

Municipal Affairs

Gouvernement du Québec

O.C. 1056-99, 15 September 1999

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

Amalgamation of the Village de Saint-Jean-Chrysostome and the Paroisse de Saint-Jean-Chrysostome

WHEREAS each of the municipal councils of the Village de Saint-Jean-Chrysostome and the Paroisse de Saint-Jean-Chrysostome 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 and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal, and the Minister 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 the Village de Saint-Jean-Chrysostome and the Paroisse de Saint-Jean-Chrysostome be constituted, under the following conditions:

1. The name of the new municipality is “Municipalité de Saint-Jean-Chrysostome”.

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 26 May 1999; 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 du Haut-Saint-Laurent.

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 mayor of the former Village de Saint-Jean-Chrysostome and the mayor of the former Paroisse de Saint-Jean-Chrysostome will alternate as mayor and deputy mayor of the provisional council each month. The mayor of the former village shall serve as mayor of the new municipality for the first month.

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 municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the public hall in the municipal Centre culturel, at 124, rue Notre-Dame in the former village.

7. The first general election shall be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If such date falls on the first Sunday of January, the first general election shall be postponed to the first Sunday of February. If such date falls on the first Sunday of July, August or September, the first general election shall be postponed to the first Sunday of October. The second general election shall be held on the first Sunday of November 2003. The council of the new municipality 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.

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 Saint-Jean-Chrysostome, shall be eligible for seats 1, 2 and 3; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Paroisse de Saint-Jean-Chrysostome shall be eligible for seats 4, 5 and 6.

For the second general election, the new municipality will be divided into electoral districts in accordance with the Act.

9. Ms. Céline Ouimet, secretary-treasurer of the former Paroisse de Saint-Jean-Chrysostome, will act as the first secretary-treasurer of the new municipality.

10. If the former municipalities adopted a budget for the fiscal year during which this Order in Council comes into force, that budget shall continue to be applied by the council of the new municipality and the expenditures and receipts 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 it appears in the financial statements of those former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

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 shall 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 new municipality shall be made up of the working funds of the former Village de Saint-Jean-Chrysostome and of the former Paroisse de Saint-Jean-Chrysostome, as they are at the end of the last fiscal year for which the former municipalities adopted separate budgets. Moneys taken from the working fund of each of the former municipalities shall be reimbursed by the general fund of the new municipality.

13. To compensate the former Paroisse de Saint-Jean-Chrysostome for the money invested in infrastructure, \$152 028 shall be taken from the surplus accumulated on behalf of the former Village de Saint-Jean-

Chrysostome and paid into the surplus accumulated on behalf of the Paroisse de Saint-Jean-Chrysostome. If the surplus of the former Village de Saint-Jean-Chrysostome is insufficient to pay for that amount, the new municipality shall provide the difference using the subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM).

The amount thus paid into the surplus accumulated on behalf of the former Paroisse de Saint-Jean-Chrysostome shall be used to reduce the taxes applicable to all the taxable immovables in the sector made up of the territory of that former municipality and shall also be divided equally over the first five full fiscal years following the coming into force of this Order in Council.

14. Once the operation provided for in section 13 is carried out, any surplus balance 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 taxpayers of the former municipality where it was accumulated; 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 chargeable to the taxable immovables in the whole sector.

15. 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.

16. Repayment in capital 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 shall remain payable by the sector made up of the territory of the former municipality which contracted them, in accordance with the taxation clauses in those by-laws.

Should the new municipality decide to amend the taxation clauses of 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.

17. The available balance of loan by-law No. 92-182 of the former Paroisse de Saint-Jean-Chrysostome shall be allocated to pay the annual instalments in principal and interest on that loan or, if the securities were issued for a term shorter than the original term, it shall be used to reduce the balance of that loan.

If the available balance is used to pay the annual instalments, the rate of the tax imposed to pay them shall be reduced so that the revenues from the tax correspond to the balance to be paid, less the used available balance.

18. 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.

19. 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 to 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 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 municipality.

20. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Municipalité de Saint-Jean-Chrysostome".

That municipal bureau shall succeed to the municipal housing bureaus of the former Village de Saint-Jean-Chrysostome and the Paroisse de Saint-Jean-Chrysostome, which are 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-Jean-Chrysostome 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 bureaus of the former Village de Saint-Chrysostome and the former Paroisse de Saint-Jean-Chrysostome. Notwithstanding the foregoing, at the first general election held in the new municipality, the number of members shall be reduced to seven to include three representatives appointed by the municipal council, two by the tenants and two by the Minister responsible for the Société d'habitation from among socio-economic groups.

21. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale de Saint-Rémi, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de Saint-Rémi will have jurisdiction over the territory of the new municipality.

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 NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF
THE TERRITORY OF THE MUNICIPALITÉ
DE SAINT-JEAN-CHRYSOSTOME, IN THE
MUNICIPALITÉ RÉGIONALE DE COMTÉ DU
HAUT-SAINT-LAURENT

The current territory of the Paroisse de Saint-Jean-Chrysostome and of the Village de Saint-Jean-Chrysostome, in the Municipalité régionale du Haut-Saint-Laurent, comprising in reference to the cadastre of the Paroisse de Saint-Jean-Chrysostome, the lots or parts thereof and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, watercourses or parts thereof, the whole included within the limits described hereinafter, namely: starting from the meeting point of the line separating the cadastres of the parishes of Saint-Jean-Chrysostome and Sainte-Martine from the cadastre of the Paroisse de Saint-Urbain-Premier; thence, successively, the following lines and demarcations: southeasterly, the northeastern line of lot 224 of the cadastre of the Paroisse de Saint-Jean-Chrysostome to the centre line of Ruisseau Norton; in reference to that cadastre, northeasterly, the centre line of the said stream upstream to the northwestern extension of the northeastern line of lot 925; southeasterly, successively, the said extension, the northeastern line of lot 925, that line extended across the road "Rang du Ruisseau-Norton Sud" that it meets, the northeastern line of lot 960 and the extension of that line to the southeastern side of the road "Rang Saint-Michel" bordering on the northwest lot 977, the latter line crossing the railway (lot 1426) that it meets, northeasterly, the southeast side of the said road to the northeastern line of lot 977; southeasterly, the northeastern line of lots 977 and 1023, crossing route 209 that it meets and along the southwestern limit of the road "Montée du 4^e Rang"; southwesterly, the southeastern line of lots 1023 to 1020 in declining order to the apex of the northern angle of

lot 1389; southeasterly, the northeastern line of lots 1389 to 1376 in declining order, southwesterly the dividing line between the cadastre of the Paroisse de Saint-Jean-Chrysostome and the cadastres of the townships of Hemmingford and Havelock to the dividing line between the cadastres of the parishes of Saint-Jean-Chrysostome and Saint-Antoine-Abbé, that line crossing the Rivière des Anglais, route No. 203 and secondary roads that it meets; successively, northwesterly, northeasterly and northwesterly, the dividing line between the cadastres of the parishes of Saint-Jean-Chrysostome and Saint-Antoine-Abbé following, for a part, the northeastern side of the road bordering on the southwest lot 656 of the cadastre of the Paroisse de Saint-Jean-Chrysostome then its extension to the centre line of Rivière Noire, that line crossing route 209 that it meets, westerly, the centre line of the said river upstream to the southeast extension of the said dividing line between the cadastres to the southeastern side of Chemin de l'Artifice bordering on the northwest lots 566 and 567; northeasterly, the southeastern side of the said road to the southeast extension of the southwestern line of lot 565 of the cadastre of the Paroisse de Saint-Jean-Chrysostome; successively northwesterly, southwesterly and northwesterly, the said extension and the said dividing line between the cadastres following, for one part, the northeastern side of the road "Montée du Rocher", to the apex of the western angle of lot 495 in declining order to 477, 475 in declining order to 465 and 463; successively northwesterly and northeasterly, the broken line between lot 298 and lots 462 and 297 and its extension to the centre line of Rivière des Anglais, that line crossing Chemin Aubrey that it meets; southeasterly, the centre line of the said river upstream to the southwestern extension of the dividing line between lots 243 and 244; finally, northeasterly, the said extension and the northwestern line of lots 243 in declining order to 232 and 230 in declining order to 224 to the starting point, that line crossing route 203 and the railway (lot 1426) that it meets; the said limits define the territory of the Municipalité de Saint-Jean-Chrysostome.

Ministère des Ressources naturelles
Direction de l'enregistrement et du morcellement
Service de l'arpentage foncier

Charlesbourg, 26 May 1999

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