

Municipal Affairs

Gouvernement du Québec

O.C. 728-2000, 15 June 2000

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

Amalgamation of Ville de L'Assomption and Paroisse de Saint-Gérard-Majella

WHEREAS each of the municipal councils of Ville de L'Assomption and Paroisse de Saint-Gérard-Majella 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 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 L'Assomption and Paroisse de Saint-Gérard-Majella, on the following conditions:

1. The name of the new town shall be "Ville de L'Assomption".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 24 May 2000; that description is attached as Schedule A 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 L'Assomption.

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 equal periods. The mayor of the former Ville de L'Assomption 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 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 or the deputy mayor, as the case may be, of the 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 before the coming into force of this Order in Council. By-law 469-99 of the former Ville de L'Assomption respecting the remuneration of elected officers shall apply to the members of the council elected in the first general election of the new town until it is amended by the council of the new town.

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 L'Assomption.

6. The first sitting of the provisional council shall be held at 2700, chemin du Roy on the territory of the former Paroisse de Saint-Gérard-Majella.

7. The first general election shall be held on the first Sunday of November 2000. The second general election shall be held in 2004.

For the purposes of the first general election and any other election held before the second general election, the council of the new town shall be composed of eleven members, that is, a mayor and ten councillors. The councillors' seats shall be numbered from 1 to 10.

8. For the first general election, the only persons eligible for seats 1, 2, 3 and 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 Paroisse de Saint-Gérard-Majella, and the only persons eligible for seats 5, 6, 7, 8, 9 and 10 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 Ville de L'Assomption.

For any election held before the second general election, only the electors of the sector made up of the territory of the former Paroisse de Saint-Gérard-Majella shall participate in the election of the members of the council to seats 1, 2, 3 and 4 and only the electors of the sector made up of the territory of the former Ville de L'Assomption shall participate in the election of the members of the council to seats 5, 6, 7, 8, 9 and 10.

For the second general election, the new town shall be divided into 8 electoral districts in accordance with the Act respecting elections and referendums in municipalities.

9. Jean-Denis Savoie, director general of the former Ville de L'Assomption, shall act as director general of the new town.

Marius Savoie, secretary-treasurer of the former Paroisse de Saint-Gérard-Majella, shall act as assistant director general 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 expenses and revenues shall be accounted for separately as if 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 budget 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 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.

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 in the following manner:

(a) \$300 000 from the surplus accumulated on behalf of each of the former municipalities shall be paid into the general fund of the new town; the share of each of the former municipalities shall be calculated 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;

(b) if the amount of the surplus accumulated on behalf of the former municipality is insufficient to allow for its contribution to the general fund, the new town shall impose a special property tax on all the taxable immovables in the sector made up of the territory of that former municipality according to their value as it appears on the assessment roll in effect to make up the difference;

(c) any balance shall be used for the benefit of the ratepayers in the sector made up of the territory of the former municipality on behalf of which it was accumulated. In the sector made up of the territory of the former Ville de L'Assomption, it may be used to carry out public works, promote industrial and institutional development or to repay debts charged to that sector. In the sector made up of the territory of the former Paroisse de Saint-Gérard-Majella, it may be used to carry out infrastructure works or to repay debts charged to that sector;

(d) the amounts reserved for specific purposes out of the surplus accumulated on behalf of a former municipality shall remain reserved for those purposes and for the benefit of the ratepayers in the sector made up of the territory of the former municipality on behalf of which those amounts were reserved;

(e) if any balance remains in the reserved amount after carrying out the endeavours outlined in paragraph c, it may be used for the benefit of the ratepayers in the sector made up of the territory of the former municipality in question.

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

14. The working fund of the new town shall be constituted of the working funds of each 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 those funds shall be repaid out of the general fund of the new town.

15. A special fund for the purposes of parks shall be constituted of the two funds for those same purposes as they exist at the end of the last fiscal year for which the former municipalities adopted separate budgets.

16. For five years following the year in which this Order in Council comes into force, the expenditures in respect of the street lighting system shall be assumed, in a proportion of 20 %, by all the ratepayers of the new town and, in a proportion of 80 %, by the sectors which are served by it.

17. The balance in principal and interest of the loans contracted under by-laws 301, 303, 324, 325, 326, 329, 331a, 331b, 352-1, 352-2, 352-3, 353, 153, 459-89, 471-90, 472-90, 508-91, 511-91, 584-93, 618-94, 624-94, 625-95, 645-95, 639-45, 187 and 690-98 of the former Ville de L'Assomption shall remain charged to the sector made up of the territory of that former municipality in accordance with the taxation clauses of those by-laws.

18. The balance in principal and interest of the loans contracted under by-laws 507-91-1, 507-91-2, 507-91-3 and 675 of the former Ville de L'Assomption shall become charged to all the taxable immovables of the new town in the following proportions:

— 507-91-1, 507-91-2 and 507-91-3: in a proportion of 72.07 %;

— 675: in a proportion of 58.26 %.

The rest of the balance of those loans shall remain charged to the parts of the sector made up of the territory of the former Ville de L'Assomption referred to in the aforementioned by-laws in the following proportions:

— 507-91-1, 507-91-2 and 507-91-3: in a proportion of 27.93 %;

— 675: in a proportion of 41.74 %.

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

19. The balance in principal and interest of the loans contracted under by-laws 80, 71A, 71, 59 and 59A of the former Ville de L'Assomption shall become charged to all the users served by the drinking water network of the new town in the following proportions:

— 80, 59 and 59A: in a proportion of 100 %;

— 71A and 71: in a proportion of 46 %.

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

20. The balance in principal and interest of the loans contracted under by-laws 686-98 and 691-98 of the former Ville de L'Assomption shall remain, for the part that is charged to the sector made up of the territory of that former municipality, charged to those parties and shall become, for the rest, charged to all the taxable immovables of the new town.

Notwithstanding the foregoing, the part of the works related to the construction of a waterworks main from Rang du Bas-de-L'Assomption Sud up to Boulevard Turgeon which is charged to the part of the sector made up of the territory of the former Paroisse de Saint-Gérard-Majella shall become charged to the users served by the waterworks in that sector who are referred to in Schedule B.

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

21. Loan by-law 687-98 of the former Ville de L'Assomption (water treatment plant) shall be amended so that the amounts reserved for the sector made up of the territory of the former Paroisse de Saint-Gérard-Majella be added to that of the sector made up of the former Ville de L'Assomption. The balance in principal and interest of the loans contracted under that by-law shall become charged to all the taxable immovables of the new town, in accordance with the taxation clauses of the by-law.

22. The balance in principal and interest of the loans contracted under by-laws 26, 40, 182-94, 185-94, 186-94, 187-94, 232-97 and 268-98 of the former Paroisse de Saint-Gérard-Majella shall remain charged to all the taxable immovables of the sector made up of the territory of that former municipality.

23. A proportion of 50 % of the balance in principal and interest of the loans contracted under by-laws 244-98 and 245-98 of the former Paroisse de Saint-Gérard-Majella shall become charged to all the users served by the drinking water network of the new town. The remaining 50 % shall be allocated according to the imposed compensation rate per unit as provided for in those by-laws.

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

24. A proportion of 25 %, up to an amount of \$20 000, of the balance in principal and interest of the loan contracted under by-law 264-99 of the former Paroisse de Saint-Gérard-Majella before the coming into force of this Order in Council shall become charged to the immovables served by the waterworks of the new town.

The balance shall remain charged to the taxation base in the sector made up of the territory of the former Paroisse de Saint-Gérard-Majella as provided for in By-law 264-99.

25. The share payable to the Société québécoise d'assainissement des eaux by the former Ville de L'Assomption under the agreement signed on 3 April 1985 shall remain charged to the sector made up of the territory of that former municipality in accordance with the taxation clauses of by-laws 305-90, 306-90 and 307-90.

26. The share payable to the Société québécoise d'assainissement des eaux by the former Paroisse de Saint-Gérard-Majella under the agreement signed on 20 August 1985 shall remain charged to the sector made up of the territory of that former municipality in accordance with the taxation clause of By-law 106-98.

27. The new town shall, before 31 December 2002, carry out infrastructure works (waterworks main and sewer main) in the territory defined in Schedule C. The cost of those works shall be charged to all the taxable immovables of the new town.

For a period of 20 years, according to the loan contracted as a result of those works, any person who is connected to the network shall pay a compensation rate to be fixed annually by the new town.

28. The balance in principal and interest of loans contracted by a former municipality under a by-law not referred to in sections 17, 18, 19, 20, 22, 23, 24, 25 and 26 shall remain charged to the former municipality that contracted them in accordance with the taxation clauses of such a by-law. If the new town decides to amend such a taxation clause in accordance with law, those amend-

ments may only affect the taxable immovables located in the sector made up of the territory of that former municipality.

29. The credit commitment of the former Paroisse de Saint-Gérard-Majella made under Resolution 22/11/08/96/195 respecting the acquisition of land shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

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

31. The subsidies paid under the Programme d'aide financière au regroupement municipal (PAFREM) shall be paid into the general fund of the new town and may be used for any purpose deemed useful by the council.

32. The standardization of the rate of the surtax on non-residential immovables will take place over a period of three years from the first complete fiscal year following the coming into force of this Order in Council. The difference between the rate of the property surtax imposed by the two former municipalities for the last complete fiscal year preceding the coming into force of this Order in Council shall be made up over a three-year period, that is, a third of the difference annually.

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

34. A municipal housing bureau is incorporated under the name "Office municipal d'habitation de la Ville de L'Assomption".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de L'Assomption, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting 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 town as if it had been incorporated by letters patent under section 57 of that Act, also amended by section 273.

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

36. 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.

37. This Order in Council comes into force on 1 July 2000.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE L'ASSOMPTION, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE L'ASSOMPTION

The current territory of Paroisse de Saint-Gérard-Majella and of Ville de L'Assomption, in Municipalité régionale de comté de L'Assomption, comprising in reference to the cadastres of L'Assomption and of Paroisse de L'Assomption, the lots or parts of lots, blocks or parts of blocks, 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 apex of the northern angle of lot 314 of the cadastre of Paroisse de L'Assomption; thence, successively, the following lines and demarcations: in reference to that cadastre, southeasterly, the northeastern line of lots 314, 313, 312 and 311, that line crossing Chemin Rang Nord that it meets; in a general northeasterly direction, the northwestern bank of Rivière L'Assomption to its meeting with the dividing line between the cadastres of the parishes of L'Assomption and Saint-Paul; southeasterly, part of the

dividing line between the cadastre of Paroisse de L'Assomption and the cadastres of the parishes of Saint-Paul and Saint-Antoine-de-Lavaltrie to the apex of the eastern angle of lot 114 of the cadastre of Paroisse de L'Assomption, that line crossing Route 343, the right-of-way of a railway (lot 526 of the cadastre of Paroisse de L'Assomption), Chemin Rang Point-du-Jour Nord, Ruisseau Point du Jour, Chemin Rang Point-du-Jour Sud and Autoroute Félix-Leclerc that it meets; in a general southwesterly direction, part of the broken dividing line between the cadastre of Paroisse de L'Assomption and the cadastres of the parishes of Saint-Sulpice and Notre-Dame-de-L'Assomption-de-Repentigny to the apex of the western angle of lot 1 of the cadastre of Paroisse de L'Assomption, that line crossing Autoroute Félix-Leclerc several times, routes 343 and 341 as well as Chemin Rang du Bas-de-L'Assomption Sud that it meets; in Rivière L'Assomption, the extension of the southwestern line of lot 1 of the said cadastre to the centre line of the said river; in a general southwesterly direction, the centre line of the said river downstream to its meeting with the southeastern extension of the dividing line between the cadastres of the parishes of L'Assomption and Saint-Paul-L'Ermite; in a general northwesterly direction, the said extension and the broken dividing line between the said cadastres, that line crossing Route 344, the right-of-way of a railway and Chemin Rang de la Presqu'île that it meets; in a general northeasterly direction, part of the broken dividing line between the cadastres of the parishes of L'Assomption and L'Épiphanie to the apex of the northern angle of lot 525 of that first cadastre; northwesterly, the southwest side of the right-of-way of a public road shown on the original (Route 341 before widening) to its meeting with the southwestern extension of the northwestern line of lot 405 of the cadastre of Paroisse de L'Assomption; northeasterly, the said extension, the northwestern line of the said lot then its extension to the centre line of Rivière de l'Achigan; in general southeasterly, northerly and northwesterly directions, successively, the centre line of the said river downstream, the centre line of Rivière L'Assomption upstream then the centre line of Rivière Saint-Esprit upstream to its meeting with the southwesterly extension of the northwestern line of lot 396 of the cadastre of Paroisse de L'Assomption; successively, northeasterly and northwesterly, part of the broken dividing line between the cadastres of the parishes of L'Assomption and L'Épiphanie and its extension to the centre line of Ruisseau Saint-Georges, that line crossing Chemin Rang Sud that it meets; in a general northeasterly direction, the centre line of the said stream downstream to its meeting with the southern extension of the dividing line between the cadastres of the parishes of L'Assomption and Sainte-Marie-Salomé; finally, northerly, the said extension and the dividing line between the said cadastres to the starting point, that

line crossing Chemin Montée de Sainte-Marie that it meets.

The said limits define the territory of the new Ville de L'Assomption, in Municipalité régionale de comté de L'Assomption.

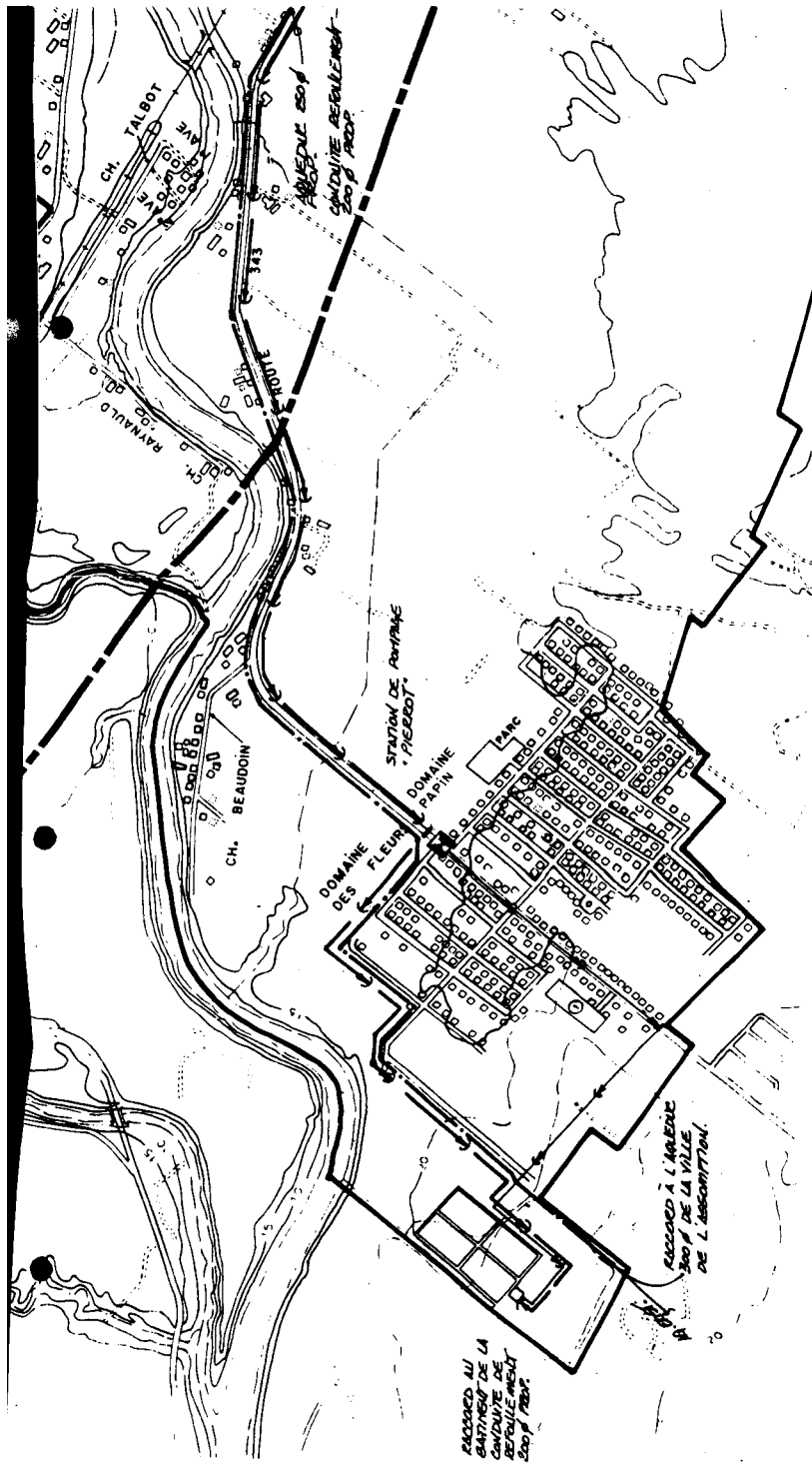
Ministère des Ressources naturelles
Service de l'arpentage

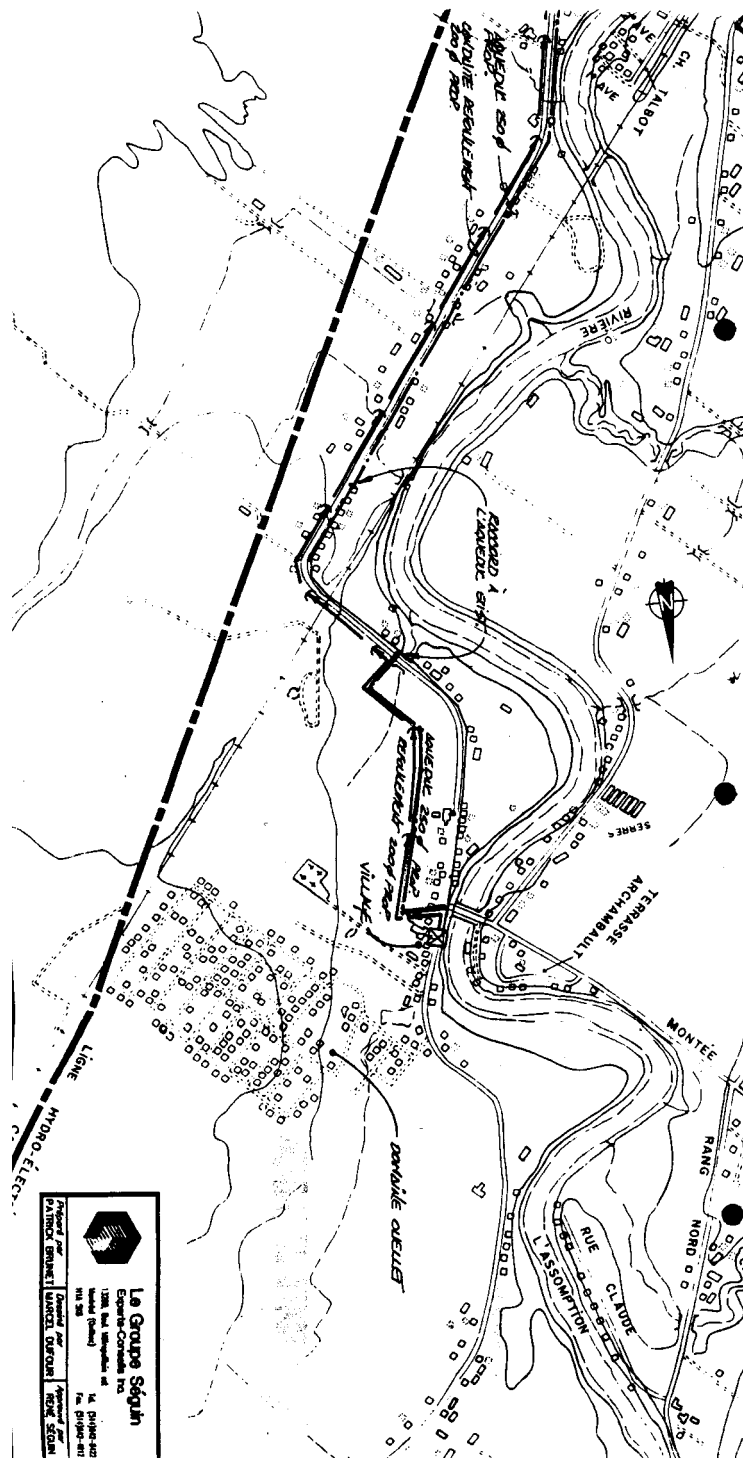
Charlesbourg, 24 May 2000

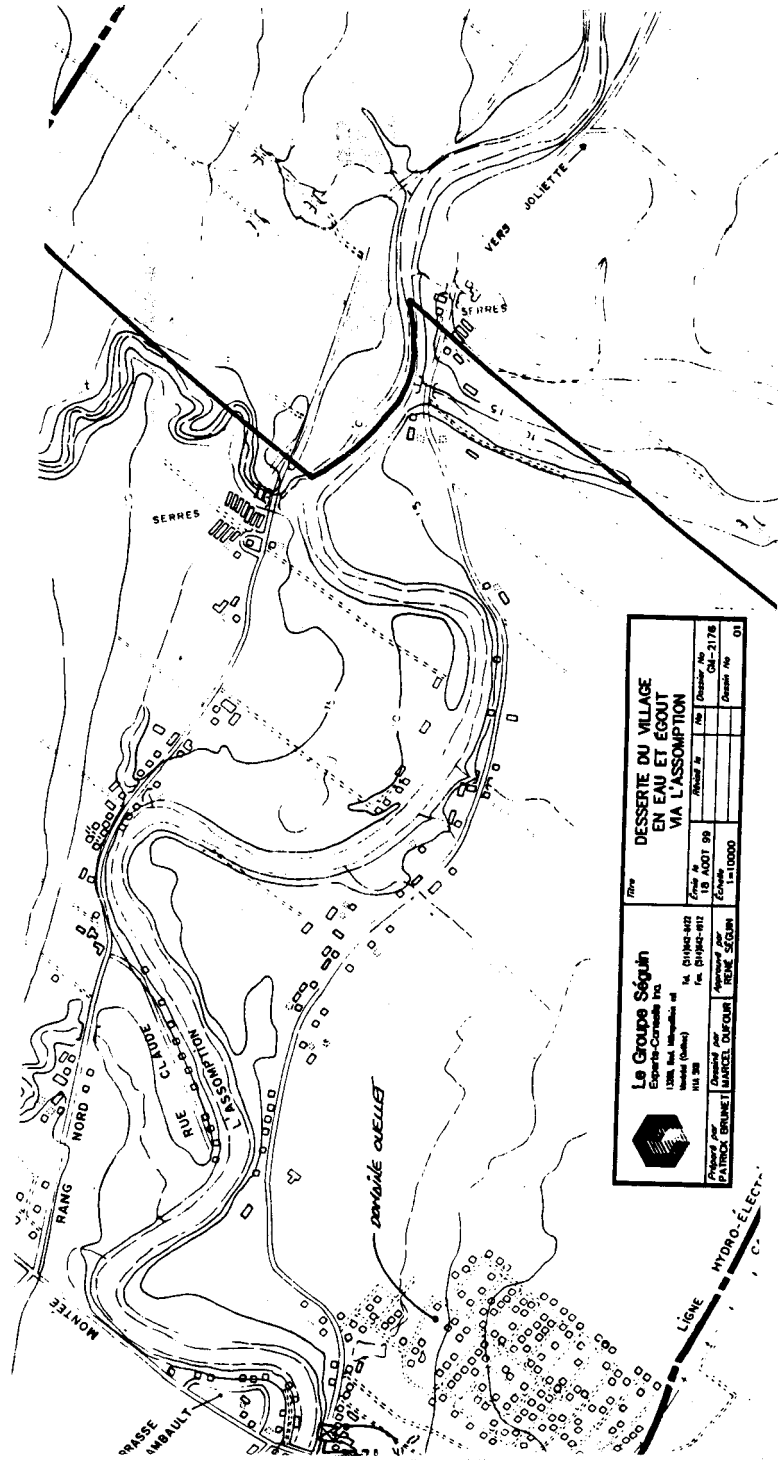
Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor


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SCHEDULE C







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