

Municipal Affairs

Gouvernement du Québec

O.C. 172-2000, 1 March 2000

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

Amalgamation of Ville de Farnham and Municipalité de Rainville

WHEREAS each of the municipal councils of Ville de Farnham and of Municipalité de Rainville 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 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 with the amendment proposed by the Minister of Municipal Affairs and Greater Montréal which was approved by the council 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 Ville de Farnham and of Municipalité de Rainville be constituted, on the following conditions:

1. The name of the new town shall be “Ville de Farnham”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 5 November 1999; that description is attached as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The new town shall be part of Municipalité régionale de comté de Brome-Missisquoi.

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 acting mayor of the provisional council for two equal periods. The mayor of the former Ville de Farnham shall act as mayor of the provisional council 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 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 receive the same remuneration as they were receiving before the coming into force of this Order in Council.

Throughout the term of the provisional council, the mayors of the former municipalities shall continue to be qualified to sit on the council of Municipalité régionale de comté de Brome-Missisquoi.

6. The first sitting of the provisional council shall be held at the town hall of the former Ville de Farnham located at 477, rue de l’Hôtel-de-Ville.

7. The first general election shall be held on 7 May 2000.

The second general election shall be held on the first Sunday in November 2003.

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 Ville de Farnham shall be eligible for seats 1, 3 and 5 and only those persons who would be eligible under that Act if such election were an election of the council members of the former

Municipalité de Rainville shall be eligible for seats 2, 4 and 6.

For any election held prior to the second general election, only the voters in the sector made up of the former Ville de Farnham shall participate in the election of the council members for seats 1, 3 and 5 and only the voters in the sector made up of the territory of the former Municipalité de Rainville shall participate in the election of the council members for seats 2, 4 and 6.

For the second general election, the new town shall be divided into electoral districts in accordance with the Act respecting elections and referendums in municipalities.

9. Ms. Johanne Lafleur, director general and clerk of the former Ville de Farnham, shall act as director general and clerk of the new town.

Ms. Marie-Josée Lepage, secretary-treasurer and director general of the former Municipalité de Rainville, shall act as assistant clerk of the new town.

Ms. Maryvonne Saint-Denis, treasurer of the former Ville de Farnham, shall act as 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 shall be accounted for separately as though those 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 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 the former municipalities for the fiscal year preceding that during which this Order in Council comes into force.

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 separate budgets were adopted.

12. 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 in the sector made up of the territory of the former municipality. It may be used for carrying out public works in that sector, reducing taxes applicable to all the taxable immovables situated therein or repaying debts charged to that sector.

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

14. The working fund of the former Ville de Farnham shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The uncommitted amount of the fund on that date shall be added to the former municipality's accumulated surplus and used in accordance with section 12.

A working fund of \$255 300 shall be constituted for the new town from a contribution taken from the surplus accumulated on behalf of each of the former municipalities. The contribution of the former Ville de Farnham is \$195 300 and that of the former Municipalité de Rainville is \$60 000. If the amount of the surplus accumulated on behalf of a former municipality is insufficient to allow for the payment of that contribution, a special tax shall be imposed on all the taxable immovables in the sector made up of the territory of that former municipality to make up such difference.

15. A special fund used for parks shall be constituted for the new town from funds managed for those purposes by each of the former municipalities as they exist at the end of the last fiscal year for which the former municipalities adopted separate budgets.

16. The balance in principal and interest of loan By-laws 81, 346, 400, 436, 451, 522, 523, 604, 616, 631, 638, 645, 676, 689, 690, 693, 696, 698, 708, 740, 742, 764, 771, 772, 779, 791, 806, 820, 826, 866, 878 and 882, 3rd series, of the former Ville de Farnham shall continue to be charged to the sector made up of the territory of that former municipality, in accordance with the taxation clauses of those by-laws.

17. The balance in principal and interest of loan By-laws 161, 635, 669, 675, 797 and 804, 3rd series, of the former Ville de Farnham, shall continue to be charged to all the taxable immovables situated on the territory of the new town.

The taxation clauses of those by-laws shall be amended accordingly.

18. The balance in principal and interest of loan by-laws 733 and 766, 3rd series, of the former Ville de Farnham shall continue, in a proportion of 31.29 %, to be charged to all the taxable immovables situated on the territory of the new town and, in a proportion of 68.71 %, to be charged to all the taxable immovables in the sector made up of the territory of the former Ville de Farnham.

The taxation clauses of those by-laws shall be amended accordingly.

19. The balance in principal and interest of amounts owed to the Société québécoise d'assainissement des eaux under the agreement signed between the Gouvernement du Québec and the former Ville de Farnham on 5 May 1980 shall be charged to all the users served by the sewer system of the new town.

20. The balance in principal and interest of loan By-laws 99 and 936, 3rd series, of the former Ville de Farnham shall be charged to all the users served by the waterworks system of the new town.

The taxation clauses of those by-laws shall be amended accordingly.

21. The annual repayment of the instalments in principal and interest of all loans made under the by-laws adopted by a former municipality before the coming into force of this Order in Council and not referred to in sections 16 and 20, shall continue to be charged to the sector that made them, in accordance with the taxation clauses provided for in those by-laws.

If 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.

22. The available balance of the loan by-laws shall be used for paying the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than that originally fixed, for reducing the balance of those loans. If the available balance is used for the purposes of paying annual instalments of loans, the rate of the tax imposed to pay the instalments shall be reduced so that the revenues of the tax be equal to the balance to be paid, less the available balance used.

23. For the eleven fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, a special tax shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former Ville de Farnham on the basis of their value as it appears on the assessment roll in force each year; the tax rate shall be the following:

First two years:	\$0.40 per \$100 of assessment;
Third year:	\$0.36 per \$100 of assessment;
Fourth year:	\$0.32 per \$100 of assessment;
Fifth year:	\$0.28 per \$100 of assessment;
Sixth year:	\$0.24 per \$100 of assessment;
Seventh year:	\$0.20 per \$100 of assessment;
Eighth year:	\$0.16 per \$100 of assessment;
Ninth year:	\$0.12 per \$100 of assessment;
Tenth year:	\$0.08 per \$100 of assessment;
Eleventh year:	\$0.04 per \$100 of assessment.

24. The amounts received as subsidies, under the Programme d'aide financière au regroupement municipal (PAFREM), shall be apportioned as follows:

— 23.5 % shall be used for the benefit of ratepayers in the sector made up of the territory of the former Municipalité de Rainville;

— 76.5 % shall be used for the benefit of ratepayers in the sector made up of the territory of the former Ville de Farnham.

During the five fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, those amounts shall be used for the carrying out of roadwork.

25. The amount payable by each of the former municipalities to the special local activities financing fund established in accordance with the Act to establish the special local activities financing fund (R.S.Q., c. F-4.01) shall continue to be charged to all the taxable immovables in the sector made up of the territory of each of the former municipalities.

26. The standardization of the rate of the property surtax imposed on non-residential immovables shall be carried out over a maximum period of ten years. Thus, the rate in force for 1999 on the territory of the former Ville de Farnham will be applied gradually in the sector made up of the territory of the former Municipalité de Rainville at the rate of one-tenth of that rate for the first year during which this Order in Council comes into force and one-tenth more each subsequent year up to 100 % of the rate of the tenth year.

The rate of the property surtax imposed in the sector made up of the territory of the former Municipalité de Rainville may not exceed that which would be imposed in the sector made up of the territory of the former Ville de Farnham during that period.

27. During the eleven fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, the construction of any new waterworks, sewerage and street foundation infrastructure work on the territory of the new town will be entirely charged to the users served by those infrastructures and will have to be financed by means of a property tax imposition or a tariff to the ratepayers.

28. Any debt or gain that may result from legal proceedings for an act performed by a former municipality, including any increase of the insurance premium related to any of those acts, shall continue to be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

29. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Farnham".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Farnham, 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 Farnham 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 shall be the members of the municipal housing bureau of the former Ville de Farnham.

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

Notwithstanding the foregoing, during the eleven fiscal years following the fiscal year for which the former municipalities adopted separate budgets, the proceeds of the sale of movable property belonging to one of the former municipalities at the time of the coming into force of this Order in Council shall be dealt with in accordance with section 12.

31. 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 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 four 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.

32. 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 VILLE DE FARNHAM, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BROME-MISSISQUOI

The current territory of Municipalité de Rainville and of Ville de Farnham, in Municipalité régionale de comté de Brome-Missisquoi, comprising in reference to the cadastres of the parishes of Sainte-Brigide and Saint-Romuald-de-Farnham-Ouest and to the cadastre of Ville de Farnham, 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 meeting point of the northwesterly extension of the northeastern line of lot 404 of the cadastre of Paroisse de Saint-Romuald-de-Farnham-Ouest with the centre line of Rivière Yamaska; thence, successively, the following lines and demarcations: in reference to that cadastre, southeasterly, the said extension and part of the northeastern line of the said cadastre to the dividing line between lots 270 and 269, that line crossing Chemin Yamaska, a railway (lot 434), Route 235, Ruisseau Lussier and another railway (lot 433) that it meets; successively northerly and easterly, the western and northern lines of lot 269; southeasterly, successively, the northeastern line of lots 269, 265, 266, 264, 263 and the extension of the latter line to the centre line of Rivière Yamaska, that line crossing Chemin Rang Magenta that it meets; in a general southwesterly direction, the centre line of the said river downstream to the northwesterly extension of the dividing line between the cadastres of the parishes of Saint-Romuald-de-Farnham-Ouest and l'Ange-Gardien; successively, southeasterly, easterly, southerly, southeasterly and northerly, part of

the broken dividing line between the said cadastres to its meeting point with the dividing line between the cadastres of Paroisse de Saint-Romuald-de-Farnham-Ouest and Canton de Farnham; in a general southerly direction, that latter dividing line between the cadastres, that line crossing Rivière Yamaska Sud-Est, a railway (lot 431 of the cadastre of Paroisse de Saint-Romuald-de-Farnham-Ouest), Chemin Gordon, Chemin de Brigham and Route 104 that it meets; westerly, part of the dividing line between the cadastres of Paroisse de Saint-Romuald-de-Farnham-Ouest and of Canton de Stanbridge to the apex of the southwestern angle of lot 23 of the cadastre of Paroisse de Saint-Romuald-de-Farnham-Ouest, that line crossing Chemin Boulais that it meets; in reference to that cadastre, northerly, successively, the western line of lot 23 extended across a public road (Chemin Audette) and the western line of lot 21; westerly, successively, the southern line of lots 106 and 105, the south side of the right-of-way of a public road shown on the original (Chemin du Golf) and bordering to the south lots 102 and 103, the extension on the south side of the said road across Chemin Audette then the southern line of lots 95, 94, 93 and 92, that line crossing Ruisseau Morpions that it meets; northwesterly, the dividing line between lots 92 and 91, that line crossing Ruisseau Ménard that it meets; westerly, successively, the south side of a public road shown on the original (Chemin Jetté) bordering to the south lots 193, 198 and 199 and crossing Route 235 and a railway (lot 435), then the southern line of lots 200, 201 and 202; northerly, part of the dividing line between the cadastres of Paroisse de Saint-Romuald-de-Farnham-Ouest and of Sainte-Brigide to the north side of the railway right-of-way (lot 536 of the cadastre of Paroisse de Sainte-Brigide) crossing lot 324 of the cadastre of Paroisse de Saint-Romuald-de-Farnham-Ouest, that line crossing Chemin Delorme that it meets; westerly, the north side of the right-of-way of the said railway to the southwest side of the right-of-way of Route 104; northwesterly, the southwest side of the right-of-way of the said route to the southerly extension of the western line of lot 426 of the cadastre of Paroisse de Sainte-Brigide; in reference to that cadastre, northerly, the said extension and part of the said lot line to the north side of the right-of-way of Montée des Écossais; in a general northeasterly direction, the northwest side of Montée des Écossais crossing lots 426 and 425 and bordering to the northwest lots 427 and 490 to the apex of the southeastern angle of lot 489; northerly, the west side of a road dividing the cadastre of Paroisse de Saint-Romuald-de-Farnham-Ouest from Paroisse de Sainte-Brigide (Route 233) to the westerly extension of the northern line of lot 418 of the cadastre of Paroisse de Saint-Romuald-de-Farnham-Ouest; easterly, the said extension and the said lot line;

southeasterly, the northeastern line of lots 418, 416 and 415, the latter line extended to the centre line of Rivière Yamaska; finally, in a general northerly direction, the centre line of the said river downstream to the starting point.

The said limits define the territory of the new Ville de Farnham, in Municipalité régionale de comté de Brome-Missisquoi.

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

Charlesbourg, 5 November 1999

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