

Municipal Affairs

Gouvernement du Québec

O.C. 560-2002, 15 May 2002

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

Corrections to Order in Council 1011-2001 dated 5 September 2001 concerning the Amalgamation of Ville de Rimouski, Ville de Pointe-au-Père, Municipalité de Mont-Label, Village de Rimouski-Est and the parishes of Sainte-Blandine and Sainte-Odile-sur-Rimouski

WHEREAS, under Order in Council 1011-2001 dated 5 September 2001, Ville de Rimouski was constituted on 1 January 2002;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS, pursuant to section 67 of the Order in Council, the polling for the first general election took place on 18 November 2001;

WHEREAS it is expedient to correct certain clerical errors in the Order in Council;

WHEREAS the transition committee and the municipal council both requested that the Order in Council be amended to grant the city new powers;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act, enacted by section 143 of chapter 25 of the Statutes of 2001;

WHEREAS it is expedient to amend Order in Council 1011-2001;

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

THAT Order in Council 1011-2001 dated 5 September 2001 be amended

(1) by substituting “October” for “September” in paragraph 7 of section 8;

(2) by substituting the following paragraphs for the first paragraph of section 33:

“33. The debt-related expenditures of a municipality referred to in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers of its territory or a part thereof. To determine whether the financing or surplus should burden or be credited to only part of the territory, the rules applicable on 31 December 2001 respecting the financing of debt-related expenditures or the source of the surplus-generating revenues shall be considered.

Where the debt-related expenditures of a municipality referred to in section 5 for the 2001 fiscal year were not financed by a source of revenue marked for that purpose, the city may continue to finance them by using revenues not reserved for other purposes that are derived from the territory of the municipality. The foregoing also applies where those expenditures were financed for that fiscal year by revenues from a tax imposed for that purpose on all the taxable immovables situated in that territory.”;

(3) by substituting the following for the second paragraph of section 33:

“The amounts required after 31 December 2001 in respect of the amount determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) for the pension plan to which the municipality was a party, or for the amortization of any unfunded actuarial liability of any such plan shall be deemed to constitute the debt-related expenditures of a municipality referred to in section 5, financed by the revenues derived from the entire territory of that municipality. Such shall also be the case for the contributions paid after 31 December 2001 with respect to commitments arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in section 5 was a party, for the years of service before 1 January 2002.”;

(4) by substituting the words “in the sixth paragraph” for the words “in the second paragraph” in the first sentence of the third paragraph of section 33;

(5) by substituting the words “in the sixth paragraph” for the words “in the second paragraph” in the last sentence of the third paragraph of section 33;

(6) by inserting the words “shall be deemed to constitute a surplus or debt-related expenditures of a municipality referred to in section 5,” after the words “concerns such a municipality” in the fourth paragraph of section 33;

(7) by striking out the words “shall continue to be credited to or to burden all or part of the taxable immovables located in the part of the territory of the city that corresponds to the territory of that municipality” in the fourth paragraph of section 33;

(8) by inserting the following after section 39:

“39.1. The city may, by by-law, adopt a program to grant, on the terms and conditions determined therein, a tax credit related to the setting up or development of high technology establishments in territory A or B described in Schedule B.

For the purposes of this section, “high technology” refers namely to new marine and maritime technology and to one or more of the following:

- (1) scientific or technological research and development;
- (2) scientific or technological training;
- (3) management of a technology firm; or
- (4) manufacturing of technological products.

A by-law made under this section may not provide for a tax credit for a period exceeding five years and the program’s eligibility period may not exceed 31 December 2007.

The tax credit shall compensate for the increase in property tax that may result from the reassessment of immovables after the work is completed. For the fiscal year in which the work was completed and the two following fiscal years, the amount of the credit shall equal the difference between the amount in property tax that would have been due if the immovables had not been reassessed and the amount in taxes actually due. For the following two fiscal years, the credit shall be respectively 80% and 60% of the credit for the first fiscal year.

The by-law referred to in the first paragraph must provide that:

(1) in territory A, only the immovables mainly used for the activities referred to in subparagraphs 1, 2 and 3 of the second paragraph, where the activities referred to in subparagraph 1 must occupy at least 50% of the net total floor area occupied or intended for such use, are entitled to a tax credit;

(2) in territory B, only the immovables mainly used for the activities referred to in subparagraphs 1, 2, 3 and 4 of the second paragraph, where the activities referred to in subparagraph 4 must occupy at least 50% of the total net floor area occupied or intended for such use, are entitled to a tax credit.”;

(9) by substituting the words “The council” for the words “At the first meeting, the council” in the first paragraph of section 77;

(10) by substituting the words “in the first paragraph of section 82” for the words “in the first paragraph of section 81” throughout section 85;

(11) by inserting the words “Annexe A” before the title of the schedule in the French text; and

(12) by adding the following Schedule after Schedule A:

“SCHEDULE B

Territory A

Includes parts of lots 102, 105, 110, 120, 125, 174 and 177 of the cadastre of Paroisse de Saint-Germain-de-Rimouski, Ville de Rimouski, Rimouski registration division, as described below:

Part of Lot 102

Of irregular shape, bounded to the northwest by part of Lot 102 (Chemin des étangs aérés), to the northeast by Lot 96, to the southeast by part of Lot 102 and to the southwest by part of Lot 105 described below; measuring 58.67 metres to the northwest, 370 metres to the northeast, 58.64 metres to the southeast and 377.25 metres to the southwest; for a total area of 21 831 square metres.

Part of Lot 105

Of irregular shape, bounded to the northwest by part of Lot 105 (Chemin des étangs aérés), to the northeast by part of Lot 102 described above, to the southeast by part of Lot 105 and to the southwest by part of Lot 110 described below; measuring 120.03 metres to the northwest, 377.25 metres to the northeast, 118.54 metres to the southeast and 392.08 metres to the southwest; for a total area of 45 706.1 square metres.

Part of Lot 110

Of irregular shape, bounded to the northwest by part of Lot 110 (Chemin des étangs aérés), to the northeast by part of Lot 105 described above, to the southeast by part of Lot 110 and to the southwest by part of Lot 120 described below; measuring 117.39 metres to the northwest, 392.08 metres to the northeast, 116.44 metres to the southeast and 406.48 metres to the southwest; for a total area of 46 503.8 square metres.

Part of Lot 120

Of irregular shape, bounded to the northwest by part of Lot 120 (Chemin des étangs aérés), to the northeast by part of Lot 110 described above, to the southeast by part of Lot 120 and to the southwest by the parts of Lot 125 described below; measuring 124.85 metres to the northwest, 406.48 metres to the northeast, 130.29 metres to the southeast and 422.05 metres to the southwest; for a total area of 52 673.2 square metres.

Part of Lot 125

Of irregular shape, bounded to the northwest by part of Lot 125 (Chemin des étangs aérés), to the northeast by part of Lot 120 described above, to the southeast by part of Lot 125 and to the southwest by part of Lot 174 described below; measuring 116.80 metres to the northwest, 418.02 metres to the northeast, 111.68 metres to the southeast, 12.43 metres along a curved line with a radius of 401.08 metres in length to the south and 420.68 metres to the southwest; for a total area of 49 279.6 square metres.

Part of Lot 174

Of irregular shape, bounded to the northwest by part of Lot 174 (Chemin des étangs aérés), to the northeast by part of Lot 125 described above, to the south by part of Lot 174 and to the southwest by part of Lot 177 described below; measuring 117.87 metres to the northwest, 420.68 metres to the northeast, 53.34 metres along a curved line with a radius of 401.08 metres in length, 203.71 metres to the south and 205.08 metres to the southwest; for a total area of 36 259.6 square metres.

Part of Lot 177

Of irregular shape, bounded to the northwest by part of Lot 177 (Chemin des étangs aérés), to the northeast by part of Lot 174 described above, to the south and south-

west by part of Lot 177, measuring 45.18 metres to the northwest, 205.08 metres to the northeast, 66.29 metres to the south and 58.80 metres along a curved line with a radius of 120.32 metres in length and 95 metres to the southwest; for a total area of 7 357.6 square metres.

The cadastre of Paroisse de Saint-Germain-de-Rimouski was filed with the Service du cadastre on 13 May 1881 creating lots 102 to 177 among others and took effect on 30 July 1881 by a proclamation dated 12 July 1881.

Territory B

Includes parts of lots 197-4, 198-4, 199-3 and 200-3 of the cadastre of Paroisse de Saint-Germain-de-Rimouski, Ville de Rimouski, Rimouski registration division, as described below:

Lot 197-4

Of irregular shape, bounded to the northwest by part of Lot 197-3 (2^e Rue), to the northeast by lots 197-4-3, 197-4-6-1, 197-4-6-2, 197-4-5 and part of Lot 197-4, to the southeast by part of Lot 197-4 and to the southwest by part of Lot 198-4 described below; measuring 9.51 metres to the northwest, 145 metres to the northeast, 9.41 metres to the southeast and 145 metres to the southwest; for a total area of 1 371.9 square metres.

Part of Lot 198-4

Of irregular shape, bounded to the northwest by Lot 198-3 (2^e Rue), to the northeast by part of Lot 197-4 described above, to the southeast by part of Lot 198-4 and to the southwest by part of Lot 199-3 described below; measuring 178 metres to the northwest and southeast, 145 metres to the northeast and southwest; for a total area of 25 925.4 square metres.

Part of Lot 199-3

Of irregular shape, bounded to the northwest by Lot 199-2 (2^e Rue), to the northeast by part of lot 198-4 described above, to the southeast by part of Lot 199-3 and to the southwest by part of Lot 200-3 described below; measuring 57.76 metres to the northwest and southeast, 145 metres to the northeast and southwest; for a total area of 8 375.1 square metres.

Part of Lot 200-3

Of irregular shape, bounded to the northwest by part of Lot 200-2 (2^e Rue), to the northeast by part of Lot 199-3 described above, to the southeast and southwest by parts of Lot 200-3; measuring 78.67 metres to the northwest and southeast, 145 metres to the northeast and southwest; for a total area of 11 406.7 square metres.

The cadastre of Paroisse de Saint-Germain-de-Rimouski was filed with the Service du cadastre on 13 May 1881 creating lots 197 to 200 among others and took effect on 30 July 1881 by a proclamation dated 12 July 1881.”.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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