village de Baie-de-Shawinigan and of Ville de Shawinigan in the Municipalité régionale de comté du Centre-de-la-Mauricie, comprising a part of Saint-Maurice and Shawinigan rivers without cadastral designation, lot 629 (island of Rivière Saint-Maurice) and a part of lot 719 (block 5 of the original survey of Canton de Shawinigan) of the cadastre of the Paroisse de Sainte-Flore and lots 1050, 1051 and 1052 (islands of Rivière Saint-Maurice) of the cadastre of the Paroisse de Notre-Dame-du-Mont-Carmel, also comprising in reference to the above-mentioned cadastres and to the cadastre of the Paroisse de Saint-Boniface, the lots or parts of lots and their present and future subdivisions as well as the roads, routes, streets, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely:

**Outside perimeter**

Starting from the apex of the northern angle of lot 6 of the cadastre of the Paroisse de Sainte-Flore; thence, successively, the following lines and demarcations: southeasterly, the dividing line between lots 6 and 5 of the said cadastre and its extension to the centre line of Rivière Saint-Maurice; in a general southwestern direction, the centre line of the said river downstream, passing to the right of lots 1044, 1045, 1046, 1047 and 1048 (islands of Rivière Saint-Maurice) of the cadastre of the Paroisse de Notre-Dame-du-Mont-Carmel to the southeastern extension of the dividing line between lots 38 and 39 of the cadastre of the Paroisse de Sainte-Flore; northwesterly, the said extension to the right bank of Rivière Saint-Maurice; in a general southwestern direction, the right bank of the said river, crossing route 157 that it meets and the hydro-electric facilities along the former right bank of the said river, then crossing the mouth of Rivière Shawinigan to the dividing line between lots 3 and 2 of the cadastre of the Paroisse de Saint-Boniface; in reference to the latter cadastre, northwesterly, part of the said line dividing the lots over a distance of 289.56 metres (950 feet), that line crossing route 153 that it meets; northerly, following the astronomic direction 14°45', a straight line measuring about 495.5 metres (1625 feet) to the centre line of a small stream flowing east into Rivière Shawinigan, that line crossing a public road that it meets; in a general eastern direction, the centre line of the said stream to the dividing line between the cadastres of the parishes of Sainte-Flore and Saint-Boniface; northwesterly, part of the said line dividing the cadastres to the centre line of lots 614 and 613 of the cadastre of the Paroisse de Sainte-Flore, that line crossing a public road, a railway and streams that it meets; in reference to that latter cadastre, northeasterly, the said line dividing the lots over a distance of 603.36 metres, that line crossing a public road (chemin des Laurentides) that it meets; northwesterly, a straight line following the astronomic direction 314°33', crossing lots 613 in declining order to 605 to the dividing line between lots 605 and 604; northwesterly, a straight line following the astronomic direction 319°59', crossing lot 604 to the dividing line between lots 603 and 604; northeasterly, part of the said line dividing the lots over a distance of 1403.43 metres; southeasterly, a straight line following the astronomic direction 139°59', crossing lots 604 to 606 to the dividing line between lots 606 and 607; southwesterly, part of the said line dividing the lots to the western line of lot 607-187; southerly, successively, the western line of lots 607-187, 608-401 and 608-400; northeasterly, part of the dividing line between lots 609 and 608 to the northwestern extension of the northeastern line of lot 609-79; southeasterly, a straight line crossing a part of lot 609 and lots 609-101, 609-100, 609-99, 610-79, 610-67, 610-72 and 610-69 and corre-

sponding to the northeastern line of lots 609-79, 609-63, 609-47, 610-47, 610-55 and 610-63 to the dividing line between lots 610 and 611; southwesterly, the said line dividing the lots over a distance of 170.88 metres; southerly, successively, a straight line following the astronomic direction  $174^{\circ}10'$  and measuring 145.77 metres, then a straight line following the astronomic direction  $164^{\circ}23'$  to the dividing line between lots 614 and 613; northeasterly, part of the said line dividing the lots to the southeastern extension, on the northeastern side of the right-of-way of a public road crossing the said lot 613 and leading to Saint-Gérard-des-Laurentides (rue Père Marquette); northwesterly, successively, the said extension and the northeastern side of the right-of-way of the said road limiting to the southwest lots 613-1 to 613-4, 613-4-1, 613-5, 613-6, 613-9-2, 613-10, 613-11 and 613-108 to the dividing line between lots 613 and 612; northeasterly, part of the dividing line between the lots to the southwestern line of lot 198, that line crossing route 351 that it meets; northwesterly, part of the said southwestern line of lot 198 to a point located 482.4 metres (8 1/4 arpents) to the northwest of the road (chemin des Piles) bordering lot 198; northeasterly, crossing lots 198 and 199, a broken line located 482.4 metres from the road (chemin des Piles) bordering the said lots, measured following the side lines of those same lots 198 and 199 to the dividing line between lots 200 and 199; northwesterly, part of the dividing line between the lots to the apex of the western angle of lot 200; northeasterly, the broken line dividing lots 200 and 651 on one side of lot 537 on the other side, then the extension of the last segment of that broken line to the centre line of Rivière Shawinigan; in a general southeasterly direction, the centre line of the said river downstream to the southwestern extension of the dividing line between Rang Sainte-Catherine No. II and the concession of Chemin des Piles on the southeastern side; northeasterly, successively, the said extension and part of the said line dividing the ranges to the apex of the northern angle of lot 72, that line crossing route 55 twice; southeasterly the dividing line between lots 72 and 73, that line crossing route 157 and a railway that it meets; finally, northeasterly, part of the dividing line between ranges Sainte-Catherine Nos. I and II to the starting point, that line crossing railways that it meets.

### Inside perimeter

Starting from the meeting point of the right bank of Rivière Saint-Maurice and the left bank of Rivière Shawinigan; thence, successively, the following lines and demarcations: in a general northerly direction, the left bank of Rivière Shawinigan to the dividing line between rang Sainte-Catherine No. II and the concession of Chemin des Piles on the southeastern side of the cadastre of Paroisse de Sainte-Flore; southwesterly, the

extension of the said line dividing the ranges to the centre line of Rivière Shawinigan; in a general southerly direction, the centre line of the said river downstream to the eastern extension of the centre line of the stream limiting to the north Village de Baie-de-Shawinigan on lot 623 of the said cadastre; westerly, the extension of the centre line of the said stream to its meeting point with a straight line joining both banks of the said stream in the extension of the right bank of Rivière Shawinigan; in a general southwesterly direction, the said straight line joining both banks of the stream then the right bank of Rivière Shawinigan to the meeting point with the right bank of Rivière Saint-Maurice; finally, easterly, a straight line to the starting point; which perimeters define the territory of the new Ville de Shawinigan.

Ministère des Ressources naturelles  
Service de l'arpentage  
Charlesbourg, 16 July 1998

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