

## Municipal Affairs

Gouvernement du Québec

### O.C. 644-2000, 1 June 2000

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

Amalgamation of Ville de Marieville and Paroisse de Sainte-Marie-de-Monnoir

WHEREAS each of the municipal councils of Ville de Marieville and Paroisse de Sainte-Marie-de-Monnoir 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 with the amendment proposed by the Minister of Municipal Affairs and Greater Montréal which was approved by the applicant municipalities' councils;

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 Marieville and Paroisse de Sainte-Marie-de-Monnoir, on the following conditions:

1. The name of the new town shall be "Ville de Marieville".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 27 January 2000; 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 territory of the new town shall be part of the territory of Municipalité régionale de comté de Rouville.

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 Paroisse de Sainte-Marie-de-Monnoir shall act as mayor of the provisional council of the new town 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 municipality of origin of the council member whose seat has become vacant.

By-law 523-5 of the former Ville de Marieville respecting the elected municipal officers' salary shall apply to the elected municipal officers of the new town until the new council decides otherwise.

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 Rouville.

6. The first sitting of the provisional council shall be held in the basement of Église Saint-Nom-de-Marie.

7. The first general election shall be held on 5 November 2000. The second general election shall be held in November 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 seats 1, 2 and 3 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 Marieville, and the only persons eligible for seats 4, 5 and 6 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 Paroisse de Sainte-Marie-de-Monnoir.

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

9. Pierre Dionne, director general of the former Ville de Marieville, shall act as director general and treasurer of the new town.

Marie-Claude Thibeault, clerk of the former Ville de Marieville, shall act as first clerk of the new town.

Francine Guertin, employee of the former Paroisse de Sainte-Marie-de-Monnoir, shall act as deputy treasurer and deputy clerk 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 the former municipalities for the fiscal year preceding the one during which this Order in Council comes into force.

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

— 5.1 % shall be used for the benefit of the ratepayers of the sector made up of the territory of the former Ville de Marieville;

— 94.9 % shall be used for the benefit of the ratepayers of the sector made up of the territory of the former Paroisse de Sainte-Marie-de-Monnoir.

For the first five complete fiscal years following the coming into force of this Order in Council, those amounts

shall be used, in the proportion referred to in the first paragraph, for reducing taxes applicable to all the taxable immovables in the sector made up of the territory of each of the former municipalities.

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 new town shall be constituted of the working funds of the former municipalities as they exist at the end of the last fiscal year for which the former municipalities adopted separate budgets.

Moneys borrowed from the working fund of each former municipality shall be repaid out of the general fund of the new town.

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 be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used for carrying out public works in that sector, for reducing taxes applicable to all the taxable immovables of that sector or for repaying debts charged to all that 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. Any tax imposed under the following by-laws shall be replaced by a tax imposed on all the taxable immovables of the new town on the basis of their value as it appears in the assessment roll in effect each year:

— by-laws 456, 580, 635, 658, 676 and 703 of the former Ville de Marieville;

— by-law 408-91 of the former Paroisse de Sainte-Marie-de-Monnoir.

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

17. The repayment in principal and interest of the loan contracted under by-law 650 of the former Ville de Marieville shall be made as follows:

— 10 % of the repayment of the loan shall be charged to all the taxable immovables of the new town;

— 72.7 % of the repayment of the loan shall be charged to the taxable immovables in the sector made up of the territory of the former Ville de Marieville;

— 2.5 % of the repayment of the loan shall be charged to the users of the waterworks system of the former Ville de Marieville;

— 14.8 % of the repayment of the loan shall be charged to the users of the sewer system of the former Ville de Marieville.

Taxes imposed under this section are imposed on the basis of the value of the taxable immovables as it appears on the assessment roll in effect each year.

The taxation clauses of that by-law shall be amended accordingly.

18. The repayment in principal and interest of the loan contracted under by-law 773-99 of the former Ville de Marieville shall be made as follows.

— 42.09 % of the repayment of the loan shall be charged to all the taxable immovables of the new town;

— 14.69 % of the repayment of the loan shall be charged to the taxable immovables in the sector made up of the territory of the former Ville de Marieville;

— 6.23 % of the repayment of the loan shall be charged to the users of the waterworks system of the former Ville de Marieville;

— 34.65 % of the repayment of the loan shall be charged to the users of the sewer system of the former Ville de Marieville;

— 2.34 % of the repayment of the loan shall be charged to the immovables that may use the sewer system of the former Ville de Marieville.

Taxes under this section are based on the value of the taxable immovables as it appears on the assessment roll in effect each year.

The taxation clauses of that by-law shall be amended accordingly.

19. 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 and not referred to in sections 16,

17 and 18 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. If the new town decides to amend the taxation clauses of those by-laws in accordance with the law, those amendments may only affect the taxable immovables in the sector made up of the territory of the former municipality that adopted the by-law.

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 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 town.

21. A municipal housing bureau is incorporated under the name of “Office municipal d’habitation de la Ville de Marieville”.

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Marieville, 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, shall apply to the municipal housing bureau of the new Ville de Marieville 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 former municipal housing bureau of Ville de Marieville.

22. For the first three complete fiscal years following the coming into force of this Order in Council, the new town shall reduce the rate of the surtax on non-residential immovables in the sector made up of the territory of the former Paroisse de Sainte-Marie-de-Monnoir. The rate of the surtax shall be reduced as follows:

— 80 % for the first fiscal year;

— 70 % for the second fiscal year;

— 50 % for the third fiscal year.

23. 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.

24. In accordance with the Order in Council concerning the withdrawal of the territory of Paroisse de Sainte-Marie-de-Monnoir from the jurisdiction of the Cour municipale commune de la Ville de Mont-Saint-Hilaire, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale commune de la Ville de Mont-Saint-Hilaire will no longer have jurisdiction over the territory of the former Paroisse de Sainte-Marie-de-Monnoir.

In accordance with the Order in Council concerning the extension of the territorial jurisdiction of the Cour municipale commune de Marieville, which will be made under the Act respecting municipal courts, the Cour municipale commune de Marieville will have jurisdiction over the territory of the new town.

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

26. This Order in Council will come 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 NEW VILLE DE MARIEVILLE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE ROUVILLE

The current territory of Paroisse de Sainte-Marie-de-Monnoir and Ville de Marieville, in Municipalité régionale de comté de Rouville, comprising in reference to the cadastres of Paroisse de Sainte-Marie-de-Monnoir and Village de Marieville, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, autoroutes, 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 northwesterly extension of the northeastern line of Lot 222 of the cadastre of Paroisse de Sainte-Marie-de-Monnoir with the centre line of Ruisseau Saint-Louis (shown on the original); thence, successively, the following lines and demarcations: southeasterly, part of the dividing line between the cadastre of Paroisse de Sainte-Marie-de-Monnoir and the cadastres of the parishes of Saint-Jean-Baptiste and Saint-Césaire

to the dividing line between the cadastres of the parishes of Sainte-Marie-de-Monnoir and Sainte-Angèle, that line crossing Ruisseau-Saint-Louis Est and Branche-du-Rapide roads, and Rang des Soixante and Rang des Dix-Terres that it meets; successively southerly, southwesterly and southeasterly, part of the dividing line between the latter cadastres to the apex of the eastern angle of Lot 119 of the cadastre of Paroisse de Sainte-Marie-de-Monnoir, that line crossing Route 112 and Chemin Rang de la Côte-Double that it meets in its first segment, Chemin du Vide in its second segment and Autoroute des Cantons-de-l'Est in its last segment; in reference to the latter cadastre, southwesterly, the southeastern line of Lot 119, that line crossing the right-of-way of a railway that it meets (Lot 137A); southeasterly, the northeastern limit of the right-of-way of a public road shown on the original (Chemin Rang de l'Église) to its meeting point with the northeasterly extension of the southeastern line of Lot 299; southwesterly, the said extension and southeastern line of the said lot; southeasterly, the northeastern limit of the right-of-way of a public road shown on the original (Chemin du Ruisseau-Barré) to its meeting point with the northeasterly extension of the southeastern line of Lot 300; southwesterly, the said extension and the southeastern line of the said lot; successively northwesterly and southwesterly, part of the dividing line between the cadastres of the parishes of Sainte-Marie-de-Monnoir and Sainte-Grégoire to the dividing line between the cadastres of the parishes of Sainte-Marie-de-Monnoir and Notre-Dame-de-Bonsecours, that line crossing Chemin Rang du Grand-Bois that it meets in its first segment; northerly, part of the dividing line between the latter cadastres to the apex of the northwestern angle of Lot 420 of the cadastre of Paroisse de Sainte-Marie-de-Monnoir; in reference to that cadastre, easterly, the northern line of the said lot, that line crossing Autoroute des Cantons-de-l'Est that it meets; northerly, the western limit of the right-of-way of a public road shown on the original (Chemin Ashby Nord) to the southwestern line of Lot 416; northwesterly, the southwestern line of the said lot and its extension to the northern limit of the right-of-way of Chemin Rang de la Petite-Savane bordering to the south Lot 410; easterly, the northern limit of the right-of-way of the said road to the western line of Lot 342; in a general northerly direction, the broken line bordering to the west lots 342, 343, 343A, 344, 346, 347, 348, 349, 350, 351, 345 (railway), 353, 354, 357 and 358, that line extended across Route 112 that it meets; successively easterly and northerly, the northern and western lines of Lot 358; in a general northerly direction, the broken line bordering to the west lots 360, 361, 245A, 245, 244, 243, 242, 241, 240, 239, 237, 236, 235 and 234 then the extension of the western line of the latter lot to the centre line of a public road shown on the original (Chemin des Quarante); easterly, the centre line of the said road to its meeting

point with the southerly extension of the western line of Lot 232; successively northerly and westerly, the said extension and western line of the said lot and the southern line of the said lot; in a general northerly direction, the broken dividing line bordering to the west lots 232 in declining order to 224; easterly, part of the northern line of Lot 224 to the northwestern line of Lot 223; successively northeasterly, westerly, and again northeasterly and easterly, the northwestern, northern, northwestern and northern lines of the said lot, then the extension of the last segment to the centre line of Ruisseau Saint-Louis (shown on the original); finally, in a general northerly direction, the centre line of the said brook to the starting point.

The said limits define the territory of the new Ville de Marieville, in Municipalité régionale de comté de Rouville.

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

Charlesbourg, 27 January 2000

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Gouvernement du Québec

### **O.C. 645-2000, 1 June 2000**

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

Amalgamation of Municipalité de L'Île-du-Havre-Aubert and Village de L'Île-d'Entrée

WHEREAS each of the municipal councils of Municipalité de L'Île-du-Havre-Aubert and Village de L'Île-d'Entrée 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 Com-

mission 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 Municipalité de L'Île-du-Havre-Aubert and Village de L'Île-d'Entrée, on the following conditions:

1. The name of the new municipality shall be "Municipalité de L'Île-du-Havre-Aubert".

2. The territory of the new municipality shall be the territory drawn up by the Minister of Natural Resources on 24 January 2000; 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 Municipalité régionale de comté des Îles-de-la-Madeleine.

5. Until the first general election, the new municipality shall be governed by a provisional council made up of all the council members of the former Municipalité de L'Île-du-Havre-Aubert, the mayor of the former Village de L'Île-d'Entrée and two council members of that former village chosen by a drawing of lots before the beginning of the first sitting of the provisional council. For every councillor's seat that becomes vacant on the provisional council, an additional vote shall be allotted to the mayor of the former municipality of origin of the vacant seat. In the case where one of the mayor's seats becomes vacant, the rights of the mayor shall be exercised by a councillor chosen by and among the provisional council members of the mayor's municipality of origin and that councillor's seat shall be deemed vacant.

The quorum of the provisional council shall be the majority of the members in office.

The mayor of the former Municipalité de L'Île-du-Havre-Aubert shall act as mayor of the new municipality until the mayor elected in the first general election begins his term.

The mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de