

Municipal Affairs

Gouvernement du Québec

O.C. 62-98, 21 January 1998

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

Amalgamation of the Village de Saint-Jacques and of the Paroisse de Saint-Jacques

WHEREAS the municipal councils of the Village de Saint-Jacques and of the Paroisse de Saint-Jacques 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 those 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 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 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 Saint-Jacques and the Paroisse de Saint-Jacques be constituted, under the following conditions:

(1) The name of the new municipality is "Municipalité de Saint-Jacques".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 28 October 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 Montcalm.

(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 the members in office plus one. The mayor of the former Village de Saint-Jacques shall act as mayor of the provisional council and the mayor of the former Paroisse de Saint-Jacques as acting mayor for the entire term of the provisional council.

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, an additional vote shall be granted to the mayor of the former municipality from which the council member originated.

For the term of the provisional council, the councillors shall continue to receive the same remuneration as they were receiving before the coming into force of this Order in Council.

(6) The first general election shall be held on 1 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 municipality shall be composed of 9 members, that is, a mayor and 8 councillors. For subsequent elections, the council shall be composed of 7 members, that is, a mayor and 6 councillors.

The councillors' seats will be numbered from 1 to 8 for the first general election. From the second general election, the councillors' seats will 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 Paroisse de Saint-Jacques, shall be eligible for seats 1, 2, 3 and 4; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Village de Saint-Jacques, shall be eligible for seats 5, 6, 7 and 8.

(8) The 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 expendi-

tures 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, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as appearing in the financial statements for those municipalities for the last fiscal year ended before the one in which separate budgets were adopted.

(9) 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.

(10) 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:

— an amount equal to the lesser of the two amounts of accumulated surplus is subtracted from each accumulated surplus and is paid into the general fund of the new municipality;

— any sum in excess of the amount thus subtracted is used for the benefit of the ratepayers of the sector formed of the territory of the municipality on whose behalf it was accumulated; it may be used for public works, for tax reductions applicable to all the taxable immovables of the sector or to the repayment of debts chargeable to the sector.

(11) 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 continue to be charged to all the taxable immovables of the sector formed of the territory of that former municipality.

(12) The balance in principal and interest of the loans made pursuant to By-laws 333 and 361 of the former Village de Saint-Jacques shall be charged to all the users of the waterworks system of the new municipality and shall be reimbursed by means of a compensation rate fixed annually by the new municipality.

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

(13) The balance in principal and interest of the loan made pursuant to By-law 147 of the former Village de Saint-Jacques and the balance in principal and interest of the accumulated debt of the former village with respect to water treatment works and reimbursed to the Société québécoise d'assainissement des eaux, in accordance with the agreement signed by the Gouvernement du Québec and the former Village de Saint-Jacques on 27 May 1985, shall be charged to all the users of the sewer services of the new municipality and shall be reimbursed by means of a compensation rate fixed annually by the new municipality.

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

(14) The annual reimbursement of the 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 subject to sections 12 and 13, shall continue to be chargeable to the sector formed of the territory of that former municipality, in accordance with the taxation clauses provided for in those by-laws. The new municipality may amend the taxation clauses provided for in those by-laws in accordance with the law; notwithstanding the foregoing, such amendments shall affect only the taxable immovables of the sector formed of the territory of the former municipality that made the by-law.

(15) A tax credit shall be granted to all the taxable immovables of the sector formed of the territory of the former Paroisse de Saint-Jacques as follows:

— in the first fiscal period following the coming into force of this Order in Council, the rate shall be \$0.15 per \$100 of assessment;

— in the second fiscal period, \$0.15 per \$100 of assessment;

— in the third fiscal period, \$0.15 per \$100 of assessment;

— in the fourth fiscal period, \$0.15 per \$100 of assessment;

— in the fifth fiscal period, \$0.15 per \$100 of assessment;

— in the sixth fiscal period, \$0.12 per \$100 of assessment;

— in the seventh fiscal period, \$0.09 per \$100 of assessment;

— in the eighth fiscal period, \$0.06 per \$100 of assessment;

— in the ninth fiscal period, \$0.03 per \$100 of assessment;

(16) 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 of the sector formed of the territory of that former municipality.

(17) A municipal housing bureau shall be incorporated under the name of “Office municipal d’habitation de la Municipalité de Saint-Jacques”. That municipal bureau shall succeed to the municipal housing bureau of the former Village de Saint-Jacques, 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 Municipalité de Saint-Jacques as though it had been incorporated by letters patent under section 57 of that Act.

The members of the municipal housing bureau of the former Village de Saint-Jacques shall be the members of the new bureau.

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

(19) For each of the first five fiscal years following that in which this Order in Council comes into force, the new municipality shall include in its budget 20 % of the total amount of the subsidy granted by the Government under the Programme d’aide financière au regroupement municipal (PAFREM), even if the amounts granted annually by the government should vary.

(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 new municipality, provided that such a by-law comes into force within four years of 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 municipi-

palities, by the qualified voters of the entire territory of the new municipality.

(21) In accordance with the Order in Council respecting the amendment to the agreement respecting the Cour municipale de la municipalité régionale de comté de Montcalm, to be adopted under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de la municipalité régionale de comté de Montcalm shall have jurisdiction over the territory of the new municipality.

(22) This Order in Council comes into force on 20 May 1998.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINT-JACQUES, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MONTCALM

The current territory of the Paroisse de Saint-Jacques and of the Village de Saint-Jacques, in the Municipalité régionale de comté de Montcalm, comprising, in reference to the cadastre of the Paroisse de Saint-Jacques-de-l’Achigan, 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 eastern angle of Lot 627 of the cadastre of the Paroisse de Saint-Jacques-de-l’Achigan; thence, successively, the following lines and demarcations: in a general southerly direction, the broken line dividing the cadastres of the parishes of Saint-Jacques-de-l’Achigan and Sainte-Marie-de-Salomée to the apex of the eastern angle of Lot 42 of that first cadastre, the broken line twice crossing the railway that it meets; successively, southwesterly and northwesterly, the broken line dividing the cadastres of the Paroisse de Saint-Jacques-de-l’Achigan and of the parishes of Épiphanie and Saint-Roch-de-l’Achigan to the apex of the northern angle of Lot 728 of the latter cadastre, the said broken line crossing the railway that it meets; northwesterly, part of the dividing line between the cadastres of the parishes of Saint-Jacques-de-l’Achigan and Saint-Esprit, passing by the southwest side of the right-of-way of Route 341 (chemin Dupuis) located on the dividing line between the said cadastres to the apex of the southern angle of Lot 225 of the cadastre of the Paroisse de Saint-Alexis; northerly, the west side of the right-of-way of Route 341 bordering to the east Lot 225 of the latter cadastre, and its extension to the centre line of Ruisseau Saint-Georges; easterly,

the centre line of the said stream to the southerly extension of the west line of Lot 129 of the cadastre of the Paroisse de Saint-Jacques-de-l'Achigan; northerly, the said extension and the said west line of Lot 129, that line extended across the railway that it meets; in a general northwesterly direction, the broken line dividing the cadastres of the parishes of Saint-Jacques-de-l'Achigan and Saint-Alexis, that line crossing the railway that it meets, to the southeast side of the right-of-way of Route 346; northeasterly, the southeast side of the said right-of-way bordering to the northwest lots 371, 372 and 373 and part of the northwest line of Lot 373 of the cadastre of the Paroisse de Saint-Jacques-de-l'Achigan and its extension to the left bank of the Rivière Ouareau; the left bank of the said river downstream to the northeast extension of the southeast line of Lot 378 of the said cadastre; southwesterly, the said extension and the said southeast line of Lot 378 to the dividing line between the cadastres of the parishes of Saint-Jacques-de-l'Achigan and Saint-Liguori; in a general southeasterly direction, the broken line dividing the said cadastres to the apex of the west angle of Lot 745 of the cadastre of the Paroisse de Saint-Jacques-de-l'Achigan; finally, southeasterly, the irregular line bordering to the northeast part of Lot 658 and in decreasing order lots 657 to 648, 646 to 636, 634, 633, 630, 629, 628 and 627 of the said cadastre to the starting point, the said limits define the territory of the Municipalité de Saint-Jacques.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 28 October 1997

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