

Municipal Affairs

Gouvernement du Québec

O.C. 1477-2000, 20 December 2000

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

Amalgamation of Ville de Nicolet, Municipalité de Nicolet-Sud and Paroisse de Saint-Jean-Baptiste-de-Nicolet

WHEREAS each of the municipal councils of Ville de Nicolet, Municipalité de Nicolet-Sud and Paroisse de Saint-Jean-Baptiste-de-Nicolet 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 three 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;

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 Nicolet, Municipalité de Nicolet-Sud and Paroisse de Saint-Jean-Baptiste-de-Nicolet under the following conditions:

1. The name of the new town shall be “Ville de Nicolet”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 18 June 1998; 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). The third paragraph of section 724 and the second paragraph of section 749 of the Municipal Code of Québec (R.S.Q., c. C-27.1) shall continue to apply to the sectors made up of the territory of the former Municipalité de Nicolet-Sud and that of the former Paroisse de Saint-Jean-Baptiste-de-Nicolet, for a period of four years from the date of coming into force of this Order in Council.

4. The territory of the new town shall be part of the territory of Municipalité régionale de comté de Nicolet-Yamaska.

5. Until the term of the majority of the candidates elected in the first general election begins, the new town shall be directed by a provisional council made up of all the members of the council of the former municipalities in office at the time of the coming into force of this Order in Council. The majority of the members in office at any time shall constitute the quorum of the provisional council.

The mayor of the former Ville de Nicolet shall act as mayor of the new town, the mayor of the former Paroisse de Saint-Jean-Baptiste-de-Nicolet shall act as deputy mayor and the mayor of the former Municipalité de Nicolet-Sud shall act as representative of the new town on the council of Municipalité régionale de comté de Nicolet-Yamaska, considering that the mayor of the former Ville de Nicolet is the warden thereof.

One additional vote shall be allotted within the provisional council to the mayor of the former municipality on the council of which a vacancy occurs at the time of coming into force of this Order in Council and for each vacancy that occurs after that coming into force, to a seat on the provisional council that was until then occupied by a member of the council of that former municipality. In the case of such vacancy at one of the mayor's offices, the votes of the latter shall devolve upon the councillor who was acting as deputy mayor of that former municipality before the coming into force of this Order in Council.

The members of the provisional council shall receive the remuneration that was paid to them before the amalgamation and each of the mayors shall receive the remuneration that was previously paid to him.

6. The first sitting of the provisional council shall be held at the public hall of the former Ville de Nicolet, located at 226, rue Léon XIII.

7. The first general election shall be held on the first Sunday of the fourth month following that of the coming into force of this Order in Council, except if that Sunday falls on the first Sunday of January, in which case the election shall be postponed to the first Sunday of February, and except if that Sunday falls on the first Sunday of July or August, in which case the election shall be postponed to the second Sunday of September. The second general election shall be held in 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. Upon the first general election and any by-election held before the second general election, the only persons eligible for seat 1 shall be 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 Nicolet, the only persons eligible for seat 2 shall be 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 Saint-Jean-Baptiste-de-Nicolet and the only persons eligible for seat 3 shall be the persons who would be eligible under that Act if such election were an election of the members of the council of the former Municipalité de Nicolet-Sud.

9. Monique Corriveau shall act as first clerk of the new town.

10. If a budget has been adopted by a former municipality for the fiscal year during which this Order in Council comes into force:

(1) the budget shall continue to apply;

(2) the expenditures and revenues of the new town, for the remainder of the fiscal year during which this Order in Council comes into force, must be accounted for separately on behalf of each of the former municipalities as if the amalgamation did not take place;

(3) an expenditure that the council of the new town has recognized as resulting from the amalgamation shall be charged to each of the former municipalities in proportion to their standardized property value in relation to the total of the standardized property values of the former municipalities as they appear in the financial

statements of those municipalities for the fiscal year preceding that during which this Order in Council comes into force.

11. The terms and conditions for apportioning the cost of shared services provided for in an intermunicipal agreement in effect before the coming into force of this Order in Council shall 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 for the benefit of the ratepayers in the sector made up of the territory of that municipality, that is, for repaying loans made by that municipality, for carrying out works in that sector, for reducing taxes applicable to all the taxable immovables located therein or for repaying any debt referred to in section 21.

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

14. The repayment in principal and interest of the loans made under by-laws 351 and 372-75 of the former Ville de Nicolet shall be,

— in a proportion of 67.43%, charged to all the taxable immovables in the sector made up of the territory of the former Ville de Nicolet, according to their value indicated in the assessment roll in effect each year;

— in a proportion of 27.07%, charged to all the users of the waterworks system in the sector made up of the territory of the former Paroisse de Saint-Jean-Baptiste-de-Nicolet, in accordance with the compensation rate fixed annually by the council;

— in a proportion of 5.50%, charged to the users of the sewer system in the sector made up of the territory of the former Municipalité de Nicolet-Sud, in accordance with the compensation rate fixed annually by the council.

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

15. 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 section 14 shall remain charged to the sector made up of the terri-

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

16. The aliquot share payable to the Société québécoise d'assainissement des eaux under the agreement signed between the Gouvernement du Québec and the former Ville de Nicolet on 26 October 1988 shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

17. The aliquot share payable to the Société québécoise d'assainissement des eaux under the agreement signed between the Gouvernement du Québec and the former Paroisse de Saint-Jean-Baptiste-de-Nicolet on 26 October 1988 shall remain charged to all the users served by the sewer system of that former municipality by means of a compensation rate that the new town fixes annually.

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

19. For the first five complete fiscal years following the coming into force of this Order in Council, a general property tax credit shall be granted to all the taxable immovables located in the sector made up of the territory of the former Paroisse de Saint-Jean-Baptiste-de-Nicolet; the reduction of the general property tax rate related to that credit shall be calculated by dividing the following amounts by the total of the taxable assessment amount of the sector made up of the territory of that municipality, according to the assessment roll in effect annually:

— First year:	\$216 922;
— Second year:	\$212 454;
— Third year:	\$80 819;
— Fourth year:	\$98 694;
— Fifth year:	\$94 225.

20. For the first five complete fiscal years following the coming into force of this Order in Council, a general property tax credit shall be granted to all the taxable immovables located in the sector made up of the terri-

tory of the former Municipalité de Nicolet-Sud; the reduction of the general property tax rate related to that credit shall be calculated by dividing the following amounts by the total of the taxable assessment amount of the sector made up of the territory of that municipality, according to the assessment roll in effect annually:

— First year:	\$76 193;
— Second year:	\$76 492;
— Third year:	\$47 492;
— Fourth year:	\$51 055;
— Fifth year:	\$52 968.

21. 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.

22. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Nicolet".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Nicolet, 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 town 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 Ville de Nicolet.

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

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 town in order to replace all the zoning and subdivision by-laws applicable in 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.

25. 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 VILLE DE NICOLET, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE NICOLET-YAMASKA

The current territory of Municipalité de Nicolet-Sud, Paroisse de Saint-Jean-Baptiste-de-Nicolet and Ville de Nicolet, in Municipalité régionale de comté de Nicolet-Yamaska, comprising in reference to the cadastre of Paroisse de Saint-Jean-Baptiste-de-Nicolet, the lots, blocks (beach and deep water lots) or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway right-of-way (not shown on the original cadastre), islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point with the centre line of the St. Lawrence River and the northwesterly extension of the dividing line between the cadastres of the parishes of Saint-Jean-Baptiste-de-Nicolet and Saint-Grégoire; thence, successively, the following lines and demarcations: southeasterly, the said extension to the right shore of the St. Lawrence River (high water mark), a broken line bordering to the southwest lots 107 and 108 of the cadastre of Paroisse de Saint-Grégoire and Route du Petit-Bois (now the new Route 132) and part of the dividing line between the cadastres of the parishes of Saint-Jean-Baptiste-de-Nicolet and Saint-Grégoire to the apex of the eastern angle of lot 75 of that first cadastre, that line crossing secondary roads, the railway and watercourses that it meets; southwesterly, part of the dividing line between the cadastres of the parishes of Saint-Jean-Baptiste-de-Nicolet and Sainte-Monique and its extension to the centre line of Rivière Nicolet Nord-Est, that line crossing watercourses, a secondary route and Route 259 that it meets; southerly, the centre line of the said river upstream to the northeasterly extension of the dividing line between the cadastres of the parishes of Saint-Jean-Baptiste-de-Nicolet and Sainte-Monique; southwesterly, the said extension and part of the dividing line between the cadastres and its extension to the centre line of Rivière Nicolet Sud-Ouest, that line crossing a secondary road that it meets; in a general southerly direction, the centre line of the said river upstream to the southeasterly extension of the dividing line between the cadastres of the parishes of Saint-Jean-Baptiste-de-Nicolet and Saint-Antoine-de-la-Baie du-Fèvre; northwesterly, the said extension and the said dividing line between the cadastres and its extension to the centre line

of the St. Lawrence River, that line crossing watercourses, secondary roads, the railway and Route 132 that it meets; finally, in a general northeasterly direction, the centre line of the said river downstream to the starting point; the said limits define the territory of the new Ville de Nicolet.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 18 June 1998

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

N-146/1

4013