

Municipal Affairs

Gouvernement du Québec

O.C. 1300-99, 1 December 1999

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

Amalgamation of Ville de Windsor and Village de Saint-Grégoire-de-Greenlay

WHEREAS each of the municipal councils of Ville de Windsor and Village de Saint-Grégoire-de-Greenlay 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, 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 be constituted through the amalgamation of Ville de Windsor and Village de Saint-Grégoire-de-Greenlay, on the following conditions:

1. The name of the new town is “Ville de Windsor”.
2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 7 September 1999; that description is attached as Schedule A 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 is part of the Municipalité régionale de comté du Val-Saint-François.

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 will alternate as mayor and deputy mayor at each sitting of the provisional council. The mayor of the former Ville de Windsor will act as mayor as of the coming into force of this Order in 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, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant. If the vacant seat is that of the mayor, his duties shall be conferred on the councillor appointed by the councillors of the former municipality whose seat of mayor is vacant.

Throughout the term of the provisional council and until the new council decides otherwise, By-law 856 of the former Ville de Windsor, respecting the elected officers' salary, shall apply to the new town.

Throughout the term of the provisional council, the mayors shall retain the qualities required to act within the Municipalité régionale de comté du Val-Saint-François.

6. The first sitting of the provisional council shall be held at the council room of the town hall of the former Ville de Windsor.

7. The first general election shall be held on the first Sunday in the fourth month following the coming into force of this Order in Council. If that date falls on the first Sunday in January, on Easter Sunday or on 1 July, the first general election shall be postponed to the first Sunday in the next month. The second general election shall be held in 2004.

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

8. For the first general election, the only persons eligible for seat 4 are the 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 members of the council of the former Village de Saint-Grégoire-de-Greenlay.

9. Judith Desmeules, director general and clerk of the former Ville de Windsor, shall act as director general and clerk of the new town. Daniel Saint-Onge, treasurer and deputy clerk of the former Ville de Windsor, shall act as treasurer and deputy clerk of the new town. France Boisvert, secretary-treasurer of the former Village de Saint-Grégoire-de-Greenlay, shall act as deputy treasurer of the new town.

10. Any budget 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 town, and the expenditures and revenues must 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 property 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 statements of those former municipalities for the last fiscal year ending before this Order in Council comes into force.

The subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) shall be reserved for economic and industrial development purposes.

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 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 former Ville de Windsor, at the end of the last fiscal year for which the former municipalities adopted separate budgets, shall constitute the working fund of the new town. The new town shall pay into the fund an additional amount of \$25 000, which is taken from the surplus accumulated on behalf of the former Village de Saint-Grégoire-de-Greenlay; if the surplus is insufficient, the new town shall complete

the amount by imposing a special tax on the taxable immovables of the sector made up of the territory of that former municipality.

13. Any balance of the 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 that former municipality on behalf of which it was accumulated. It may be used for carrying out public works in the sector made up of the territory of that former municipality, for reducing taxes applicable to all the taxable immovables of that sector or for repaying debts charged to all that sector.

The amounts reserved from that surplus by a resolution of the council for specific purposes shall be used for provided purposes unless the council of the new town decides to use them in whole or in part for other purposes, for the benefit of the former municipality on behalf of which such reserved amounts were accumulated, in accordance with the provisions of the first paragraph.

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

15. The annual repayment of instalments in principal and interest of all loans made under by-laws adopted by a former municipality shall remain 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 council of the new town decides to amend the taxation clauses of those by-laws in accordance with law, those amendments may affect only the taxable immovables in the sector made up of the territory of that former municipality.

16. For the first complete fiscal year following the coming into force of this Order in Council, the business tax for the sector made up of the territory of the former Village de Saint-Grégoire-de-Greenlay with respect to a business establishment existing on that date shall be imposed at the rate of \$1 per \$100 of rental value. For the second fiscal year, that rate shall be \$3 per \$100 of rental value; for the third, it shall also be \$3; for the fourth, it shall be \$4 and for the fifth, it shall be \$5.50.

For the first five complete fiscal years following the coming into force of this Order in Council, the business tax rate for the sector made up of the territory of the former Ville de Windsor and for new business establish-

ments located on the territory of the new town shall be \$5.50 per \$100 of rental value.

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

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

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 town 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 town, provided that such a by-law comes into force within five 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 town.

20. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale de la Municipalité régionale de comté du Val-Saint-François, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de la Municipalité régionale de comté du Val-Saint-François will have jurisdiction over the territory of the new town.

21. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Windsor".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Windsor, 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), amended by section 273 of Chapter 40 of the Statutes of 1999, apply to the municipal housing bureau of the new Ville de Windsor as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

The members of the bureau are the members of the municipal housing bureau of the former Ville de Windsor.

22. For the five years following the coming into force of this Order in Council, the bicycle path located in the sector made up of the territory of the former Village de Saint-Grégoire-de-Greenlay and described in Schedule B may not be moved.

23. Notwithstanding section 14.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), amended by section 2 of Chapter 31 of the Statutes of 1999 and by section 133 of Chapter 40 of the Statutes of 1999, the roll of rental values of the former Ville de Windsor shall become the roll of rental values of the new town and shall remain in force until 31 December 2002.

Business establishments of the former Village de Saint-Grégoire-de-Greenlay shall be registered by making alterations to the roll of rental values of the former Ville de Windsor. The provisions of section 174.2 and seq. of the Act apply, adapted as required, to those alterations and their effective date is the date of coming into force of this Order in Council.

24. Notwithstanding section 119 of the Act respecting municipal territorial organization, amended by section 202 of Chapter 40 of the Statutes of 1999, the new town shall use the values entered on the property assessment rolls in force for the 2000 fiscal year, updated and adjusted as of the coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered on the property assessment roll of the former Village de Saint-Grégoire-de-Greenlay are divided by the median proportion of such roll and multiplied by the median proportion of the property assessment roll of the former Ville de Windsor; the median proportions used are those established for the 2000 fiscal year.

The roll in force in the former Ville de Windsor for the 2000 fiscal year and the amended roll of the former Village de Saint-Grégoire-de-Greenlay in accordance with the second paragraph shall constitute the roll of the new town for the first fiscal year of the new town. The median proportion and the comparative factor of that roll shall be those of the former Ville de Windsor. The first fiscal year of the new town is deemed to be the first year of application of the roll.

25. The new town undertakes to continue the following projects:

- waterworks and sewer works on Rue Gardner;
- waterworks on a part of Rue De La Croix;
- waterworks and sewer works in Greenlay sud (Jolin) sector.

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

SCHEDULE A

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE WINDSOR, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DU VAL-SAINT-FRANÇOIS

The current territory of Village de Saint-Grégoire-de-Greenlay and Ville de Windsor, in the Municipalité régionale de comté du Val-Saint-François, comprising, in reference to the cadastres of the townships of Windsor and Brompton and Village de Windsor Mills, 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 two perimeters described hereafter, namely:

First perimeter

Starting from the apex of the northern angle of lot 791 of the cadastre of Canton de Windsor; thence, successively, the following lines and demarcations: in reference to that cadastre, southeasterly, successively, the northeastern line of lot 791 and of lot 796, that latter line extended across Route 249 that it meets then the northeastern line of lot 797; southwesterly, successively, the southeastern line of lots 797 and 798, that latter line extended across Rivière Stoke that it meets then the southeastern line of lots 819 and 820; southeasterly, successively, the northeastern line of lot 789 of the cadastre of Village de Windsor Mills then the northeastern line of lots 895, 896 and 897 of the cadastre of Canton de Windsor; in reference to the latter cadastre, southwesterly, the southeastern line of lot 897 and its extension to the southwest side of the right-of-way of a public road located on the dividing line between ranges 12 and 13; southeasterly, the southwest side of the right-of-way of the said public road to the north side of the right-of-way of Chemin du 12^e Rang; in a general westerly direction, the north side of the right-of-way of the said road to the eastern line of lot 924-10; successively north-

westerly, westerly and southerly, the eastern and northern lines and part of the western line of the said lot to the northern line of lot 924-8; westerly, the northern line of lots 924-8 and 924-7; successively northerly and westerly, part of the eastern line and the northern line of lot 924-17 then the northern line of lot 924-5; northeasterly, part of the dividing line between lots 923 and 924 to a curved line, parallel to and 107.6 metres from the centre line of Chemin du 12^e Rang; in a general westerly direction, in lot 923, the said curved line to its meeting point with the easterly extension of the northern line of lot 923-3; westerly, successively, the said extension, the northern line of the said lot and its extension to the dividing line between lots 922 and 923; northwesterly, in lot 922, a straight line parallel to the dividing line between ranges 12 and 13 to the dividing line between lots 922 and 921; northeasterly, part of the said dividing line between lots to the southwestern line of lot 896; northwesterly, successively, part of the southwestern line of the said lot and the southwestern line of lot 895; southwesterly, part of the dividing line between lots 865 and 801 of the cadastre of Village de Windsor Mills of lot 920 of the cadastre of Canton de Windsor to a point located 237.4 metres from Route 143 measured along the said dividing line between lots; southeasterly, a straight line in lot 920 of the cadastre of Canton de Windsor to a point located on a line parallel to the said dividing line between lots and 228.6 metres therefrom and located, the said point, 304.8 metres from Route 143, measured along the said parallel line; southwesterly, in lot 920 of the said cadastre, the said parallel line crossing Route 143 and a railway (lot 983 of the cadastre of Canton de Windsor) and extended to the centre line of Rivière Saint-François; in a general northwesterly direction, the centre line of the said river downstream to the southwesterly extension of the dividing line between lots 889 and 888 of the cadastre of Canton de Windsor; northeasterly, successively, the said extension and the line dividing lots 889 and 891, on the one side, from lot 888, on the other side, that line extended across a railway (lot 894 of the said cadastre) and Route 143 that it meets and crossing lot 1002 of the said cadastre, then again the dividing line between lots 889 and 888 to a line parallel to the northeast side of Route 143 and 304.8 metres distant therefrom; southeasterly, the said parallel line, crossing lots 889 and 893 of the said cadastre to the northwestern line of lot 1 of the cadastre of Village de Windsor Mills; successively northeasterly and southeasterly, part of the broken dividing line between the cadastre of Village de Windsor Mills and the cadastre of Canton de Windsor to the northwestern line of lot 791 of the latter cadastre; finally, northeasterly, the northwestern line of lot 791 of the said cadastre to the starting point.

Second perimeter

Starting from the intersection point of the dividing line between lots 7D and 7C of Rang 1 of the cadastre of Canton de Brompton with the left bank of Rivière Saint-François; thence, successively, the following lines and demarcations: in reference to the said cadastre, in a general southeasterly direction, the left bank of the said river to the line dividing lots 11-1 and 11A of Rang 1 from lot 12B of Rang 2; southwesterly, the said dividing line between lots extended across Chemin de la Rivière that it meets; northwesterly, successively, the dividing line between ranges 1 and 2 and the northeast side of the right-of-way of Chemin 2^e Rang to the dividing line between lots 7D and 7C of Rang 1, that line crossing Autoroute 55 and Route 249 that it meets; finally, north-easterly, the said dividing line between lots to the starting point, that line crossing Autoroute 55 and Chemin de la Rivière that it meets.

Those perimeters define the limits of the territory of the new Ville de Windsor.

In this description, measures are expressed in metres (SI units).

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 7 September 1999

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

W-63/1

SCHEDULE B

Description of the location of the bicycle path:

“a strip of land 5 metres wide, located at the limit of the northeastern right-of-way of Autoroute 55. That strip of land starts at the end of Côte Vertu in the municipality of Village de Saint-Grégoire-de-Greenlay in a southeasterly direction along the said right-of-way and ends about 3.25 km farther in the Municipalité de Saint-François-Xavier-de-Brompton at the intersection of Chemin de la Rivière. The distance travelled on the territory of Village de Saint-Grégoire-de-Greenlay is approximately 650 metres and approximately 2 600 metres on the territory of Saint-François-de-Brompton.”.

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Gouvernement du Québec

O.C. 1406-99, 15 December 1999

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

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

WHEREAS each of the municipal councils of the Village de Saint-Flavien and the Paroisse de Saint-Flavien 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 objections were 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, 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-Flavien and the Paroisse de Saint-Flavien be constituted, under the following conditions:

1. The name of the new municipality shall be “Municipalité de Saint-Flavien”.
2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 13 September 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 de Lotbinière.