

Municipal Affairs

Gouvernement du Québec

O.C. 631-2001, 30 May 2001

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

Amalgamation of Ville de Mont-Joli and Municipalité de Saint-Jean-Baptiste

WHEREAS each of the municipal councils of Ville de Mont-Joli and Municipalité de Saint-Jean-Baptiste 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 objections were sent to the Minister of Municipal Affairs and Greater Montréal;

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 Mont-Joli and Municipalité de Saint-Jean-Baptiste, on the following conditions:

1. The name of the new town shall be “Ville de Mont-Joli”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 26 March 2001; that description appears 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).

4. The territory of the new town shall be part of the territory of Municipalité régionale de comté de La Mitis.

5. Until the term of the majority of candidates elected in the first general election begins, the new town shall be governed by a provisional council made up of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council. An additional vote shall be allotted, within the provisional council, to the mayor of the former municipality of the council on which there is a vacancy at the time of the coming into force of this Order in Council, as well as for any seat that becomes vacant on the provisional council, after that coming into force, that was up to that time occupied by a member of the council of that former municipality. Where one of the mayors' seats is vacant, the votes and duties of the latter shall devolve on a councillor chosen by and among the members of the provisional council who were members of the council of the former municipality in question.

6. The mayor of the former Ville de Mont-Joli and the mayor of the former Municipalité de Saint-Jean-Baptiste shall act respectively as mayor and deputy mayor of the new town from the coming into force of this Order in Council to the last day of the month in which it came into force, at which moment the roles will be reversed for the following month, and so on, according to that alternation principle, to the moment when the term of the new mayor elected in the first general election begins. Until that moment, they shall continue to sit on the council of Municipalité régionale de comté de La Mitis and they shall have the same number of votes as before the coming into force of this Order in Council.

The majority of members in office at any moment shall constitute the quorum of the provisional council.

The by-law respecting the salary of the elected members of the former Ville de Mont-Joli shall apply to the members of the provisional council.

7. The first sitting of the provisional council shall be held at the town hall of the former Ville de Mont-Joli.

8. The first general election shall be held on the first Sunday of the sixth month following the month of the coming into force of this Order in Council, except if that Sunday corresponds to the first Sunday of January, in which case the first general election shall be postponed to the first Sunday of the following month, and except if that Sunday corresponds to the first Sunday of July or August, in which case the election shall be held on the third Sunday of September. The second general election shall be held in 2005.

For the first two general elections, the council of the new town shall be composed of nine members, that is, a mayor and eight councillors.

9. For the first two general elections, the new town shall be divided into two electoral districts corresponding to the territories of the former municipalities. There shall be two councillors in the district corresponding to the territory of the former *Municipalité de Saint-Jean-Baptiste* and six in the district corresponding to the territory of the former *Ville de Mont-Joli*. For the third general election, the territory of the new town shall be divided into six electoral districts in accordance with the law and the new town shall make up a council of seven members, that is a mayor and six councillors.

10. Roger Boudreau, clerk of the former *Ville de Mont-Joli*, shall act as clerk of the new town.

11. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force,

(1) that budget shall remain applicable;

(2) expenditures and revenues of the new town, for the remaining part of the fiscal year in which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each former municipality as if the amalgamation had not taken place;

(3) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM) shall constitute a reserved amount to be paid into the general funds of the new town for the first fiscal year for which the new town adopts a budget with respect to all its territory.

12. Subject to section 23, 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.

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:

(1) the new town shall allot to its general funds an amount equal to 5% of the 2000 budget of the former municipalities and an additional amount of \$126 100 for the former *Municipalité de Saint-Jean-Baptiste*. Where the surplus accumulated on behalf of a former municipi-

pality is insufficient to allow for that payment, the new town shall make up for the difference by imposing a special tax on all the taxable immovables in the sector made up of the territory of that former municipality, on the basis of their taxable value as it appears in the assessment roll in effect at the time the payment is made;

(2) the new town shall constitute a working fund. The portion of each former municipality in that fund shall be 5% of the 2000 budget forecast. Where the surplus accumulated on behalf of a former municipality is insufficient to allow for that payment, the new town shall make up for the difference by imposing a special tax on all the taxable immovables in the sector made up of the territory of that former municipality, on the basis of their taxable value as it appears in the assessment roll in effect at the time the payment is made;

(3) the excess amount shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality on behalf of which the surplus was accumulated, that is, for repaying loans contracted by that former municipality, carrying out work in that sector or as tax credit complementary to that provided for in section 15.

14. 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.

15. For the first five fiscal years for which a budget was adopted by the new town with respect to all its territory, 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 *Municipalité de Saint-Jean-Baptiste*. That credit shall be \$0.35 per \$100 of assessment for the first fiscal year and shall decrease by \$0.07 per \$100 of assessment per year afterwards.

16. The working fund of the former *Ville de Mont-Joli* shall be abolished as of the coming into force of this Order in Council. The amount of the 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.

17. The credit commitment of the former *Municipalité de Saint-Jean-Baptiste* made under resolution 96-234 respecting the acquisition of a truck used for fire prevention shall remain charged to all the taxable immovables located in the sector made up of the territory of that former municipality.

The annual repayment of instalments in principal and interest of the loans made under by-laws 203, 207, 237, 297, 324, 329, 383, 391, 404, 409, 454, 522 and 605-99 adopted by the former Ville de Mont-Joli shall remain charged to the sector made up of the territory of that former municipality, in accordance with the taxation clauses provided for in those by-laws. Should the new town decide to amend the taxation clauses of the by-laws in accordance with law, the amendments may only apply to the taxable immovables located in the sector made up of the territory of that former municipality.

18. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Mont-Joli".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Mont-Joli. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) 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.

Until the term of the majority of candidates elected in the first general election begins, the members of the bureau shall be the members of the municipal bureau to which it succeeds.

19. 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.

20. The tax on non-residential immovables of the former Ville de Mont-Joli shall apply to the new town for the purposes of the first fiscal year for which the new town adopted a budget with respect to all its territory.

21. 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 (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new municipality.

22. Any available balance of the loan by-laws 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 annual 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.

23. The terms and conditions for apportioning costs provided for in the intermunicipal agreement of water and sewer system between the former Ville de Mont-Joli and the former Municipalité de Saint-Jean-Baptiste signed on 16 April 1998 shall apply to the new town for the first five full fiscal years following the coming into force of this Order in Council.

After that period, the compensation applicable to the territory of the new town shall be the same for all users of the water and sewer system. To that end, distinct accounting shall be maintained by the new town to avoid any tax transfer towards general taxation, and the new users served following an extension of the water and sewer system shall pay for the costs of those new services.

24. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE MONT-JOLI, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA MITIS

The current territory of Municipalité de Saint-Jean-Baptiste and Ville de Mont-Joli, in Municipalité régionale de comté de La Mitis, comprising in reference to the cadastre of Paroisse de Sainte-Flavie, the lots or parts of lots 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 within the limits of the two perimeters described hereafter, namely :

First perimeter

Starting from the apex of the northern angle of Lot 705; thence, successively, the following lines and demarcations: southeasterly, the northeastern line of the said lot; northeasterly, part of the northwestern line of Lot 706 to the apex of its northern angle; in a general southeasterly direction, the broken line bordering to the northeast lots 706 and 710; in a general southwesterly direction, successively, the southeastern line of Lot 710 then part of the southwestern line of Lot 706 to the northeastern line of Lot 708; southeasterly, the northeastern line of lots 708 and 709; successively southwesterly, southeasterly, again southwesterly and northwesterly, the southeastern, northeastern, again southeastern and southwestern lines of Lot 709; successively northwesterly and westerly, the southwestern and southern lines of Lot 708; in a general southwesterly direction, part of the broken line bordering to the southeast Lot 706 to the dividing line between lots 420 and 402; southeasterly, part of the dividing line between the said lots, crossing Chemin Perreault (shown on the original), to the point located 34.19 metres to the southeast of the southeastern limit of the right-of-way of the said road, distance measured along the dividing line between the said lots; in Lot 420, northeasterly, a straight line forming an interior angle of $276^{\circ}02'$ and measuring 151.39 metres; in Lot 422, successively northeasterly and northwesterly, a straight line forming an interior angle of $179^{\circ}58'$ and measuring 138.19 metres then a straight line forming an interior angle of $275^{\circ}36'$ to the southeastern limit of Chemin Perreault (shown on the original); northeasterly, the southeastern limit of the right-of-way of the said road over a distance of 103.37 metres; in Lot 424, successively southeasterly and northeasterly, a straight line forming an interior angle of $86^{\circ}27'$ and measuring 30.48 metres then a straight line forming an interior angle of $273^{\circ}24'$ to the northeastern line of Lot 424; southeasterly, successively, part of the northeastern line of the said lot, the northeastern line of Lot 546-1 then its extension in Lot 545 (railway) to its meeting point with the southwesterly extension, in lots 546 and 545 (railway rights-of-way) of the northwestern line of Lot 482; northeasterly, successively, the said extension, the northwestern line of lots 482 in declining order to 464 then the extension of the northwestern line of Lot 464 to the centre line of Rivière Mitis; in a general southeasterly direction, the centre line of the said river upstream and skirting to the southwest island 96 of Fief Pachot of the cadastre of Paroisse de Saint-Octave-de-Métis to its meeting point with the northeasterly extension of the dividing line between the cadastres of the parishes of Sainte-Flavie and Saint-Joseph-de-Lepage; in a general southwesterly direction, the said extension and the broken dividing line between the said cadastres, that line crossing Route Harton, the right-of-way of a railway (Lot 545), Route 132, Lac du Gros Ruisseau and

Route Tardif that it meets; northwesterly, part of the dividing line between the cadastres of the parishes of Sainte-Flavie and Sainte-Luce to the apex of the western angle of Lot 544 of that first cadastre, that line crossing Chemin du Sanatorium that it meets; in reference to that cadastre, northeasterly, the broken line bordering to the northwest lots 544, 543, 542, 540 in declining order to 511 and, in part, Lot 510 to the southwestern line of Lot 192; northwesterly, part of the southwestern line of the said lot and its extension in Lot 545 (railway right-of-way) to the northwestern line of that latter lot; northeasterly, part of the northwestern line of the said lot to the southwestern line of Lot 193; northwesterly, the southwestern line of the said lot; northeasterly, successively, the broken line bordering to the northwest lots 193 to 198, 199A and 200 then the extension of the northwestern line of Lot 200 to the northeastern limit of the right-of-way of Route 132; northwesterly, the northeastern limit of the right-of-way of the said route to the apex of the western angle of Lot 706; in a general northeasterly direction, part of the broken line bordering to the northwest the said lot to the southwestern line of Lot 705; finally, successively northwesterly and northeasterly, the southwestern and northwestern lines of the said lot to the starting point.

Second perimeter

Starting from a point located on the dividing line between lots 2 and 3 of the cadastre of Paroisse de Sainte-Flavie, 1 566.06 metres northwest from the southeastern end of the said line; thence, successively, the following lines and demarcations: in reference to that cadastre, in Lot 2, a straight line following a direction of $52^{\circ}36'$ and measuring 204.27 metres to the west shore of Baie Mitis; in a general northerly direction, the west shore of the said bay over a distance of 51.9 metres, that sinuous line being subtended by a rope measuring 51.7 metres and following a direction of $1^{\circ}56'$; in Lot 2, successively westerly and northerly, a straight line following a direction of $262^{\circ}37'$ and measuring 95.4 metres then another straight line following a direction of $4^{\circ}17'$ and measuring 375.3 metres to the shore of the St. Lawrence River; in the said river, the extension of that latter line over a distance of 268.2 metres to the low water mark (low tide); in a general westerly direction, the said low water mark over a distance of 999.1 metres to its meeting point with the northwesterly extension of the dividing line between lots 3 and 4; southeasterly, the said extension over a distance of 115.9 metres and part of the dividing line between the said lots following a direction of $132^{\circ}05'$ and measuring 191.8 metres to the northeastern limit of the right-of-way of Route 132; southeasterly, the northeastern limit of the said route along an arc of a circle measuring 70.29 metres and having a radius of 208.14 metres, a straight line follow-

ing a direction of 132°11' and measuring 219.11 metres then another straight line following a direction of 132°13' and measuring 352.45 metres to the northwestern line of Lot 3-5; finally, in Lot 3, northeasterly, successively, a straight line following a direction of 42°09' and measuring 113.54 metres then another straight line following a direction of 52°36' and measuring 56.91 metres to the starting point, that first line bordering, northwesterly, the said Lot 3-5.

Those perimeters define the territory of the new Ville de Mont-Joli, in Municipalité régionale de comté de La Mitis.

In this description, the directions are bearings in reference to the SCOPQ system (Zone 6) NAD 83.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier
Charlesbourg, 26 March 2001

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M-259/1

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Gouvernement du Québec

O.C. 632-2001, 30 May 2001

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

Amalgamation of Village de Pierreville, Paroisse de Notre-Dame-de-Pierreville and Paroisse de Saint-Thomas-de-Pierreville

WHEREAS each of the municipal councils of Village de Pierreville, Paroisse de Notre-Dame-de-Pierreville and Paroisse de Saint-Thomas-de-Pierreville 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 objections were sent to the Minister of Municipal Affairs and Greater Montréal;

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 Village de Pierreville, Paroisse de Notre-Dame-de-Pierreville and Paroisse de Saint-Thomas-de-Pierreville on the following conditions:

1. The name of the new municipality shall be "Municipalité de Pierreville".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 24 October 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 territory of Municipalité régionale de comté de Nicolet-Yamaska comprises the territory of the new municipality.

5. Until the term of the majority of candidates elected in the first general election begins, the new municipality shall be governed by a provisional council composed of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council.

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, an additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

The mayors of the former municipalities shall act alternately each month as mayor of the new municipality. The deputy mayor shall be the mayor designated to sit the following month. The mayor of the former Paroisse de Saint-Thomas-de-Pierreville shall act as mayor of the provisional council for the first month from the coming into force of this Order in Council, the mayor of the former Village de Pierreville for the second month and the mayor of the former Paroisse de Notre-Dame-de-Pierreville for the third.

The mayor of the former Village de Pierreville, the mayor of the former Paroisse de Notre-Dame-de-Pierreville and the mayor of the former Paroisse de Saint-Thomas-de-Pierreville shall continue to sit on the