

## Municipal Affairs

Gouvernement du Québec

### **O.C. 1323-2000, 15 November 2000**

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

Amalgamation of Municipalité de Saint-Ferdinand,  
Municipalité de Vianney and Village de Bernierville

WHEREAS each of the municipal councils of Municipalité de Saint-Ferdinand, Municipalité de Vianney and Village de Bernierville 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 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 to the application was sent to the Minister of Municipal Affairs and Greater Montréal and the Minister did not consider it opportune 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 be constituted through the amalgamation of Municipalité de Saint-Ferdinand, Municipalité de Vianney and Village de Bernierville, on the following conditions:

1. The name of the new municipality shall be “Municipalité de Saint-Ferdinand”.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 4 November 1999; that description appears in Schedule A 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 de L'Érable.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the three councils that existed on the date of the coming into force of this Order in Council. The quorum shall be half the number of members in office plus one.

The mayor of the former Village de Bernierville shall act as mayor of the provisional council and the mayor of the former Municipalité de Saint-Ferdinand as deputy mayor.

For every councillor's seat that is vacant on the council of a former municipality at the time of the coming into force of this Order in Council or that becomes vacant during the term of the provisional council, one additional vote shall be allotted, for the provisional council, to the mayor of the former municipality from which the council member originated.

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.

The mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté de L'Érable until the mayor elected in the first general election takes office 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 at the community hall of the former Village de Bernierville at 606, rue Principale.

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

The council of the new municipality shall be composed of seven members, that is, a mayor and six councillors. For the purposes of the first general election, the territory of the new municipality shall be divided into six electoral districts the descriptions of which appear in Schedule B to this Order in Council.

8. Sylvie Tardif, secretary-treasurer of the former Village de Bernierville, shall act as the first secretary-treasurer of the new municipality.

Michèle Lacroix, secretary-treasurer of the former Municipalité de Saint-Ferdinand, shall act as the first deputy secretary of the new municipality.

9. Any budget adopted by 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 municipality, and the expenditures and revenues shall be accounted for separately as if those former municipalities had 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 those municipalities for the fiscal year preceding the one during which this Order in Council comes into force.

10. If section 9 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 fund of the new municipality for the first fiscal year for which the new municipality does not apply separate budgets.

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. The working fund of the former Village de Bernierville shall be abolished at the end of the last

fiscal year for which the former municipalities adopted separate budgets. The working fund uncommitted on that date shall be added to the surplus accumulated on behalf of the former municipality and dealt with in accordance with the provisions of section 13.

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 as follows :

— the amounts reserved from that surplus for specific purposes shall become amounts reserved for the same purposes for the new municipality; they shall be used for the benefit of the sector made up of the territory of the former municipality on behalf of which they were accumulated. If the needs are less than expected, the new municipality may use them for other purposes, for the benefit of the sector made up of the territory of the former municipality on behalf of which the amounts were reserved ;

— the amounts to be provided in the future as entered in the accounting books of each former municipality on 1 January 2000, following the coming into force of the new accounting standards included in the *Manuel de la présentation de l'information financière municipale*, shall remain charged to or credited to all the taxable immovables of the sector made up of the territory of the former municipalities. They shall be amortized or apportioned, as the case may be, in accordance with the new standards.

14. If, after the operation provided for in section 13, a balance remains in the surplus accumulated on behalf of a former municipality, it shall be used 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, for reducing taxes applicable to all the taxable immovables in that sector or for repaying debts charged to that sector.

15. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall continue to be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

16. The annual repayment of instalments in principal and interest of the loans made under by-laws 173 and 177 adopted by the former Village de Bernierville and the aliquot share payable to the Société québécoise d'assainissement des eaux by that former municipality under the agreement signed on 27 February 1984, shall be charged, in a proportion of 30.4%, to all the taxable

immovables of the new municipality on the basis of their value as it appears on the assessment roll in effect each year and, in a proportion of 69.6%, to all the taxable immovables of the sector made up of the territory of the former Village de Bernierville served by the sewer system, on the basis of their value as it appears on the assessment roll in effect each year.

The annual repayment of instalments in principal and interest of the loans made under by-laws 217 and 220 adopted by the former Village de Bernierville shall be charged, in a proportion of 69.6%, to all the taxable immovables of the sector made up of the territory of that former municipality on the basis of their value as it appears on the assessment roll in effect each year, and in a proportion of 30.4%, to all the taxable immovables of the new municipality on the basis of their value as it appears on the assessment roll in effect each year.

The taxation clauses of those by-laws shall be amended accordingly and they may not be further amended.

Should a subsidy be granted with respect to the works carried out under by-laws 173, 177, 217 and 220 and to water treatment works, it shall be first used to repay the loans made under those by-laws and debts related to water treatment works. In that respect, the subsidy shall be used first to repay the portion that is charged to all the taxable immovables of the new municipality.

17. The annual repayment of instalments in principal and interest of the loan made under by-law 980026 adopted by the former Municipalité de Saint-Ferdinand shall continue to be charged to the taxable immovables of the sector made up of the territory of that former municipality.

Notwithstanding the foregoing, the new municipality shall use the government transfers related to the maintenance and preservation of the road network of the sector made up of the territory of that former municipality to repay the instalments of that loan up to \$120 000 per year.

The taxation clauses of that by-law shall be amended accordingly and they may not be further amended.

18. The annual repayment of instalments in principal and interest of the loan made under by-law 92-10-23 of the former Municipalité de Saint-Ferdinand shall be charged to all the users of the sewer system built under that by-law. An amount of \$150 will then be required and levied yearly from each user. If such amount is insufficient to pay the instalments of the loan, it shall be

completed by a special tax imposed on all the immovables of the users served by the sewer system according to the frontage of the immovables.

The taxation clause of that by-law shall be amended accordingly. If the new municipality decides to amend the taxation clause of that by-law in accordance with the law, those amendments may only affect the taxable immovables of the sector made up of the territory of that former municipality.

19. The aliquot shares payable to the Société québécoise d'assainissement des eaux by the former Municipalité de Saint-Ferdinand respecting the water treatment works under the agreements signed on 27 February 1984 and 22 March 1993 shall continue to be respectively charged to the users of the sewer system of each of the sectors made up of the territories covered by those agreements and shall be repaid by means of a tariff on the basis of the frontage of the taxable immovables.

20. The repayment in principal and interest of all the loans made under by-laws adopted by a former municipality and not referred to in sections 16, 17 and 18 shall continue to be charged to the sector made up of the territory of the former municipality that contracted them, in accordance with the taxation clauses of those by-laws.

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

21. Any available balance of the loans made by a former municipality shall be used to pay the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than the term originally fixed, to reduce the balance of those loans.

If the available balance is used to pay the instalments of the loans, the rate of the tax imposed to pay those instalments shall be reduced so that the revenues of the tax is equal to the balance to be paid once the available balance has been used.

22. 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 of the sector made up of the territory of that former municipality.

23. 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 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 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 must be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new municipality.

24. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Municipalité de Saint-Ferdinand".

That municipal bureau shall succeed to the municipal housing bureau of the former Village de Bernierville that 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 municipality 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 Village de Bernierville.

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

26. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale commune de la Ville de Plessisville, 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 Plessisville will have jurisdiction over the territory of the new municipality.

27. 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*

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## SCHEDULE A

### OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW MUNICIPALITÉ DE SAINT-FERDINAND, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE L'ÉRABLE

The current territory of the municipalities of Saint-Ferdinand and Vianney and of Village de Bernierville, in Municipalité régionale de comté de L'Érable, comprising in reference to the cadastre of Canton d'Halifax, the lots or parts of lots 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 apex of the eastern angle of Lot 717; thence, successively, the following lines and demarcations: southwesterly, part of the dividing line between Canton d'Halifax and the townships of Irlande and Wolfestown to the apex of the southern angle of Lot 1 of the cadastre of Canton d'Halifax, that line crossing Route 216, Rivière Chainey twice, Route 165, Rivière Bécancour, Ruisseau Gardner and Route de la Grande-Ligne that it meets; northwesterly, part of the broken dividing line between the cadastre of Canton d'Halifax and the cadastre of Paroisse de Sainte-Hélène to the dividing line between lots 39 and 1210 of the cadastre of Canton d'Halifax, that line crossing routes Vianney and Binette that it meets; northeasterly, successively, the lines dividing lots 39 and 144 from lots 1210 and 1107, those lines linked together by a section of dividing line between ranges 2 and 3, the extension of the latter dividing line between lots across Chemin du 3<sup>e</sup> Rang, then the dividing line between lots 145 and 1106; southeasterly, part of the dividing line between ranges 4 and 5 to the dividing line between lots 259 and 260; northeasterly, the said dividing line between lots; southeasterly, the southwest side of the right-of-way of Chemin Petit-Quatrième-Rang to the southwesterly extension of the dividing line between lots 270 and 269; northeasterly, the said extension and the said dividing line between lots; northwesterly, the southwest side of the right-of-way of Chemin 6<sup>e</sup> Rang to the southwesterly extension of the dividing line between lots 568 and 569; northeasterly, the said extension and the said dividing line between lots; northwesterly, part of the dividing line between ranges 8 and 7 to the dividing line between lots 578 and 900; northeasterly, the said dividing line between lots; northwesterly, the southwest side of the right-of-way of Route 165 to the southwesterly extension of the dividing line between lots 681 and 811A; northeasterly, the said extension and the said dividing line between lots; southeasterly, part of the dividing line between ranges 9 and 10 to the dividing line between lots 684 and 683; northeasterly, the said dividing line between lots and its extension

to the northeast side of the right-of-way of Chemin du 10<sup>e</sup> Rang Sud, that line crossing Ruisseau Hamilton that it meets; in a general southeasterly direction, the northeast side of the right-of-way of the said road to the dividing line between lots 735 and 736, that side extended across Route Binette and crossing Ruisseau Hamilton that it meets; northeasterly, the line dividing lots 735 and 735A from Lot 736, that line crossing Ruisseau Hamilton that it meets; southeasterly, successively, part of the dividing line between the cadastres of the townships of Halifax and Inverness, that line crossing Chemin Gosford and Lac Joseph that it meets, then the centre line of Chemin du 12<sup>e</sup> Rang to the northeasterly extension of the southeastern line of Lot 724, that line crossing Route McKillop that it meets; southwesterly, the said extension and the said line of lots; finally, southeasterly, part of the dividing line between ranges 10 and 11 to the starting point, that line extended across Rivière Chainey and Chemin Craig that it meets.

The said limits define the territory of the new Municipalité de Saint-Ferdinand, in Municipalité régionale de comté de L'Érable.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier  
Charlesbourg, 4 November 1999

Prepared by: \_\_\_\_\_  
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*Land surveyor*

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## SCHEDULE B

### DESCRIPTION OF THE LIMITS OF THE ELECTORAL DISTRICTS

Electoral District No. 1  
(391 voters)

Starting from a point that is the municipal limit (east side) to 6<sup>e</sup> Rang, 6<sup>e</sup> Rang, Côte de l'Église, Rue Principale to the starting point.

Electoral District No. 2  
(285 voters)

Starting from a point that is the municipal limit (east side), the municipal limit (south side), the municipal limit (west side) to the dividing line between lots 568 and 584, thence to Route Langlois, Route Langlois to 6<sup>e</sup> Rang, 6<sup>e</sup> Rang to the starting point.

Electoral District No. 3  
(387 voters)

Starting from a point at the intersection of 2<sup>e</sup> Avenue and Rue Principale, Rue Principale to its intersection with Côte de l'Église, Côte de l'Église, 6<sup>e</sup> Rang, the dividing line between lots 520 and 337 to the starting point.

Electoral District No. 4  
(331 voters)

Starting from a point that is the dividing line between lots 732 and 734 along Rivière Bécancour, Lac William, Rivière Fortier to its intersection with Route 165 and Route Langlois, the dividing line between lots 615 and 542 to the municipal limit (northwest side), the municipal limit (northwest side), the municipal limit (north side) to the starting point.

Electoral District No. 5  
(275 voters)

Starting from Rivière Fortier to the intersection of Route 165 and Route Langlois, Rue Principale, 2<sup>e</sup> Avenue, the dividing line between lots 520 and 337, 6<sup>e</sup> Rang to Route Langlois, Route Langlois to the starting point.

Electoral District No. 6  
(356 voters)

Starting from a point that is the municipal limit (east side) to the intersection of Route du Domaine du Lac, Route du Domaine du Lac along Lac William and its river to the municipal limit (north side) and the dividing line between lots 732 and 734, the municipal limit (north side), the dividing line between lots 724 and 722, the municipal limit (northeast side) to the starting point.

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Gouvernement du Québec

## O.C. 1324-2000, 15 November 2000

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

Amalgamation of Village de Papineauville and Paroisse de Sainte-Angélique

WHEREAS each of the municipal councils of Village de Papineauville and Paroisse de Sainte-Angélique adopted a by-law authorizing the filing of a joint appli-