

Municipal Affairs

Gouvernement du Québec

O.C. 1112-99, 29 September 1999

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

Amalgamation of Village de Brownsburg and of Canton de Chatham

WHEREAS each of the municipal councils of Village de Brownsburg and of Canton de Chatham 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 to the application was made and the Minister of Municipal Affairs and Greater Montréal 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 with the amendment proposed by the Minister of Municipal Affairs and Greater Montréal which was approved by the councils of the applicant municipalities;

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 Village de Brownsburg and of Canton de Chatham be constituted, on the following conditions:

1. The name of the new town shall be “Municipalité de Brownsburg-Chatham”. Prior to the first general election, the council of the new municipality shall, however, apply for a change of name, in accordance with the Act respecting municipal territorial organization (R.S.Q., c. O-9);

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 12 July 1999; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality shall be part of the Municipalité régionale de comté d’Argenteuil.

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 current mayors shall alternate as mayor and deputy mayor of the provisional council for two equal periods. The mayor of the former Village de Brownsburg shall be the first to act as mayor.

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 shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

The mayor of the former Village de Brownsburg and the mayor of the former Canton de Chatham shall continue to sit on the council of the Municipalité régionale de comté d’Argenteuil and of the Régie intermunicipale Argenteuil-Deux-Montagnes until the first general election and shall have the same number of votes as they had before the coming into force of this Order in Council.

Notwithstanding the alternation provided for in the first paragraph, the mayor of the former Canton de Chatham shall continue to sit on the executive committee of the Municipalité régionale de comté d’Argenteuil until the first general election.

Throughout the term of the provisional council, the elected municipal officers shall receive the remuneration in effect prior to the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held on the second Monday following the coming into force of this Order in Council, at 7:00 p.m., at the public hall of the former Village de Brownsburg.

7. The first general election shall be held on 5 December 1999 if the amalgamating Order in Council comes into force prior to 7 October 1999; otherwise, it shall be held on the first Sunday of May 2000. The second general election shall be held on the first Sunday in 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 Canton de Chatham 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 Village de Brownsburg shall be eligible for seats 4, 5 and 6.

For the second general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities if such election were an election of the council members of the former Canton de Chatham shall be eligible for seats 1 and 2 and only those persons who would be eligible under that Act if such election were an election of the council members of the former Village de Brownsburg shall be eligible for seats 3 and 4. Seats 5 and 6 shall be open to any person eligible in accordance with the Act.

9. Ms. Line Ross shall act as secretary-treasurer and director general of the new municipality.

10. 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 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 their financial statements for the last fiscal year ending before this Order in Council comes into force.

11. If section 10 applies, the portion of the subsidy granted by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) for the first year of the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and directly financed with that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality for the first year in which the new municipality does not apply separate budgets.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect prior to 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.

13. The working capital of the former Canton de Chatham and of the former Village de Brownsburg shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The uncommitted working capital on that date shall be added to the former municipalities' accumulated surplus and used in accordance with the provisions of section 14.

14. An amount, determined in accordance with the second paragraph, shall be taken from the surpluses accumulated on behalf of the former municipalities at the end of the last fiscal year for which separate budgets were applied; 80 % of that amount shall be used to create the working capital of the new municipality and shall be paid into the general fund of the new municipality in a proportion of 20 %.

The amount shall be taken from each accumulated surplus so that

(1) the portion from the accumulated surplus on behalf of the former Canton de Chatham shall be 66.58 % and the portion from the accumulated surplus on behalf of the former Village de Brownsburg shall be 33.42 %; and

(2) each portion shall be equivalent to the possible maximum amount that may be used according to the proportion established under subparagraph 1 of the second paragraph without exceeding \$332 900 for the former Canton de Chatham and \$167 100 for the former Village de Brownsburg.

15. Once the operation provided for in section 14 has been carried out, any balance remaining in the accumulated surplus on behalf of a former municipality 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 for carrying out public works in that sector, reduc-

ing taxes applicable to all the taxable immovables of that sector or repaying debts charged to that sector.

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 continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

17. The annual payment of instalments in principal and interest of all loans made under By-law 217-93 by the former Village de Brownsburg shall be charged to all the taxable immovables of the new municipality. A special tax shall then be imposed and levied on all the taxable immovables of the new municipality on the basis of their value entered on the assessment roll in effect each year. The taxation clauses of that by-law shall be amended accordingly.

18. The annual payment of instalments in principal and interest of all loans made under By-laws 215-92, 235-95 and 236-95 of the former Village de Brownsburg shall be charged to the users of the water supply and sewer system of the new municipality by means of a compensation rate that the council of the new municipality shall fix annually. The taxation clauses of those by-laws shall be amended accordingly.

19. The balance in principal and interest of the loan made under By-law 250-98 of the former Village de Brownsburg shall be, for an amount of \$641 860, charged to all the taxable immovables of the new municipality. The taxation clauses provided for in that by-law at the time of its adoption shall continue to apply to the balance, less the amount of \$641 860. The taxation clauses of that by-law shall be amended accordingly.

20. In the five years following the coming into force of this Order in Council, road repairs for an amount of \$1 649 580 shall be carried out in the sector made up of the territory of the former Canton de Chatham. If the cost for the repairs is financed by a loan, the repayment of that loan shall be charged to all the taxable immovables of the new municipality and shall require the approval of the Minister of Municipal Affairs and Greater Montréal.

21. The annual payment of instalments in principal and interest of all loans made under by-laws adopted by a former municipality before the coming into force of this Order in Council and not referred to in sections 17, 18 and 19 shall be charged to the sector made up of the territory of the former municipality that made the loans, in accordance with the taxation clauses of 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 affect only the taxable immovables in the sector made up of the territory of that former municipality.

22. For the first complete fiscal year following the coming into force of this Order in Council, a general tax credit of \$0.25 per \$100 of assessment shall be granted on all the taxable immovables located in the sector made up of the territory of the former Canton de Chatham. For the second fiscal year, the credit shall be \$0.20 per \$100 of assessment; for the third year, it shall be \$0.15 per \$100 of assessment; for the fourth year, it shall be \$0.10 per \$100 of assessment and for the fifth year, it shall be \$0.05 per \$100 of assessment.

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

24. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect 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.

25. 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 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 municipality, provided that such a by-law comes into force within six years following 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.

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

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

28. Notwithstanding section 119 of the Act respecting municipal territorial organization, the new municipality shall use the values entered on the real estate assessment rolls in effect in the former municipalities for the 2000 fiscal year, updated and adjusted after the coming into force of this Order in Council as follows: the values entered on the assessment roll of the former Village de Brownsburg shall be divided by its median proportion and multiplied by the median proportion of the real estate assessment roll of the former Canton de Chatham; the median proportions used shall be the ones that were established for the 2000 fiscal year.

In order to ensure horizontal equity of the assessment roll of the new municipality, the former Village de Brownsburg, although eligible for renewal, shall make an equilibration to standardize the dates of the studies and conclusions of the assessment roll of the new municipality.

29. This Regulation 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 BROWNSBURG-CHATHAM, IN THE
MUNICIPALITÉ RÉGIONALE DE COMTÉ
D'ARGENTEUIL

The current territory of Canton de Chatham and of Village de Brownsburg, in the Municipalité régionale de comté d'Argenteuil, comprising in reference to the cadastre of Canton de Chatham, 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 meeting point of the northern and eastern lines of the cadastre of Canton de Chatham in Lac Clair; thence, successively, the following lines and demarcations: southerly, part of the dividing line between the cadastre of Canton de Chatham and the cadastres of Canton de Gore and of Paroisse de Saint-Jérusalem to the centre line of a public road shown on the original between lots 792 and 725, that line crossing in part Lac Clair, Rivière de l'Est and Chemin MacDougall that it meets; westerly, the centre line of the said public road to its meeting point with the extension to the north of the western line of lot 733; southerly, the said extension and the western line of lots 733 and 732 to the north side of the right-of-way of a public road shown on the original (Rue Saint-Jean), that line extended across Rivière de l'Ouest that it meets; in lot 1073 (Rue Saint-Jean), west-

erly, the north side of the former right-of-way of the said road to its meeting point with the extension to the north of the western line of lot 653; southerly, the said extension and the western line of the said lot, that line crossing a railway right-of-way (lot 1061), Route 148 and Rue de Chatham that it meets; easterly, part of the northern line of lot 577 to the apex of the northeastern angle of the said lot; southerly, the eastern line of lots 577, 581, 580 and 578; easterly, successively, part of the northern line of lot 179, the northern line of lots 178 and 173, then the extension of the latter to the centre line of Rivière du Nord, that line crossing Boulevard de l'Aéroparc that it meets; in general southerly and easterly directions, the centre line of the said river skirting to the west and to the south lot 136, then the centre line of the southern branch of the said river to its meeting point with the line limiting the cadastres of Canton de Chatham and of Paroisse de Saint-Andrews; southerly, part of the said line limiting the cadastres to its meeting point with the south bank of the southern branch of the said river; in a general westerly direction, the said south bank to the western line of lot 135; southwesterly, the northwestern line of lot 134, that line crossing Route 344 that it meets; successively southwesterly, southerly and easterly, the northwestern, western and southern lines of lot 141, the northwestern line of the said lot crossing the railway right-of-way (lot 1060) that it meets; southerly, the eastern line of lot 140; in a general westerly direction, the north bank of Rivière des Outaouais to its meeting point with the line limiting the cadastres of the townships of Chatham and Grenville, the north bank of the said river being the high water mark before the rise in the water level caused by Barrage de Carillon; northerly, the line limiting the cadastres of the townships of Chatham and Grenville, that line crossing Route 344, the road of the 2^e Concession, Route 148, a railway right-of-way (lot 1061), Dumoulin, MacKiddie, de la Carrière, Édina and Scherfede roads, Rue d'Andernarch and Route 327 that it meets; finally, easterly, the line limiting the cadastres of the townships of Chatham and Wentworth to the starting point, that line crossing public roads, Lac Boyd and in part Lac Clair that it meets.

The said limits define the territory of the new Municipalité de Brownsburg-Chatham.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier
Charlesbourg, 12 July 1999

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