

Municipal Affairs

Gouvernement du Québec

O.C. 2-2001, 11 January 2001

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

Amalgamation of Municipalité de Port-Daniel and Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons

WHEREAS each of the municipal councils of Municipalité de Port-Daniel and Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons 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;

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 Port-Daniel and Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons be constituted, under the following conditions:

1. The name of the new municipality shall be "Municipalité de Port-Daniel-Gascons".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 7 September 2000; 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 new municipality will be part of Municipalité régionale de comté du Rocher-Percé.

5. A provisional council shall hold office until the majority of the candidates elected at the first general election take office. It shall be composed of all the members of the two existing councils upon the date of coming into force of this Order in Council. The quorum shall be half the members in office plus one.

The mayor of the former Municipalité de Port-Daniel and the mayor of the former Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons will respectively act as the mayor and deputy mayor of the new municipality until the last day of half the period between the date of the first sitting of the council and the day of the first general election, then the roles shall be reversed until the mayor elected in the first general election takes office. Until that time, they will continue to sit on the council of Municipalité régionale de comté du Rocher-Percé and they will have the same number of votes as before the coming into force of this Order in Council.

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.

6. The first sitting of the provisional council shall be held in the community hall of Maison Legrand, located in the territory of the former Municipalité de Port-Daniel.

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 fourth month is April or May, the first general election shall be postponed to the first Sunday of June. The second general election shall be held in 2004.

8. For the purposes of the first general election, the territory of the new municipality shall be divided into six electoral districts.

9. Thérèse Chapados will act as the first secretary-treasurer of the new municipality and Chantal Vignet will be the assistant secretary-treasurer.

10. 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 the former municipalities continued to exist.

Notwithstanding the foregoing, the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) will remain for the benefit of the ratepayers of the new municipality.

11. The terms and conditions for the allocation of expenditures 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.

12. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the amounts available in the working fund of the former Municipalité de Port-Daniel shall be added to the surplus accumulated on behalf of that former municipality.

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 ratepayers of the former municipality that accumulated it; it may be used to carry out works in the sector made up of the territory of the former municipality that accumulated it.

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 that former municipality that accumulated it.

15. All debts incurred by 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.

16. For the first full fiscal year of the new municipality, the council of the new municipality shall adopt a by-law establishing a compensation rate for water and sewers which shall differ for the users of each sector made up of the territory of the former municipalities. The rate shall be established on the basis of the annual disbursements made by the new municipality in respect of each sector and it shall be different until the networks are merged.

17. The new municipality shall succeed to the rights, obligations and responsibilities of the former municipalities. It shall become, without discontinuance of suit, a party to any proceedings, in the place and stead of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of the former municipalities shall remain in force in the territory for which they were made until they are amended, cancelled or revoked and insofar as they are compatible with this Order in Council.

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

Notwithstanding the foregoing, if property is sold within the five years following the coming into force of this Order in Council, the product of the sale shall be used for the same purposes as the surplus accumulated on behalf of the former municipality that used to have the property.

19. 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.

20. 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 in 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 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.

21. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Port-Daniel-Gascons".

That municipal bureau shall succeed to the municipal housing bureau of the former Municipalité de Port-

Daniel, 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 Port-Daniel-Gascons 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 office shall be the members of the municipal housing bureau in office upon the coming into force of this Order in Council.

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 MUNICIPALITÉ DE PORT-DANIEL-GASCONS, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DU ROCHER-PERCÉ

The current territory of Municipalité de Port-Daniel and of Paroisse de Sainte-Germaine-de-l'Anse-aux-Gascons, in Municipalité régionale de comté du Rocher-Percé, comprising in reference to the cadastre of the Canton de Port-Daniel, the lots or parts thereof, the blocks or parts thereof 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 boundaries described hereinafter, namely: starting from the apex of the northern angle of lot 1224; thence, successively, the following lines and demarcations: southeasterly, the northeastern line of the cadastre of Canton de Port-Daniel, that line crossing lakes Pabos and à la Truite, Route 132 and the right-of-way of a railroad (lot 1225) that it meets; in a general westerly direction, the north shore of Chaleur Bay to the dividing line between lots 310 and 311; in Chaleur Bay, southerly, a straight line to the point 2.5 km to the east of the eastern end of lot 80 (Pointe du Sud-Ouest), measured following an eastern astronomical direction; in the said Bay, southwesterly, a straight line to the point located on the extension of the southwestern line of the cadastre of Canton de Port-Daniel, 2 km from the northwestern shore of the said bay, measured following the said extension; northwesterly, the said extension and the southwestern line of the cadastre of the said township, that line crossing Route 132, the right-of-way of a railroad (lot 1225), Benwell, Walker

and Fitzgerald routes, Chemin du Canton and Petite rivière Port-Daniel that it meets; finally, northeasterly, the northwestern line of the cadastre of Canton de Port-Daniel to the starting point, that line crossing Rivière Port-Daniel and Ruisseau des Pins that it meets.

The said limits define the territory of Municipalité de Port-Daniel-Gascons, in Municipalité régionale de comté du Rocher-Percé.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 7 September 2000

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