

Municipal Affairs

Gouvernement du Québec

O.C. 1133-2001, 26 September 2001

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

Amalgamation of Village de Saint-Damase and
Paroisse de Saint-Damase

WHEREAS the municipal councils of Village de Saint-Damase and Paroisse de Saint-Damase each 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;

WHEREAS it is expedient, under section 108 of the aforementioned Act, to grant the joint application with the amendments proposed by the Minister of Municipal Affairs and Greater Montréal and approved by the councils of the applicant municipalities;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality resulting from the amalgamation of Village de Saint-Damase and Paroisse de Saint-Damase be constituted, on the following conditions:

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

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 31 August 2001; that description appears 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 the new municipality shall be part of the territory of Municipalité régionale de comté des Maskoutains.

5. Until a majority of the candidates elected at the first general election take office, a provisional council formed of all the members of the councils of the former municipalities in office at the time of coming into force of this Order in Council shall administer the new municipality.

The mayor of the former Village de Saint-Damase and the mayor of the former Paroisse de Saint-Damase shall act respectively as mayor and deputy mayor of the new municipality until the last day of the first half of the period between the coming into force of this Order in Council and the polling day for the first general election; from that last day the roles shall be reversed until the mayor elected in the first general election takes office. Until then, they shall continue to sit on the council of Municipalité régionale de comté des Maskoutains and they shall have the same number of votes as they had before the coming into force of this Order in Council.

An additional vote on the provisional council shall be allotted to the mayor of a former municipality whose council contains a vacancy at the time of coming into force of this Order in Council, as well as for each seat on the provisional council that subsequently becomes vacant and that had been until that time filled by a member of the council of that former municipality. If the vacancy is a mayor's seat, the mayor's votes shall devolve upon the councillor who acted as deputy mayor of the former municipality in question before the coming into force of this Order in Council unless that councillor's seat is also vacant, in which case the votes shall devolve upon a councillor chosen by and from among the members of the provisional council who were members of the council of that former municipality.

6. The members of the provisional council shall continue to receive the same remuneration as they were receiving before the coming into force of this Order in Council and each mayor shall receive the remuneration paid to them as mayors.

7. The majority of the members of the provisional council in office at any time shall constitute a quorum.

8. The first sitting of the provisional council shall be held in the town hall of Saint-Damase.

9. Yvon Tétrault shall act as secretary-treasurer of the new municipality.

10. If the date of coming into force of this Order in Council falls on or after 7 October 2001 but before 21 October 2001, the polling for the first general election shall take place on 2 December 2001. Otherwise, the polling for the first general election shall take place on the first Sunday of the fourth month following the month of coming into force of this Order in Council.

The second general election shall be held in 2005.

11. For the first general election and for any by-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 Village de Saint-Damase shall be eligible for seats 1, 2 and 3 and only those persons who would be eligible under that Act if that election were an election of the council members of the former Paroisse de Saint-Damase shall be eligible for seats 4, 5 and 6.

12. For the second general election, the territory of the new municipality shall be divided into six electoral districts in accordance with the Act respecting elections and referendums in municipalities.

13. 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.

14. Any budget adopted by either 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 municipality and the expenditures and revenues shall be accounted for separately as if the former municipalities continued to exist. Any expenditure recognized by the council as resulting from the amalgamation shall be charged equally to the budget of each former municipality.

15. The planned capital expenditures for the replacement of fire department vehicles and the expansion of the fire station, as the case may be, the total of which may not exceed \$500 000, and which shall be undertaken by the new municipality, shall be borne on the basis of 50% of the standardized property values of the

sector made up of the territory of the former Village de Saint-Damase and 50% of the standardized property values of the sector made up of the territory of the former Paroisse de Saint-Damase. The payment of the annual instalments in capital and interest on any loan contracted for the purpose of those capital expenditures shall be charged on that taxation base until the loan is paid in full.

16. The council shall, during the first three fiscal years for which it adopts a budget, impose a property tax on all taxable immovables in the territory of the municipality on the basis of the value of the buildings, exclusive of the land, in order to meet the operating expenses relating to exclusively local recreation and culture. Those expenses are exclusive of the shared costs paid to Ville de Saint-Hyacinthe under the agreement with the latter on recreation and culture as well as of any future shared costs for supralocal facilities, as the case may be. Commencing with the fourth fiscal year, the council may determine whether or not to maintain that tax.

The new municipality shall make the reduction of those expenses a priority when drawing on the subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM).

17. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the surplus accumulated on behalf of the former municipality with the lower surplus, together with an equal amount taken from the surplus accumulated on behalf of the former municipality with the greater surplus, shall constitute the accumulated surplus of the new municipality.

The remaining surplus accumulated on behalf of the former municipality with the greater surplus shall be used by the new municipality for the benefit of the ratepayers in the sector made up of the territory of that former municipality. It may be used to carry out public works in that sector or to reduce the taxes applicable to all the taxable immovables located therein.

18. The working fund of each former municipality as it existed at the end of the last fiscal year for which separate budgets were adopted shall constitute the working fund of the new municipality.

19. The following financial reserves established by the former Village de Saint-Damase shall be transferred to the new municipality and must be used for the purposes for which they were established: the park and playground fund; the reserve for the disposal of the sludge from the waste water treatment plant; the reserve for the replacement of equipment that is part of the waste water purification works used for the benefit of

the sector made up of the former Village de Saint-Damase; and the reserve for waterworks used for the benefit of the waterworks users of the entire new municipality.

20. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

21. The annual payment of the instalments in principal and interest on the loans made under By-law 180 (drinking water filtration plant and raw water mains) of the former Village de Saint-Damase shall be charged to the waterworks users of the new municipality. The council of the new municipality shall fix a compensation rate each year. The taxation clause of the by-law shall be amended accordingly.

22. The annual payment of the instalments in principal and interest on the loan made through the Société québécoise d'assainissement des eaux (SQAE) shall remain charged to the taxable immovables in the sector made up of the territory of the former Village de Saint-Damase in accordance with the memorandum of agreement entered into by that former municipality with SQAE on 8 October 1985. Any amendment to the taxation clauses of that agreement made according to law by the new municipality shall apply only to the taxable immovables located in the sector made up of the territory of that former municipality.

23. The new municipality shall pay the amounts owing by the former municipalities in their respective working funds, as they existed at the end of their last fiscal year for which the former municipalities adopted separate budgets, in accordance with the provisions in the resolutions authorizing those loans.

24. 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.

25. 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 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 municipi-

ality, 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 entire territory of the new municipality.

26. 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 BOUNDARIES OF THE TERRITORY OF MUNICIPALITÉ DE SAINT-DAMASE IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DES MASKOUTAINS

The current territory of Paroisse de Saint-Damase and of Village de Saint-Damase in Municipalité régionale de comté des Maskoutains, comprising, in reference to the cadastre of Paroisse de Saint-Damase, the lots and parts of lots and their present and future subdivisions, as well as the roads, routes, streets, islands, lakes, watercourses or parts thereof, the whole within the limits hereinafter described, namely: starting from the meeting point of the north line of Lot 148 with the west bank of Rivière Yamaska; thence, successively, the following lines and demarcations: easterly, the extension of the north line of the said lot to the centre line of Rivière Yamaska; in a general southeasterly direction, the centre line of the said river and the centre line of Rivière Noire upstream to a straight line perpendicular to the centre line of Rivière Noire and meeting the eastern extremity of the south line of Lot 10; westerly, successively, the said perpendicular line then part of the south line of Lot 10 to the apex of the northeast angle of Lot 11; in a general southerly direction, part of the broken line dividing the cadastres of the parishes of Saint-Damase and Saint-Pie to the dividing line between the cadastres of the parishes of Saint-Damase and Saint-Césaire, that first line crossing Chemin Rang Double that it meets; successively westerly and southerly, part of the dividing line between those two cadastres to the apex of the south angle of Lot 302 of the cadastre of Paroisse de Saint-Damase, that line crossing Chemin Rang de la Presqu'île, Rivière Yamaska and Route 233 that it meets in its first section; in reference to that cadastre, northwesterly, the line bounding on the southwest lots 302 and 349, that line crossing Route 231 that it meets; southerly, the east line of lots 519, 518, 436, 430, 428, 426A, 426, 423A, 423, 422, 420, 413, 412, 411 and 410; westerly, part of the dividing line between the cadastres of the parishes of

Saint-Damase and Saint-Césaire to the dividing line between the cadastres of the parishes of Saint-Damase and Saint-Jean-Baptiste; successively northeasterly, northwesterly and again northeasterly, part of the broken dividing line between the cadastres of the said parishes to the apex of the north angle of Lot 755 of the cadastre of Paroisse de Saint-Damase; southeasterly, the northeast line of the said lot; northerly, the line bounding on the west lots 756, 824 and 825 of the cadastre of Paroisse de Saint-Damase, that line crossing Chemin Rang d'Argenteuil that it meets; finally, in a general easterly direction, part of the broken line bounding on the north the cadastre of Paroisse de Saint-Damase to the starting point.

The said limits define the territory of Municipalité de Saint-Damase, in Municipalité régionale de comté des Maskoutains.

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

Charlesbourg, 31 August 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

JFB/JPL/sf

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Gouvernement du Québec

O.C. 1164-2001, 3 October 2001

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

Polling date for the first general election in Municipalité de Saint-Damase

WHEREAS Order in Council 1133-2001 constituting Municipalité de Saint-Damase was made on 26 September 2001 and comes into force on 5 October 2001;

WHEREAS, under section 10 of that order, the polling for the first general election shall take place on 2 December 2001 if the date of coming into force of the constituting order falls on or after 7 October 2001 but before 21 October 2001 and that otherwise polling shall take place on the first Sunday of the fourth month following the month of coming into force of the constituting order;

WHEREAS, under section 124 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may fix an earlier polling date than the date fixed in the order;

WHEREAS it is expedient that 25 November 2001 be the polling date for the first general election;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT 25 November 2001 be fixed as the polling date for the first general election in Municipalité de Saint-Damase.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1165-2001, 3 October 2001

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

Amalgamation of Village de Sainte-Croix and Paroisse de Sainte-Croix

WHEREAS each of the municipal councils of Village de Sainte-Croix and Paroisse de Sainte-Croix 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;

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 Sainte-Croix and Paroisse de Sainte-Croix, on the following conditions: