

Municipal Affairs

Gouvernement du Québec

O.C. 1131-2000, 20 September 2000

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

Amalgamation of Ville de Carleton and Paroisse de Saint-Omer

WHEREAS each of the municipal councils of Ville de Carleton and Paroisse de Saint-Omer 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 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 amendments proposed by the Minister of Municipal Affairs and Greater Montréal, which were 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 Ville de Carleton and Paroisse de Saint-Omer be constituted, under the following conditions:

1. The name of the new town is “Ville de Carleton-Saint-Omer”.

2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 3 March 2000; that description is attached as a Schedule to this Order in Council.

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

4. The new town will be part of the Municipalité régionale de comté d’Avignon.

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 as mayor and deputy mayor of the provisional council for equal periods. The mayor of the former Ville de Carleton shall serve as mayor of the provisional council of the new town for the first period and the mayor of the former Paroisse de Saint-Omer shall serve as mayor of the provisional council of the new town for the second 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.

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.

Throughout the term of the provisional council, the mayors of the former municipalities shall remain qualified to act within the Municipalité régionale de comté d’Avignon and they shall have the same number of votes as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the municipal hall Lavoie/Saint-Laurent of the former Ville de Carleton, at 629, boulevard Perron.

7. The first general election shall be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council.

The second general election shall be held in 2004.

8. The council of the new town shall be composed of seven members, that is, a mayor and six councillors.

9. For the first general election and any partial election held before the second 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 Carleton, shall be eligible for seats 1, 3 and 5; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Paroisse de Saint-Omer shall be eligible for seats 2, 4 and 6.

10. Mr. André Allard shall be the clerk of the new town.

11. Any budget adopted by a 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 town and the expenditures and receipts shall be accounted for separately as if the former municipalities continued to exist.

The subsidy granted by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) shall be reserved as revenue in the budget of the first year for which no separate budgets are applied by the new town.

12. The terms and conditions for the allocation of costs for 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 the former municipalities adopted separate budgets.

13. 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 taxpayers in the sector made up of the territory of that former municipality and may be used to repay the loans of that municipality or to carry out work in that sector.

14. 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 the former municipality on behalf of which the deficit was accumulated.

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

16. 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.

17. 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 to 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.

18. At the end of the last fiscal year for which the municipalities adopted separate budgets, the annual repayment of the instalments in principal and interest on the loans taken under by-laws 257-94, 261-94 and 278-96 adopted by the former Ville de Carleton shall become charged to all the taxable immovables of the new town.

Therefore, a special tax shall be imposed and levied on all taxable immovables in the territory of the new town, based on their taxable value as it appears in the assessment roll in force each year. The taxation clauses in those by-laws shall be amended accordingly.

19. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the working fund of each of the former municipalities shall be abolished.

The moneys available in the working fund of a former municipality shall be paid into the accumulated surplus of that former municipality and shall be dealt with in accordance with section 13.

20. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Carleton-Saint-Omer".

That municipal bureau shall succeed to the municipal housing bureaus of the former Ville de Carleton and Paroisse de Saint-Omer, which are 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 Carleton-Saint-Omer as if it had been incorporated by letters patent under section 57 of that Act, also amended by that section 273.

The members of the bureau shall be the members of the municipal housing bureaus of the former Ville de Carleton and the former Paroisse de Saint-Omer.

21. From the first year following the year for which the former municipalities adopted separate budgets for the last time, the new town shall impose a surtax on all the non-residential immovables on its territory, and the business tax in force in the territory of the former Ville de Carleton shall be abolished as of that date.

The new town shall however impose that surtax differently according to each of the sectors made up of the territory of the former municipalities. The rate shall be standardized over a five-year period.

For the first year, the rate of the surtax imposed in the sector made up of the territory of the former Ville de Carleton shall be such that receipts will be substantially equivalent to receipts from the business tax imposed on the territory of that former municipality in the preceding year.

For the sector made up of the territory of the former Paroisse de Saint-Omer, the rate of the surtax shall be equivalent, for the first year, to the rate of the surtax that was imposed in that territory during the preceding year.

During the four years that will follow, the difference between the rates applicable to both sectors shall be progressively reduced until they are equal by increasing the rate applicable to the sector made up of the former Paroisse de Saint-Omer by 25 % of the initial difference, the rate applicable to the sector made up of the territory of the former Ville de Carleton remaining the same for those four years.

22. 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 CARLETON-SAINT-
OMER, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ
D'AVIGNON

The current territory of Paroisse de Saint-Omer and of Ville de Carleton, in Municipalité régionale de comté d'Avignon, comprising in reference to the cadastre of

Municipalité de Shoolbred and the townships of Carleton and Maria, 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, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole included within the limits described hereinafter, namely: starting from the apex of the northeastern angle of lot 52 of Rang 7 of the cadastre of Canton de Carleton; thence, successively, the following lines and demarcations: southerly, part of the dividing line between the cadastres of the townships of Carleton and Maria to the apex of the northern angle of lot 4 of Rang 3 Partie Ouest of the cadastre of Canton de Maria; in reference to that cadastre, southeasterly, the northeastern line of the said lot; northeasterly, part of the dividing line between ranges 2 Partie Est and 3 Partie Ouest to the apex of the northern angle of lot 9C-3 of Rang 2 Partie Est; southeasterly, the northeastern line of lots 9C-3, 65 (Chemin 2^e Rang) and 9C-2 of the said range; southwesterly, part of the dividing line between ranges 2 Partie Est and 1 Partie Est to the apex of the northern angle of lot 21B-1 of Rang 1 Partie Est; southeasterly, successively, the line bordering to the northeast lots 21B-1, 21B-2, 21C-1, 21C-2, 21E-1 and 21E-2 (Route 132) of the said range, that line crossing the right-of-way of a railroad (lot 70) that it meets, then the extension of the said line in Chaleur Bay to a line parallel to and 1.609 km (one mile) from the north shore of the said bay; in a general southwesterly direction, the said parallel line to its meeting point with the southern extension of the western line of lot 20C of Rang 1 of the cadastre of Canton de Carleton; northerly, the said extension to the north shore of Chaleur Bay; in a general westerly direction, the north shore of the said bay to the western line of lot 45-6 of the Seigneurie de Shoolbred of the cadastre of Municipalité de Shoolbred; in reference to that cadastre, northerly, successively, the line bordering to the west lots 45-6, 45-4, 45-5, 46, 45-2 and 45-1 of the Seigneurie de Shoolbred, that line crossing Route 132 and the right-of-way of a railroad (lot 283 of the Seigneurie de Shoolbred) that it meets, then the western line of lots 19B of Rang Est of Shoolbred and 10B of the Bassin de la Nouvelle; westerly, part of the dividing line between Rang 1 and the Bassin de la Nouvelle to the apex of the southwestern angle of lot 15 of Rang 1; northerly, the western line of the said lot; westerly, part of the dividing line between ranges 2 and 1 to the apex of the southwestern angle of lot 16 of Rang 2; northerly, the western line of the said lot; easterly, part of the dividing line between ranges 2 and 3 to the apex of the southwestern angle of lot 16 of Rang 3; northerly, the western line of lots 16 of Rang 3, 14 of Rang 4 and 14 of Rang 5, those lines linked together by sections of range lines; westerly, part of the dividing line between ranges 6 and 5 to a point 261.52 metres (13 chains) to the east of the apex of the southeastern angle of lot 16 of Rang 6, in accordance with the survey plan of Mr. David-W. Mill dated November 1910; northerly, in lots 15, 14,

13, 12, 11, 10 and 70 of Rang 6, a straight line parallel to the eastern line of lot 16 of the said range to the dividing line between the cadastres of Municipalité Shoolbred and Canton de Dugal; finally, in a general easterly direction, part of the broken line between the cadastres of Municipalité Shoolbred and Canton de Carleton and the cadastres of the townships of Dugal and Angers to the starting point.

The said limits define the territory of Ville de Carleton-Saint-Omer, in Municipalité régionale de comté d'Avignon.

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

Charlesbourg, 3 March 2000

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