

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 37

An Act to regroup the towns of Baie-Comeau and Hauterive

First reading
Second reading
Third reading



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EXPLANATORY NOTES

The bill provides for the regrouping of the towns of Baie-Comeau and Hauterive into a single municipality, the town of Baie-Comeau.

It also provides for the provisional administration of the new municipality until the first general election, in addition to the various rules governing the regrouping.

Bill 37

An Act to regroup the towns of Baie-Comeau and Hauterive

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The town of Baie-Comeau is incorporated and its charter reads as follows:

“CHARTER OF THE TOWN OF BAIE-COMEAU

1. The inhabitants and ratepayers of the territory described in Schedule I to the Act to regroup the towns of Baie-Comeau and Hauterive are incorporated as a town under the name of “town of Baie-Comeau”, hereinafter called “the town”.

2. The town shall succeed to the rights, obligations and charges of the towns of Baie-Comeau and Hauterive.

It becomes, without continuance of suit, party to any action in the place and stead of such municipalities.

The by-laws, resolutions, minutes, assessment roll, collection roll, collective agreements and other deeds of each of such municipalities shall remain in force within the territory for which they have been made until they are amended, quashed or repealed and to the extent that they are consistent with the provisions of this charter or any other Act whatever.

Notwithstanding any collective agreement existing at the time of the coming into force of the Act to regroup the towns of Baie-Comeau and Hauterive, the employees of the town may be assigned to any and every part of the territory of the town for the performance of their duties.

3. The Cities and Towns Act (R.S.Q., chapter C-19) shall govern the town to the extent that its provisions are consistent with those of this charter.

4. The first general election shall be held, for the town, on the first Sunday of March 1982; the provisions of the Cities and Towns Act concerning elections apply, *mutatis mutandis* for the purposes of that election.

5. Until the first general election, the provisional council shall be composed of all the members of the councils of the two municipalities mentioned in section 2. A majority of the members is a quorum of the council.

The mayor of the town shall be, for the first half of the term of the provisional council, the mayor of the former town of Baie-Comeau and, for the second half of the term, the mayor of the former town of Hauterive.

In the event of the death, resignation or refusal to act of a mayor the provisional council shall choose his replacement from among the members of the council of the former municipality of which he was the mayor.

If no member of the council of a municipality mentioned in section 2 attends the first two sittings of the provisional council, the Minister of Municipal Affairs may designate, among the persons qualified to vote and residing in the territory of the municipality of which all the members of the council are in default, the number of persons required to sit in the place and stead of the persons in default.

6. Section 21 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced for the town by the following section:

“21. The first sitting of the provisional council shall be held, without any other notice of calling, on the third Monday following 1 January 1982; if such day is a holiday, it shall be held on the first following day that is not a holiday. Such sitting shall be held at 8:00 o'clock in the evening at the town hall of the former town of Hauterive. If such sitting is not held on the day fixed, the clerk shall postpone the date and convoke the members of the council in accordance with the second and third paragraphs of section 327.”

7. (1) Until the first general election is held, an executive committee composed of five members is established; three members are a quorum of the committee.

The mayor of the former town of Hauterive and the mayor of the former town of Baie-Comeau are *ex officio* members of the committee.

One member is designated by each mayor of the former towns, from among the councillors of those towns.

The members of the provisional council shall elect from among themselves, by secret ballot, the remaining member of the executive committee; to be elected, that member must have nine votes cast in his favour. If that number is not obtained, the Minister of Municipal Affairs shall designate such remaining member from among the members of the provisional council.

The committee shall designate a chairman from among its members at the opening of each meeting.

In the event of the death, resignation or refusal to act of a member of the executive committee, the provisional council shall choose his replacement from among its members.

The clerk of the former town of Hauterive shall be *ex officio* the secretary of the executive committee.

(2) The executive committee shall prepare and submit to the council:

(a) the draft by-laws;

(b) a draft budget for the year;

(c) every application for the allocation of the proceeds of loans or for any other requested credit;

(d) every application for transfers of funds or credits already voted;

(e) every report recommending the granting of franchises and privileges;

(f) every report concerning the exchange or lease by emphyteutic lease of an immovable belonging to the town, and, in addition, the lease of its immovable or moveable property when the term of the lease exceeds one year;

(g) any other question submitted by the council which comes under its jurisdiction.

(3) The executive committee shall render account of its work to the council and no report or decision shall have effect unless adopted or ratified by the provisional council.

8. For the first general election, the town council shall be composed of nine members including the mayor and one councillor for each electoral district described in Schedule II.

9. Subject to their prior service in the municipalities mentioned in section 2, the officers and employees of the former towns shall continue their service as officers and employees of the town, in the positions assigned by the council after the first general election, without reduction of salary, and they shall remain in function subject to the provisions of the law and the following conditions.

The clerk of the former town of Hauterive is designated to act as clerk of the town, to the end of the first meeting held after the first general election.

The treasurer of the former town of Baie-Comeau is designated to act as treasurer of the town, to the end of the first meeting held after the first general election.

10. For the first fiscal year of the town, the budget must be prepared, adopted by the council after the first general election and forwarded to the Minister of Municipal Affairs before 15 March 1982.

11. (1) For the fiscal year 1982, the treasurer may, from the coming into force of this Act, send a provisional municipal tax account based on the real estate value or on the rental value that the former towns have imposed or that the town intends to impose. The provisional account may comprise the personal taxes and the compensations imposed for that fiscal year.

(2) As regards the municipal taxes based on the real estate value or on the rental value, the amount required by means of the provisional account must not exceed 50% of that required in respect of the same immoveable, for the fiscal year 1981, in respect of the same taxes.

Sections 543 and 549 of the Act respecting municipal taxation and providing amendments to certain legislation (1979, chapter 72) apply, *mutatis mutandis*, to the provisional account.

(3) Where a provisional account has been sent, a final account and an assessment notice shall be sent at any time after 1 July 1982, though before 1 January 1983, after municipal taxes have been imposed by the council for the fiscal year 1982 and the collection roll has been prepared by the treasurer.

Section 546 of the Act respecting municipal taxation and providing amendments to certain legislation applies *mutatis mutandis* to the final account, insofar as it refers to a tax based on the real estate value or on the rental value.

(4) For the fiscal year 1982, instead of sending a provisional account, the town may elect to send, before 15 May 1982, only a final account, along with the assessment notice, for municipal taxes and compensations.

(5) The content of the notice referred to in section 74 of the Act respecting municipal taxation and providing amendments to certain legislation is amended to take into account the second and third paragraphs.

Every complaint against the new roll must be filed within sixty days after the sending of the final account referred to in the

first paragraph of subsection 3 or in subsection 4, and every application for a correction *ex officio* may be filed until that period has expired.

Any recourse for the quashing or setting aside of the new roll or any of its entries must be filed within three months or one year from the sending of the final account referred to in the first paragraph of subsection 3 or in subsection 4.

12. The industrial funds constituted by one or another of the municipalities mentioned in section 2 become the industrial fund of the town.

Every loan by-law for industrial purposes made by one or another of the municipalities becomes for the remainder of the term of such loan, a charge on all taxable real estate of the town.

13. The working fund of the former town of Baie-Comeau becomes the working fund of the town.

Every loan by-law made by the former town of Baie-Comeau for capital endowment of its working fund becomes, for the remainder of the term of such loan, a charge on all taxable real estate of the town.

Every loan from such fund becomes, for the remainder of the term of such loan, a charge on all the taxable real estate of the town.

14. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la ville de Baie-Comeau".

Such municipal bureau succeeds to the Municipal Housing Bureau of Hauterive and to the Municipal Housing Bureau of Baie-Comeau, which are extinguished. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) apply to the Office municipal d'habitation de la ville de Baie-Comeau as if it were incorporated by letters patent under section 57 of the said Act.

The members of the bureau are the members of the former municipal bureau of Baie-Comeau and Hauterive in office on 31 December 1981.

15. There shall be for the town a court of record called the "Municipal Court of the town of Baie-Comeau".

From the appointment of the first judge of the Municipal Court of the town of Baie-Comeau, the Municipal Courts of the former towns of Baie-Comeau and Hauterive are abolished.

The files, registers, documents and records of the abolished courts shall be sent to the clerk of the Municipal Court of the town

and become the files, registers, documents and records of the Municipal Court of the town of Baie-Comeau.

All actions pending before the abolished Municipal Courts shall be continued and all judgments not executed shall be remitted for execution before the Municipal Court of the town of Baie-Comeau as if such proceedings had been instituted before it or such judgments rendered thereby.

16. From the coming into force of the Act to regroup the towns of Baie-Comeau and Hauterive, the population of the town, for the purposes of section 7 of the Cities and Towns Act, is constituted, until the Government recognizes another, by the sum of the populations of the municipalities mentioned in section 2.

17. Until the first meeting of the provisional council, the mayor and the treasurer of the former town of Baie-Comeau are authorized to sign, in the name of the town, the pay cheques intended for the personnel of the town.

18. Every debt which could occur following a judicial suit or a transaction, for one or more acts performed by a municipality mentioned in section 2, shall be a charge on the aggregate of the taxable real estate of such former municipality.

19. The accumulated deficits or surpluses of each of the municipalities mentioned in section 2 on the date of the coming into force of the Act to regroup the towns of Baie-Comeau and Hauterive remain a charge or benefit on all the taxable real estate of each of such municipalities, until they are extinguished.

20. The special taxes imposed in value on the whole of the taxable real estate of either of the municipalities mentioned in section 2 and intended for the reimbursement of loans, except the taxes imposed by by-laws numbers 345 and 408 of the former town of Hauterive, become, for the remainder of the respective terms of each of such loans or parts of loans, a charge on all the taxable real estate of the town according to the same mode of taxation; and the taxation clauses of those by-laws are amended accordingly.

21. For the fiscal years 1982 to 1986, the town council must impose and levy on every taxable immoveable situated in the territory of the former town of Hauterive, proportionately to their value as shown on the valuation roll in force each year, a special real estate tax whose yield is established as follows:

Year 1982	\$700 000.00
Year 1983	\$560 000.00
Year 1984	\$420 000.00
Year 1985	\$280 000.00
Year 1986	\$140 000.00

22. For the fiscal years 1982 to 1986, the rate of the business tax referred to in Division III of Chapter XVIII of the Act respecting municipal taxation and providing amendments to certain legislation may in no case be less than 10%.

23. For the purposes of the application of section 223 of the Act respecting municipal taxation and providing amendments to certain legislation, the total tax revenue for the fiscal year of the town corresponds to the total tax revenue, from the former towns of Baie-Comeau and Hauterive, for the same fiscal year.”

2. The Act to incorporate the town of Baie-Comeau (1937, chapter 120) and the Act to incorporate the “Town of Hauterive” (1950, chapter 124) are repealed. But such repeals shall not affect any right acquired, any obligation existing, any proceeding pending, any penalty incurred or any thing done, decided, ordered or concluded or which must be done under such Acts; in particular, but without restricting the scope of the foregoing, such repeals shall not affect by-laws or resolutions adopted, decisions taken, orders given, contracts made, acquisitions made, expropriations effected, franchises or privileges granted or any other things done under such Acts; nor shall they affect the assessment rolls, tax collection rolls or apportionment rolls, or the rights and duties of the officers, functionaries and employees of the town who shall continue to exercise their function until it is otherwise decided under this Act; nor shall they affect notes, bonds or other securities or evidences of indebtedness issued by the town; nor shall they affect existing or future sinking funds. Those rights, obligations, proceedings, penalties, acts, contracts, acquisitions, expropriations and things shall continue to be governed by the provisions of such Acts until they are amended, replaced or repealed under this Act.

3. This Act comes into force on 1 January 1982.

SCHEDULE I

OFFICIAL DESCRIPTION OF THE LIMITS
OF THE TOWN OF BAIE-COMEAU

The present territory of the towns of Baie-Comeau and Hauterive comprising with reference to the original survey or the cadastres of the townships of Laflèche, Manicouagan and Eudes, the lots or parts of lots, blocks or parts of blocks and their subdivisions present and future and the roads, highways, streets, islands, lakes, watercourses and part of the St. Lawrence river, the whole contained within the limits hereinafter described, to wit: starting at the apex of the northeast corner of the township of Laflèche; thence, successively, the following lines and limits: the north line of the township of Laflèche to the dividing line between the townships of Eudes and Laflèche; part of the said dividing line between townships, generally southwesterly to the north line of block B of the original survey of the township of Eudes; the north and west lines of the said block B; the north line and part of the southwest line of the township of Manicouagan to the north line of range VI of the township of Manicouagan; with reference to the cadastre of that township, part of the north line of the said range VI to the dividing line between lots 38B and 39 of the said range; the said dividing line between lots; part of the north line and the west and south lines of block M, the latter line extended across the estuary of Manicouagan river to the centre line of the said river; that centre line southeasterly to its intersection with a line parallel to the left bank of the St. Lawrence river at a distance of two (2) kilometers; the said parallel line at the same distance of two (2) kilometers generally northerly to its intersection with the extension of the south line of block 14 of the original survey of the township of Laflèche; such extension easterly to its intersection with a line parallel to the left bank of the St. Lawrence river at a distance of two (2) kilometers; the said parallel line at the same distance of two (2) kilometers, generally easterly and northeasterly to its intersection with the extension of the centre line of Saint-Pancrease cove the starting point of which is located at the intersection of the east line of the township of Laflèche with the bank of the St. Lawrence river; the said extension and the said centre line to its starting point; finally, the east line of the township of Laflèche to the starting point.

SCHEDULE II

Electoral district number 1

Starting at the point of intersection of the centre line of Laflèche boulevard and Bélanger boulevard, thence, successively, the following lines: the centre line of Bélanger boulevard and its extension to the north line of block X of the cadastre of the township of Laflèche; part of the north line of the said block and its extension to the centre line of Amédée river; the centre line of the said river, upstream to the north line of block K of the cadastre of the township of Laflèche; part of the said north line to the apex of the northwest corner of the said block; a straight line, in an astronomic northerly direction, measuring three thousand one hundred and seventy-five metres and twenty-five hundredths (3 175,25 m, that is 157,84 ch); a straight line of a direction N 21° 00' E to its intersection with a line on the southwest, parallel and at a distance of eighty metres and forty-five hundredths (80,45 m, that is 4,0 ch) from the centre line of the right of way of highway number 389 (Baie-Comeau — Manic 5); the said parallel line, generally northwesterly to its intersection with a straight line in an astronomic northerly direction running one hundred and forty metres and eighty hundredths (140,80 m, that is 7,0 ch) west of the southernmost point of lot 51-1 (street) of block 51 of the cadastre of the township of Laflèche; the said straight line northerly to its intersection with a line on the south, parallel and at a distance of eighty metres and forty-five hundredths (80,45 m that is 4,0 ch) from the south shore of a lake the center of which is located on a point of latitude of 49° 19,5' and of longitude of 68° 18,5'; the said parallel line, generally southeasterly, easterly, northeasterly and northerly to the extreme east point of that contour line; a straight line in a direction N 3° 00' W to the north line of the township of Laflèche; part of the north line of the said township, westerly; the west limit of the town and part of the south limit of the town to its intersection with the extension of the centre line of Hélène boulevard; the said extension and the centre line of Hélène boulevard, of Villeneuve street and again of Hélène boulevard, the latter line extended to the centre line of Laflèche boulevard; finally, the centre line of the said boulevard, easterly to the starting point.

Electoral district number 2

Starting at the point of intersection of the extension of the centre line of Hélène boulevard and the centre line of Laflèche boulevard; thence, successively, the following lines: the extension and the centre line of Hélène boulevard, from Villeneuve street and again from Hélène boulevard, the latter line extended to the town limit in the estuary of Manicouagan river; the said limit to its intersection with the extension of the back line of the immoveables situated on the east side of Henri street; the said extension and the

said back line again extended to the centre line of Laflèche boulevard; finally, the centre line of Laflèche boulevard, westerly to the starting point.

Electoral district number 3

Starting at the point of intersection of the extension of the centre line of de Puyjalon street and the centre line of Amédée river; thence, successively, the following lines: the said extension and centre line of de Puyjalon street, from Conan street and Joliet boulevard to the back line of the immoveables situated on the east side of Henri street; the said back line and its extension to the centre line of Laflèche boulevard; the centre line of the said boulevard to the centre line of Bélanger boulevard; the centre line of the said boulevard and its extension to the north line of block X of the cadastre of the township of Laflèche; part of the north line of the said block and its extension to the centre line of Amédée river; finally the centre line of the said river, downstream to the starting point.

Electoral district number 4

Starting at the point of intersection of the extension of the centre line of de Puyjalon street and the centre line of Amédée river; thence, successively, the following lines: the centre line of the Amédée river downstream and its extension to the limit of the town in the estuary of the Manicouagan river; the limit of the town in the estuary of the Manicouagan river to its intersection with the extension of the back line of the immoveables situated on the east side of Henri street; the said extension to the centre line of Joliet boulevard; the centre line of Joliet boulevard, from Conan street to de Puyjalon street, the latter line being extended to the centre line of the Amédée river, the starting point.

Electoral district number 5

Starting at the point of intersection of the centre line of Lasalle boulevard and the centre line of Donald Smith avenue; thence, successively, the following lines: the centre line of Donald Smith avenue; the centre line of Schmon boulevard to the extension of the west line of lot C-82 of block C of the cadastre of the township of Laflèche; the said extension; the west line of lots C-82 and C-83 of block C of the said cadastre and its extension to the limit of the town in the estuary of the Manicouagan river; south-westerly, following the limit of the town to the extension of the centre line of the Amédée river; the said extension and the centre line of the said river; finally, the centre line of highway number 138 and of Lasalle boulevard to the starting point.

Electoral district number 6

Starting at the point of intersection of the centre line of the right of way of the electric power lines and the centre line of Tallon avenue, near Dollard avenue; thence, successively, the following lines: the centre line of Tallon avenue; the centre line of Père-Arnaud avenue; the centre line of the present and planned Plessis avenue to the centre line of the planned Schmon boulevard; a straight line in a southerly direction to the limit of the town in the estuary of the Manicouagan river; southwesterly, following the limit of the town to the extension of the west line of lot C-83 of block C of the said cadastre of Lafleche; the said extension; the west line of lots C-83 and C-82 of block C of the said cadastre and its extension to the centre line of Schmon boulevard; the centre line of the said boulevard; the centre line of Donald Smith avenue; westerly, the centre line of Lasalle boulevard to the centre line of the right of way of the electric power line, near Blais avenue; finally, the centre line of the right of way of the electric power line to the starting point.

Electoral district number 7

Starting at the point of intersection of the centre line of the right of way of the electric power line and the centre line of Tallon avenue, near Dollard avenue; thence, successively, the following lines: the centre line of Tallon avenue; the centre line of Père-Arnaud avenue; the centre line of the present and planned Plessis avenue to the centre line of the planned Schmon boulevard; a straight line in a southerly direction to the limit of the city in the St. Lawrence river; northeasterly, the limit of the town to its intersection with a straight line of a direction S 45° 00' E whose point of origin is the point of intersection of Cartier avenue and the Maritime highway; the said straight line to its point of origin; finally, the centre line of Cartier avenue and Tallon avenue to the starting point.

Electoral district number 8

Starting from the apex of the northeast angle of the township of Lafleche; thence, successively, the following lines: southerly and southwesterly following the limit of the town to its intersection with a straight line of a direction S 45° 00' E whose point of origin is the point of intersection of Cartier avenue with the Maritime highway; the said straight line to its point of origin; the centre line of Cartier avenue and Tallon avenue to the centre line of the right of way of the electric power line, near Dollard avenue; southwesterly, the centre line of the said right of way to the centre line of Lasalle boulevard; the centre line of Lasalle boulevard and highway number 138 to the centre line of the Amédée river; the centre line of the said river upstream to the north line of block K of the cadastre of the township of Lafleche; part of the said north line to

the apex of the northwest angle of the said block; a straight line in an astronomic northerly direction and measuring three thousand one hundred and seventy-five and twenty-five hundredths (3 175,25 m, that is 157,84 ch) a straight line in a direction N 21° 00' E to its intersection with a line on the southwest, parallel and at a distance of eighty metres and forty-five hundredths (80,45 m, that is 4,0 ch) from the centre line of the right of way of highway number 389 (Baie-Comeau — Manic 5); the said parallel line in a generally northwesterly direction to its intersection with a straight line in an astronomic northerly direction running one hundred and forty metres and eighty hundredths (140,80 m, that is 7,0 ch) west of the southernmost point of lot 51-1 (street) of block 51 of the cadastre of the township of Lafleche; the said straight line northerly to its intersection with a line on the south, parallel and at a distance of eighty metres and forty-five hundredths (80,45 m, that is 4,0 ch) from the south shore of a lake whose centre is located at: latitude 49° 19, 5', longitude 68° 18, 5'; the said parallel line, in generally southeasterly, easterly, northeasterly and northerly directions to the easternmost point of that contour line; a straight line in a direction N 3° 00' W to the north line of the township of Lafleche; finally, part of the north line of the said township, easterly to the starting point.