

Municipal Affairs

Gouvernement du Québec

O.C. 668-98, 20 May 1998

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

Amalgamation of the Village de Fortierville and the
Paroisse de Sainte-Philomène-de-Fortierville

WHEREAS each of the municipal councils of the Village de Fortierville and the Paroisse de Sainte-Philomène-de-Fortierville 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 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 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 Fortierville and the Paroisse de Sainte-Philomène-de-Fortierville be constituted, under the following conditions:

1. The name of the new municipality is “Municipalité de Fortierville”.

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 25 March 1998; 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 Bécancour.

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 of the members in office plus one. The current mayors will alternate as mayor of the provisional council for equal periods. A drawing of lots held at the first sitting of the provisional council will determine which mayor will serve first.

If a seat is vacant at the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote per vacant seat shall be allotted to the mayor or deputy mayor, as the case may be, 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 sitting of the provisional council shall take place at the Centre communautaire located in the former Village de Fortierville.

7. 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 general election shall be held on the first Sunday in November 2002. 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.

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 Village de Fortierville, shall be eligible for seats 1, 2 and 3 and only those persons who would be eligible under that Act, if such election were an election of the council members of the former Paroisse de Sainte-Philomène-de-Fortierville, shall be eligible for seats 4, 5 and 6.

9. Mrs. Nicole Laveaux, secretary-treasurer of the former Village de Fortierville, shall be the first secretary-treasurer of the new municipality.

10. 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 the financial reports of those former municipalities for the last fiscal year ending prior to the fiscal year during which they adopted separate budgets.

11. The terms and conditions for the allocation of expenditures for shared services provided for in intermunicipal agreements in force before the coming into force of the Order in Council continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

12. The working fund of the former Village de Fortierville shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. Any money in that fund not committed on that date shall be added to the surplus accumulated on behalf of that former municipality and shall be dealt with in accordance with the provisions of section 13.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the new municipality applied separate budgets 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 that former municipality, to reduce the taxes applicable to all the taxable immovables in that sector or to repay debts charged to all that sector.

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

15. Twenty five percent of the balance in principal and interest of the loan contracted by the former Village de Fortierville under by-law 93 shall be charged to all the taxable immovables which are served, when this Order in Council comes into force, by the water and sewer network of the former Village de Fortierville. Consequently, a special tax shall be imposed and levied on the taxable immovables of the new municipality which are served by the water and sewer network of the former Village de Fortierville, at a sufficient rate, on the basis of their value as it appears on the assessment roll in force each year.

Seventy five percent of the balance of the loan shall be charged to the taxable immovables which, when this Order in Council comes into force, are served by the sanitary sewer network of the new municipality. A special tax shall be imposed and levied on the taxable immovables of the new municipality that benefit from the sanitary sewer network, on the basis of the frontage of the immovables.

The taxes imposed under the first two paragraphs shall be collected only if the product of the tariff of compensation in force in the new municipality for the water and sanitary sewer services proves to be insufficient to pay for the maintenance of those services and to repay the loan authorized by by-law 93.

The taxation clauses in that by-law shall be amended accordingly.

16. The balance in principal and interest of the loans contracted by the former Paroisse de Sainte-Philomène-de-Fortierville under by-laws 214-93 and 224-95 shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

17. If, within 6 months of the coming into force of this Order in Council, the Minister of Transport shall grant a subsidy for refecton work on roads in the sector made up of the territory of the former Paroisse de Sainte-Philomène-de-Fortierville, the new municipality shall adopt a loan by-law for such work and it will use the subsidy from the Minister of Transport to reduce the amount of the loan.

That loan by-law requires the approval of the Minister of Municipal Affairs only.

18. The annual repayment of the instalments in principal and interest on all the loans contracted under by-laws adopted by a former municipality before the coming into force of this Order in Council and not referred to

in sections 15, 16 and 17 shall remain charged to the taxable immovables in the sector made up of the territory of the former municipality that took the loans, in accordance with the taxation clauses in those by-laws. If the new municipality decides to amend the taxation clauses in those by-laws in accordance with the law, such amendments may affect only the taxable immovables in the sector made up of the territory of that former municipality.

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

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 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.

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

That municipal bureau shall succeed to the municipal housing bureau of the former Village de Fortierville, 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 Fortierville 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 Village de Fortierville.

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

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE FORTIERVILLE, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BÉCANCOUR

The current territory of the Paroisse de Sainte-Philomène-de-Fortierville and of the Village de Fortierville, in the Municipalité régionale de comté de Bécancour, comprising, in reference to the cadastres of the Paroisse de Saint-Jean-Deschaillons, 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, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 570 of the cadastre of the Paroisse de Saint-Jean-Deschaillons; thence, successively, the following lines and demarcations: southeasterly, part of the dividing line between the cadastre of the Paroisse de Saint-Jean-Deschaillons and the cadastre of the Paroisse de Sainte-Emmélie to the dividing line between ranges 8 and 9 of the cadastre of the Paroisse de Saint-Jean-Deschaillons, that line crossing Ruisseau L'Espérance that it meets; southwest-erly, the said dividing line between the ranges, that line extended across Bras Nord of Rivière aux Ormes, Rivière aux Ormes, the railway (lot 724), route 265 and Rivière Creuse that it meets; northwesterly, part of the dividing line between the cadastre of the Paroisse de Saint-Jean-Deschaillons and the cadastre of the Paroisse de Saint-Pierre-les-Becquets, that line crossing Petite rivière du Chêne, route 226 and other public roads that it meets, to the dividing line between the ranges Saint-Philippe and Saint-Roch and Rang Sainte-Marie of the cadastre of the Paroisse de Saint-Jean-Deschaillons; in reference to that cadastre, northeasterly, part of the said dividing line between the ranges and its extension into lot 492 to the northeastern line of the said lot, that line extended twice across Petite rivière du Chêne that it meets; successively southeasterly, southerly and again southeasterly, part of the northeastern line, the eastern line and the southwesternmost northeastern line, of lot 492 to the right bank of Petite rivière du Chêne; in a general east-erly direction, successively the right bank of Petite rivière du Chêne and of Rivière aux Ormes, upstream to the meeting point of the latter river with the northwestern side of the right-of-way of Chemin du Rang Saint-Sauveur; northeasterly, the northwestern side of the right-of-way of the said road which borders on the northwest lots 601, 598 in declining order to 591, to the apex of the

southern angle of lot 551; northwesterly, the dividing line between lots 551 and 550, that line extended across Ruisseau L'Espérance that it meets; successively, north-easterly, northwesterly and easterly, the dividing line between Rang Sainte-Philomène and ranges Saint-Roch and Saint-François to the starting point, that line extended across route Saint-Onge that it meets; the said limits define the territory of the Municipalité de Fortierville.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 25 March 1998

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Land surveyor

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