

Municipal Affairs

Gouvernement du Québec

O.C. 19-99, 20 January 1999

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

Amalgamation of Ville de Saint-Joseph-de-Beauce and of Paroisse de Saint-Joseph-de-Beauce

WHEREAS each of the municipal councils of Ville de Saint-Joseph-de-Beauce and of Paroisse de Saint-Joseph-de-Beauce 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 no objections were sent to the Minister of Municipal Affairs and Greater Montréal 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, amended by section 133 of Chapter 93 of the Statutes of 1997, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality resulting from the amalgamation of Ville de Saint-Joseph-de-Beauce and of Paroisse de Saint-Joseph-de-Beauce be constituted, under the following conditions:

1. The name of the new town is “Ville de Saint-Joseph-de-Beauce”.

2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 13 October 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 shall be part of the Municipalité régionale de comté de Robert-Cliche.

5. A provisional council shall hold 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 mayors of the former Ville de Saint-Joseph-de-Beauce and of the former Paroisse de Saint-Joseph-de-Beauce will alternate as mayor and deputy mayor of the provisional council for two equal periods. The mayor of the former Ville de Saint-Joseph-de-Beauce will act as mayor of the new town for the first 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 per vacant seat 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.

Throughout the term of the provisional council, the mayors of the former Ville de Saint-Joseph-de-Beauce and of the former Paroisse de Saint-Joseph-de-Beauce shall continue to be qualified to sit on the council of the Municipalité régionale de comté de Robert-Cliche. They shall have the same number of votes as they had before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the town hall located on the territory of the former Ville de Saint-Joseph-de-Beauce.

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. If that date falls on the first Sunday in January, the first general election shall be postponed to the first Sunday in February. The second general election shall be held on the first Sunday in November 2002.

The council of the new town shall be composed of seven members, that is, a mayor and six councillors. From the first general election, the councillors' seats shall be numbered from 1 to 6.

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 Ville de Saint-Joseph-de-Beauce shall be eligible for seats 1, 2, 4 and 6 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 Saint-Joseph-de-Beauce shall be eligible for seats 3 and 5.

For the second general election, 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 Saint-Joseph-de-Beauce shall be eligible for seats 3 and 5.

8. Ms. Hélène Renaud, director general of the former Ville de Saint-Joseph-de-Beauce, shall act as the director general and treasurer of the new town.

Mr. Jean-Louis Lessard, secretary-treasurer of the former Paroisse de Saint-Joseph-de-Beauce, shall act as the first clerk of the new town.

9. 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 town 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 the financial statement of the former municipalities for the last fiscal year ended before the coming into force of this Order in Council.

10. The amounts received as a subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM) shall be apportioned as follows:

— 74.3 % shall be used for the benefit of ratepayers of the sector made up of the territory of the former Ville de Saint-Joseph-de-Beauce;

— 25.7 % shall be used for the benefit of ratepayers of the sector made up of the territory of the former Paroisse de Saint-Joseph-de-Beauce.

Those amounts shall be added to the surplus accumulated on behalf of each former municipality as the subsidy is being paid and shall be dealt with in accordance with the provisions of section 13.

11. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in force before the coming into force of this 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 each of the former municipalities shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The amount of the fund that is not used on that date shall be added to the surplus accumulated on behalf of the former municipality that made it 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 former municipalities adopted separate budgets shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality. It may be used to carry out public works in that sector, to reduce the taxes applicable to all the taxable immovables in that sector or to repay debts chargeable to that sector.

14. The revenues from the sale of lots that belonged to the former Ville de Saint-Joseph-de-Beauce, located in the part of lots 540, 598, 605 and 634 of the cadastre of Paroisse de Saint-Joseph-de-Beauce, as described in the technical descriptions prepared by Mr. Jean Bisson, land surveyor, under his minute numbers 3094 and 3095 and the part of lots 512, 513, 514 and 515 of the cadastre of Paroisse de Saint-Joseph-de-Beauce as described in the deed of sale registered under number 431303 on 21 December 1993 at the registry office, Beauce land division, shall be paid into the surplus accumulated on behalf of the former town as the sale of lots progresses and shall be dealt with in accordance with the provisions of section 13.

15. Any revenues from the sale of the municipal garage of the former Paroisse de Saint-Joseph-de-Beauce shall be added to the surplus accumulated on behalf of the former municipality and shall be dealt with in accordance with the provisions of section 13.

16. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget shall remain charged to all the taxable immovables of the sector made up of the territory of that former municipality.

17. The balance in principal and interest of the loan made under By-law 480-95 of the former Ville de Saint-Joseph-de-Beauce shall be charged to all the taxable immovables of the new town.

Therefore, a special tax shall be imposed and levied on all the taxable immovables of the new town on the basis of their value as it appears on the assessment roll in force each year.

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

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

19. The balance available from loan by-law 459-92 of the former Ville de Saint-Joseph-de-Beauce shall be used to pay the annual instalments in principal and interest or, if the securities were issued for a shorter term than the term originally fixed, to reduce the balance of the loan.

If the balance available is used to pay the annual instalments of the loan, the rate of the tax imposed to pay those instalments shall be reduced in such a way that the revenues of the tax are equal to the balance to be paid, minus the balance available used.

20. Any debt or gain that may result from legal proceedings concerning any act performed by a former municipality shall continue to be charged to or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

Until the third general election following the coming into force of this Order in Council, the decisions concerning legal proceedings between the former Paroisse de Saint-Joseph-de-Beauce and the Municipalité régionale de comté de La Nouvelle-Beauce (Superior Court 350-05-000107-977) shall be made by the coun-

cillors of seats 3 and 5 representing the former Paroisse de Saint-Joseph-de-Beauce.

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 all the territory of the new town, provided that such a by-law comes into force within four 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 town.

22. A municipal housing bureau shall be incorporated under the name of "Office municipal d'habitation de Saint-Joseph-de-Beauce".

That municipal housing bureau shall succeed the municipal housing bureau of the former Ville de Saint-Joseph-de-Beauce, 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 Saint-Joseph-de-Beauce as if it had been incorporated by letters patent under section 57 of that Act.

The members of the housing bureau shall be the members of the municipal housing bureau of the former Ville de Saint-Joseph-de-Beauce.

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

24. For the purposes of the second paragraph of section 119 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the new town shall use the median proportions established for the 1998 fiscal year for the adjustment of the values entered on the real estate assessment rolls of the former municipalities.

For the purposes of section 121 of the aforementioned Act, the median proportion and the factor of the roll of the new town are those established for the 1998 fiscal year for the former Ville de Saint-Joseph-de-Beauce.

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

26. 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
SAINT-JOSEPH-DE-BEAUCE IN THE
MUNICIPALITÉ RÉGIONALE DE COMTÉ DE
ROBERT-CLICHE

The current territory of Paroisse de Saint-Joseph-de-Beauce and of Ville de Saint-Joseph-de-Beauce in the Municipalité régionale de comté de Robert-Cliche, comprising part of Rivière Chaudière without cadastral description and, in reference to the cadastres of the parishes of Saint-Édouard-de-Frampton and of Saint-Joseph, 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: starting from the apex of the eastern angle of lot 140 of the cadastre of Paroisse de Saint-Édouard-de-Frampton; thence, successively, the following lines and demarcations: southwesterly, part of the dividing line between the cadastre of Paroisse de Saint-Édouard-de-Frampton and the cadastre of the Canton de Cranbourne to the apex of the western angle of lot 1 of the cadastre of the Canton de Cranbourne, that line crossing a watercourse that it meets; successively, easterly and southeasterly, the broken dividing line between the cadastre of Paroisse de Saint-Joseph and the Canton de Cranbourne, that line crossing, in the second segment, Rivière Calway; southwesterly, part of the dividing line between the cadastres of the parishes of Saint-Joseph and of Saint-François to the centre line of Rivière Chaudière, that line crossing secondary roads, Route 173, the railway right-of-way (part of lot 786 of the cadastre of Paroisse de Saint-Joseph) and an island of Rivière Chaudière (lot 413 of the said cadastre); in a general northwesterly direction, the centre line of the said river going downstream to its meeting with the southwestern extension of the northwest line of lot 717 of the cadastre of Paroisse de Saint-Joseph, that line skirting to the left the islands closest to the right bank; in reference to the latter cadastre, northeasterly, the said extension and the northwest line of the said lot, that line extended across the former railway right-of-way (part of lot 786), the new right-of-way of another railway and Route 173 that it meets; southerly, part of the east line of lot 717 to the apex of the western angle of lot 715; northeasterly, the

northwest line of the said lot; in a general northerly direction, successively, the west side of the right-of-way of Chemin du Rang-Assomption (shown on the original cadastre) limiting to the east lots 724, 725B, 725A, 725, 733, 748, 749, 750, 759 and 760, that line crossing Route Poulin and Ruisseau des Graines that it meets, the west line of Rang Assomption crossing Rivière Morency that it meets, then again the west side of the said right-of-way limiting to the east lot 760 to its meeting with the southwestern extension of the northwest line of lot 796; northeasterly, the said extension and the northwest line of lots 796 and 796A, that line crossing Autoroute 73 that it meets; southeasterly, the northeast line of lots 800A, 800, 801, 804, 806, 807A, 812, 813, 816A, 816, 817 and 820, that line crossing Rivière Morency that it meets; northeasterly, successively, part of the northwest line of 1110, the northwest line of lots 1109 and 1108 and its extension to the northeast side of the right-of-way of a public road (shown on the original cadastre); southeasterly, the northeast side of the said right-of-way limiting to the southwest lot 1107, that line crossing Ruisseau des Graines that it meets; northeasterly, the northwest side of the right-of-way of Route du Piqueron (shown on the original cadastre) limiting to the southeast lots 1106 and 1107 to its meeting with the northwestern extension of the northeastern right-of-way of Chemin du Rang de la Petite-Montagne (shown on the original cadastre); southeasterly, the said extension and the northeast side of the said right-of-way limiting to the southwest lots 1085, 1084, 1083, 1083A and 1082 to 1073 in declining order to the apex of the western angle of lot 1072; northeasterly, successively, the northwest line of lot 1072, in lot 1086 a straight line to the apex of the western angle of lot 1267 then the northwest line of the said lot, that line crossing a watercourse and Chemin du Rang de la Grande-Montagne that it meets; southeasterly, part of the line dividing the cadastres of the parishes of Saint-Joseph and of Saint-Édouard-de-Frampton to the apex of the western angle of lot 98 of the cadastre of Paroisse de Saint-Édouard-de-Frampton; northeasterly, the northwest line of the said lot; finally, southeasterly, the broken line limiting to the northeast lots 98, 100, 102, 104, 106, 107, 109, 112, 113, 114, 116, 118, 120, 124, 126, 128, 130, 133, 135, 137, 139 and 140 of the said cadastre to the starting point, that line extended across a secondary road that it meets; the said limits define the territory of the new Ville de Saint-Joseph-de-Beauce.

Ministère des Ressources naturelles
Service de l'arpentage
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