

## Municipal Affairs

Gouvernement du Québec

### Décret 686-2000, 7 June 2000

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

Amalgamation of Municipalité de Saint-Casimir and  
Paroisse de Saint-Casimir

WHEREAS the municipal councils of Municipalité de Saint-Casimir and Paroisse de Saint-Casimir each 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 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 Municipalité de Saint-Casimir and Paroisse de Saint-Casimir be constituted, on the following conditions:

1. The name of the new municipality shall be "Municipalité de Saint-Casimir".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 8 December 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 territory of the new municipality shall be part of the territory of Municipalité régionale de comté de Portneuf.

5. A provisional council shall hold office until the first general election. It shall be composed of all the elected members in office on the date of coming into force of this Order in Council. The quorum shall be one-half the members in office plus one. The mayor of the former Municipalité de Saint-Casimir, Louise Douville, shall act as mayor of the provisional council and the mayor of the former parish, André Filteau, shall act as deputy 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.

Throughout the term of the provisional council, the elected municipal officials shall continue to receive the same remuneration as they were receiving before the coming into force of this Order in Council.

The mayor of the former Municipalité de Saint-Casimir and the mayor of the former Paroisse de Saint-Casimir shall continue to sit on the council of Municipalité régionale de comté de Portneuf 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.

6. The first sitting of the provisional council shall be held in the council room of the former Municipalité de Saint-Casimir.

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

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 two general elections, 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 *Municipalité de Saint-Casimir* 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 *Paroisse de Saint-Casimir* shall be eligible for seats 2, 4 and 6.

9. Carole Germain, secretary-treasurer of the former *Municipalité de Saint-Casimir*, shall be the first secretary-treasurer of the new municipality; Ginette Paquin, secretary-treasurer of the former *Paroisse de Saint-Casimir*, shall be the assistant secretary-treasurer until the council decides otherwise in accordance with the law.

10. Any budget adopted by either former municipality 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 the former municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budget of each former municipality 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 the financial statements of the former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

11. The amounts paid each year under the Programme d'aide financière au regroupement municipal (PAFREM), less expenditures recognized by the council as resulting from the amalgamation and financed by that portion of the subsidy, shall constitute an amount reserved for the benefit of the sectors made up of the respective territories of the two former municipalities. They shall be distributed between both sectors in proportion to their standardized real estate value as established in section 10. The amount thus reserved shall be used for the purposes set out in section 14 or section 15, as the case may be.

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 *Paroisse de Saint-Casimir* shall be dissolved at the end of the last fiscal year for which the former municipalities adopted separate budgets. Any part of the fund remaining uncommitted on that date shall be added to the surplus accumulated on behalf of that former municipality and shall be dealt with in accordance with the provisions of section 14.

14. Any surplus accumulated on behalf of the former *Paroisse de Saint-Casimir* at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used to finance a program to be started by the new municipality to repair independent septic facilities (septic tanks and disposal fields) located in the sector made up of the territory of that former municipality.

Any remaining surplus accumulated on behalf of that former municipality shall be used to reduce its debts.

Any further remaining surplus accumulated on behalf of that former municipality shall be used to improve the facilities and infrastructures located in the sector made up of the territory of that former municipality.

15. Any surplus accumulated on behalf of the former *Municipalité de Saint-Casimir* at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used to repay the debts of that former municipality.

Any remaining surplus shall be used to improve the facilities and infrastructures located in the sector made up of the territory of that former municipality.

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

17. Section 8 of By-law 161 of the former *Municipalité de Saint-Casimir* shall be amended so as to extend the taxation basis by including the taxable immovables located in the sector made up of the territory of the former *Paroisse de Saint-Casimir* which already benefit from the work carried out on the waterworks under that by-law.

Should the new municipality decide to amend that taxation clause in accordance with the law, the amendment may affect only the taxable immovables benefiting from the work carried out on the waterworks under that by-law.

Subject to the first two paragraphs, the annual payment of the instalments in principal and interest on any loan or part thereof made under a by-law adopted by a former municipality shall remain charged to the sector made up of the territory of the former municipality that contracted it, in accordance with the taxation clauses in such by-law.

Should the new municipality decide to amend the taxation clauses in those by-laws in accordance with the law, the amendments may affect only the taxable immovables located in the sector made up of the territory of the former municipality that contracted the loan.

18. Any available balance from any loan by-law adopted by a former municipality shall be used to pay the annual instalments in principal and interest on that loan or, if the securities were issued for a shorter term than the term originally fixed, it shall be used to reduce the balance of the loan.

Where the available balance is used to pay the annual instalments on the loans, the rate of the tax imposed to pay the said instalments shall be reduced in such a manner that the revenue from the tax equals the balance payable, less the available balance used.

19. As of the first fiscal year following the fiscal year for which the former municipalities adopted separate budgets, the compensation rate imposed for drinking water supply shall be the same for the whole territory of the new municipality.

20. For at least eight years following the coming into force of this Order in Council, the roads known as “Route à Jean”, “Route des Gervais”, “Route du rang Saint-Jérôme”, “Route de l’Hétrière” and “Route du rang Saint-Édouard” will retain their status as public roads and the new municipality shall, during that period, keep them open and suitable for vehicular traffic between 1 May and 1 November of each year.

21. During the first eight fiscal years following the last fiscal year for which separate budgets were adopted, any amount paid by the Government as compensation in lieu of taxes or under an equalization or financial neutrality program for municipal amalgamation purposes shall be used to improve the services in the sector of the new municipality corresponding to the territory of each former municipality in proportion to the amounts that

were paid to them as such or under the same programs during the last fiscal year for which separate budgets were adopted.

22. During the first eight fiscal years following the last fiscal year for which separate budgets were adopted, any amount paid by the Government or one of its departments under a financial assistance program for municipalities who take over the management of local roads or under any replacement program, as well as any subsidy paid for local road maintenance, and allocated to a sector of the new municipality corresponding to the territory of a former municipality, shall be used solely to maintain and improve the road network in that sector or to repay a debt contracted by a former municipality for the purpose of carrying out such work.

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

24. 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 the whole territory of the municipality, 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 shall 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.

25. A municipal housing bureau shall be incorporated under the name of “Office municipal d’habitation de la Municipalité de Saint-Casimir”.

That municipal bureau shall succeed the municipal housing bureau of the former Municipalité de Saint-Casimir, 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 Municipalité de Saint-Casimir as if it had been incorporated by letters patent under section 57 of that Act, also amended by the said section 273.

The members of the housing bureau shall be the members of the municipal housing bureau of the former Municipalité de Saint-Casimir. During the eight years following the year of coming into force of this Order in Council, the mayor or deputy mayor and a councillor shall be members of the new municipal housing bureau who shall be appointed by the council of the new Municipalité de Saint-Casimir.

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

27. In accordance with the Order in Council amending the agreement respecting the Cour municipale de Donnacona which is to be adopted under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de Donnacona will have jurisdiction over the territory of the new municipality.

28. 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 THE NEW MUNICIPALITÉ DE SAINT-CASIMIR, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE PORTNEUF

The current territory of Municipalité de Saint-Casimir and of Paroisse de Saint-Casimir, in Municipalité régionale de comté de Portneuf, comprising in reference to the cadastre of Paroisse de Saint-Casimir, the lots or parts thereof 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 included within the limits described hereafter, namely: starting from the meeting point of the northwest bank of the Rivière Noire with the northeast line of the cadastre of Paroisse de Saint-Casimir; thence, successively, the following lines and demarcations: southeasterly, part of the said northeast line of the cadastre to the dividing line between the cadastres of the parishes of Saint-Casimir and des Grondines, that line crossing the Rivière Noire, Chemin de la Rivière Sainte-Anne, the Rivière Saint-Anne and Routes 354 and 363 that it meets; in a general southwesterly direction, the broken line between the cadastres of the parishes of Saint-Casimir and des Grondines passing by the southwest and southeast sides of the right-of-way of a public road bordering on the southwest Lot 17 and on the southeast lots 17 and 18, that line crossing the railway (Lot 531 of the cadastre of Paroisse de Saint-Casimir), Route des Grondines and

the Rivière des Étangs that it meets; northwesterly, the dividing line between the cadastres of the parishes of Saint-Casimir and Sainte-Anne-de-la-Pérade, that line crossing Chemin de la Rivière-Sainte-Anne, the Rivière Sainte-Anne, Rang du Rapide Nord and Saint-Jérôme roads and the railway (Lot 531 of the cadastre of Paroisse de Saint-Casimir) that it meets; northeasterly, part of the dividing line between the cadastres of the parishes of Saint-Casimir and Saint-Ubalde to the apex of the northern angle of Lot 491 of the cadastre of Paroisse de Saint-Casimir, that line crossing Route 363 that it meets; in reference to the latter cadastre, southeasterly, the northeast line of lots 491, 492 and 494 to 509; southwesterly, part of the southeast line of Lot 509 to the apex of the northern angle of Lot 380; southeasterly, successively, the northeast line of lots 380 in declining order to 374, that line extended across the Petite Rivière Niagarette that it meets, part of the northeast line of Lot 373, then the centre line of the right-of-way of the public road (shown in the original) to the southwesterly extension of the southeast line of Lot 381; northeasterly, successively, the said extension and the southeast line of the said lot extended across the Petite Rivière Niagarette, then the southeast line of lots 386 to 390; northwesterly, the southwest line of Lot 312 in its upper part to the southeast side of the right-of-way of Chemin du Troisième Rang; in a general northeasterly direction, the southeast side of the right-of-way of the said road to the northeast line of Lot 302, that line crossing the Rivière Niagarette that it meets; southeasterly, part of the said lot line to the northwest line of Lot 300; northeasterly, the said lot line, that line extended across Chemin du Rang de la Rivière-Blanche Ouest that it meets; northeasterly, successively, a straight line crossing the Rivière Blanche to the apex of the western angle of Lot 267 then the northwest line of the said lot to the northwest bank of the Rivière Noire, that line extended across Chemin du Rang de la Rivière-Blanche Est that it meets; finally, in a general northeasterly direction, the northwest bank of the said river to the starting point.

The said limits define the territory of the new Municipalité de Saint-Casimir, in Municipalité régionale de comté de Portneuf.

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

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