

Gouvernement du Québec

O.C. 170-2000, 1 March 2000

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

Amalgamation of Ville de Cap-Chat and Municipalité de Capucins

WHEREAS each of the municipal councils of Ville de Cap-Chat and Municipalité de Capucins 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 objections to the application were 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 Cap-Chat and Municipalité de Capucins, on the following conditions:

1. The name of the new town shall be “Ville de Cap-Chat”.
2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 18 October 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 Denis-Riverin.
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 each month as mayor and deputy mayor of the provisional council. The mayor of the former Ville de Cap-Chat will act as mayor 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 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 Ville de Cap-Chat and the mayor of the former Municipalité de Capucins shall continue to sit on the council of Municipalité régionale de comté de Denis-Riverin until the first general election and they shall have the same number of votes as they had before the coming into force of this Order in Council.

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.

6. The first sitting of the provisional council shall be held at the multi-purpose room of the Claude Jourdain arena, located at 187, rue Notre-Dame Est, on the territory of the former Ville de Cap-Chat.

7. The first general election shall be held on the first Sunday in the third month following the coming into force of this Order in Council. If that date falls on the first Sunday in January or on Easter Sunday, the first general election shall be postponed to the first Sunday in the next month. The second general election shall be held in November 2003.

The council of the new town shall be composed of eight members, that is, a mayor and seven councillors. The councillors' seats shall be numbered from 1 to 7 from the first general election.

8. For the first general election, the only persons eligible for seats 1, 2, 3, 4, 5 and 6 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 Ville de Cap-Chat and the only persons eligible for seat 7 are the persons who would be eligible under that Act if such election were an election of the members of the council of the former Municipalité de Capucins.

9. Claudette Lemieux, clerk of the former Ville de Cap-Chat, shall act as clerk and director general of the new town until the council composed of persons elected in the first general election appoints someone to that position.

Maryse Lavoie, secretary-treasurer of the former Municipalité de Capucins, shall act as deputy clerk of the new town until the council composed of persons elected in the first general election appoints someone to that position.

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 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 paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and directly financed by that portion of the subsidy, shall constitute a reserve to be paid into the general funds of the new town for the first fiscal year for which it does not apply separate budgets.

12. 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.

13. The working fund of the former Ville de Cap-Chat 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 committed on that date shall be added to the surplus accumulated on behalf of that former municipality and shall be dealt with in accordance with section 14.

14. 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 constitute a reserve created 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, reducing the taxes applicable to all the taxable immovables in that sector or repaying debts charged to 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 will remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

16. The annual repayment 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 shall remain charged to the sector made up of the territory of the former municipality that made them, in accordance with the taxation clauses of those by-laws. Should the new town decide 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.

17. Any available balance of loan by-laws 155-91, 166-92 and 199-95 of the former Ville de Cap-Chat 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 paying annual instalments of the loans, the rate of the tax imposed to pay the instalments shall be reduced so that the revenues from the tax be equal to the balance to be paid, less the available balance used.

18. The subsidy granted by the Government under the Programme d'aide financière au regroupement municipal (PAFREM), to the exclusion of an amount of \$20 000 included in the first payment, which is accounted for in the general administration fund of the new town, shall be paid in proportion to the population of each former municipality as it appears in Order in Council 1347-99 dated 8 December 1999, into the reserve created on behalf of each former municipality in accordance with section 14.

19. 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 immov-

ables in the sector made up of the territory of that former municipality.

20. 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 three 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.

21. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Cap-Chat".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Cap-Chat, 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 town 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 Cap-Chat.

22. 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 filed for the 2000 fiscal year for each of the former municipalities, 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 Municipalité de Capucins 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 Cap-Chat; the median proportions used are those established for the 2000 fiscal year.

The roll in effect in the former Ville de Cap-Chat for the 2000 fiscal year and the roll of the former Municipi-

palité de Capucins amended 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 Cap-Chat. The first fiscal year of the new town is deemed to be the first year of application of the roll.

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

24. 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 OR THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE CAP-CHAT, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE DENIS-RIVERIN

The current territory of Municipalité de Capucins and Ville de Cap-Chat, in Municipalité régionale de comté de Denis-Riverin, comprising in reference to the cadastres of the townships of Cap-Chat and Romieu, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the southeast shore of the St. Lawrence River and the dividing line between the cadastres of the townships of Romieu and Dalibaire; thence, successively, the following lines and demarcations: northeasterly, the southeast shore of the said river to the southwestern line of lot 20D of Rang 1 of the cadastre of Canton de Romieu; northwesterly, in the St. Lawrence River, the extension of the said line over 1.61 kilometres (1 mile); northeasterly, an irregular line parallel to the southeast shore of the St. Lawrence River to the northwesterly extension of the southwestern line of lot 41B-2 of Rang 1 of the cadastre of Canton de Cap-Chat; northwesterly, the said extension over 3.22 kilometres (2 miles); northeasterly, an irregular line parallel to the southeast shore of the St. Lawrence River to the northwesterly extension of the northeastern line of lot 41B-1 of Rang 1 of the cadastre of Canton de Cap-Chat; southeasterly, successively, the said extension, over 4.83 kilometres (3 miles), the said line of lot then the northeastern line of lot 41B-3 of Rang 1 of the said cadastre, that line extended across Route 132 (rue Notre-Dame Est) that it meets; in reference to that cadastre, easterly, part of the dividing line between ranges 2 and 1 to the dividing line between lots 15-1 and 14-2 of Rang 2;

southeasterly, the said dividing line between lots; westerly, part of the dividing line between ranges 2 and 3 to the dividing line between lots 19-1 and 18-2 of Rang 3; southeasterly, successively, the said dividing line between lots then the southwest side of a public road shown on the original dividing the said lots; westerly, part of the dividing line between ranges 3 and 4 to the dividing line between lots 24-1 and 23-2 of Rang 4; southeasterly, the said dividing line between lots; easterly, part of the dividing line between ranges 5 and 4 to the dividing line between lots 24 and 23 of Rang 5; westerly, part of the dividing line between ranges 5 and 6 to the dividing line between lots 24 and 23 of Rang 6; southeasterly, the said dividing line between lots; westerly, part of the southern line of Rang 6 to the dividing line between the cadastres of the townships of Romieu and Cap-Chat, that line extended across the routes of Saint-Octave-de-l'Avenir, Saint-Pierre and du Ruisseau-Landry that it meets; southeasterly, part of the said dividing line between cadastres to the southeastern line of Rang 6 of the cadastre of Canton de Romieu; in reference to that cadastre, southwesterly, part of the southeastern line of the said range to the southeasterly extension, across the Rivière Cap-Chat and lots 11A, 11B and 12 of Rang 6, of the southwestern line of lot B of the said range, that line crossing the Petite Rivière Cap-Chat that it meets; northwesterly, successively, the said extension and the said lot line, then the southwestern line of lot B of Rang 5, that line crossing Route de la Grande-Rivière-Cap-Chat that it meets; southwesterly, part of the dividing line between ranges 4 and 5 to the dividing line between the cadastres of the townships of Romieu and Dalibaire, that line extended across Route de la Baie that it meets; finally, northwesterly, part of the said dividing line between cadastres to the starting point, that line crossing the des Grands Capucins, des Petits Méchins rivers and Route 132 (Rue Notre-Dame Ouest) that it meets.

The said limits define the territory of the new Ville de Cap-Chat.

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

Charlesbourg, 18 October 1999

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Land surveyor

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Gouvernement du Québec

O.C. 171-2000, 1 March 2000

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

Amalgamation of Ville de Warwick and Canton de Warwick

WHEREAS each of the municipal councils of Ville de Warwick and Canton de Warwick 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 be constituted through the amalgamation of Ville de Warwick and Canton de Warwick, on the following conditions:

1. The name of the new town shall be "Ville de Warwick".
2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 30 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 d'Arthabaska.