

SIXTH SESSION

THIRTY-FIRST LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 235

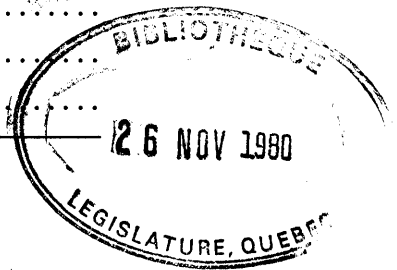
(PRIVATE)

**An Act respecting the creation of two new municipalities
in the county of Rivière-du-Loup**

First reading

Second reading

Third reading



M. JULES BOUCHER

L'ÉDITEUR OFFICIEL DU QUÉBEC

Bill 235

(PRIVATE)

An Act respecting the creation of two new municipalities
in the county of Rivière-du-Loup

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

CHAPTER I

DEFINITIONS

- 1.** In this act, unless the context indicates otherwise,
 - (a) “present parish municipality of Saint-Antonin” means the municipal corporation incorporated by proclamation dated 11 December 1856;
 - (b) “Minister” means the Minister of Municipal Affairs;
 - (c) “parish municipality of Saint-Antonin” means the municipal corporation incorporated by section 23.

CHAPTER II

PROVISIONAL COMMITTEES

- 2.** A provisional committee composed of six members, including a chairman, is established for each of the territories described in Schedules I and II.
- 3.** An election to fill the offices of members and chairman of the provisional committee shall be held on 15 November 1980 in each of the territories described in Schedules I and II.
- 4.** Not later than 31 August 1980, the director general of elections appointed pursuant to the Election Act (R.S.Q., c. E-3)

shall designate a returning officer for each territory described in Schedules I and II and fix his salary; the director general of elections may make recommendations to the returning officer concerning the carrying out of his functions.

5. In the territories described in Schedules I and II, the provisions relating to a general election to the offices of mayor and councillors of a municipality governed by the Municipal Code apply, *mutatis mutandis*, to the election contemplated in section 3.

The seats of the members other than the chairman are numbered from 1 to 5.

The returning officer designated for those territories may make the alterations provided for in paragraph *h* of section 85 of the Real Estate Assessment Act (R.S.Q., c. E-16).

6. The quality of member of the council of the present municipality of Saint-Antonin is not cause for ineligibility for that election.

7. The first sitting of the provisional committee shall be held on 25 November 1980. At that sitting, the committee shall appoint a secretary, who is not a member of the provisional committee, and shall adopt rules governing its operation.

8. The provisional committee shall operate by resolutions.

9. The mandate of the provisional committee shall be as follows:

(a) to prepare a memorandum of agreement with the other provisional committee providing for

(1) the apportionment of the funds, the moveable and immoveable property and the personnel of the present municipality of Saint-Antonin;

(2) the mode of apportionment of the rights, obligations and charges of the present municipality of Saint-Antonin;

(3) the terms and conditions of the payment of the debts of the present municipality of Saint-Antonin;

(b) to prepare and adopt, between 1 December 1980 and 31 January 1981, the budget of the municipality to be established on its territory under Chapter IV for the fiscal year 1981, and provide in it for revenues at least equal to the expenses shown in it;

(c) to appoint an auditor for the provisional committee of the territories described in Schedule II, between 1 December 1980 and 31 January 1981.

10. The Minister may appoint a person to assist the provisional committees in preparing the memorandum of agreement provided for in paragraph *a* of section 9; that person shall make a report of his activities to the Minister not later than 1 March 1981.

11. That person has the powers conferred on an examining-auditor by section 14 of the Act respecting the Ministère des affaires municipales (R.S.Q., c. M-22).

12. Not later than 1 February 1981, the memorandum of agreement must be transmitted to the Minister and deposited in the office of the secretary-treasurer of the present municipality of Saint-Antonin.

13. The memorandum of agreement must, within ten days of deposit in the office of the secretary-treasurer, be published by the latter in accordance with the procedure prescribed for the publication of public notices, with a notice stating that every person wishing to oppose its approval by the Minister must inform the Minister of it in writing before 15 March 1981.

14. The Minister shall approve the memorandum of agreement, with or without amendment, before 31 July 1981; he shall then cause it to be published in the *Gazette officielle du Québec* within thirty days following the date of its approval.

If the memorandum of agreement is not transmitted to him in accordance with section 12, the Minister shall decree the content thereof; he is then deemed to have approved it.

The memorandum of agreement has effect from its approval.

15. The provisional committee ceases to exist on 1 November 1981.

CHAPTER III

PRESENT MUNICIPALITY OF SAINT-ANTONIN

16. In this chapter,

(a) "municipality" means the present parish municipality of Saint-Antonin;

(b) "council" means the council of the present municipality of Saint-Antonin.

17. All expenditures required for the holding of the elections of the provisional committees shall be charged to the municipality.

18. The municipality shall put all the documents necessary for the holding of the elections to the provisional committees at the disposal of the returning officers.

19. There shall be no general election to the council in 1980.

20. Notwithstanding section 19, for the purposes of the application of article 245 of the Municipal Code, the date of the general election to the council is deemed to be fixed at the month of November.

21. The council is exempt for the year 1980 from complying with articles 245 and following of the Municipal Code.

22. The municipality ceases to exist on 1 November 1981.

CHAPTER IV

INCORPORATION OF NEW MUNICIPALITIES

DIVISION I

CHARTER OF THE MUNICIPALITY OF SAINT-ANTONIN

23. The parish municipality of Saint-Antonin is incorporated and its charter reads as follows:

"CHARTER OF THE MUNICIPALITY OF SAINT-ANTONIN

1. The inhabitants and ratepayers of the territory described in Schedule I to the Act respecting the creation of two new municipalities in the county of Rivière-du-Loup are incorporated as a municipal corporation from 1 November 1981, under the name of "municipality of Saint-Antonin", hereinafter called "the municipality".

2. The municipality succeeds to the rights, obligations and charges of the municipality of Saint-Antonin and it becomes without continuance of suit, a party to all proceedings in the place and stead of the said municipality.

The by-laws, resolutions, assessment rolls, collection rolls and other acts of the said municipality remain in force within the territory of the municipality 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.

3. The Municipal Code governs the municipality to the extent that its provisions are consistent with those of this charter.

4. The first general election shall be held for the municipality in November 1981, in accordance with article 245 of the Municipal Code.

The term of office of the members of the council is two years, in accordance with the provisions of the Municipal Code which apply to the new municipality.

5. Until the first general election, the council is composed of the members of the provisional committee elected for the territory described in Schedule I to the Act respecting the creation of two new municipalities in the county of Rivière-du-Loup; the chairman of the committee becomes the mayor of the municipality.

6. The first sitting of the council shall be held the second Monday following 1 November 1981; if such day is a holiday, it shall be held on the first following day that is not a holiday.

7. The municipality forms part of the county municipality of Rivière-du-Loup.

8. The memorandum of agreement approved by the Minister of Municipal Affairs pursuant to section 14 of the Act respecting the creation of two new municipalities in the county of Rivière-du-Loup, is binding on the municipality."

DIVISION II

CHARTER OF THE MUNICIPALITY OF RIVIÈRE VERTE

24. The municipality of Rivière Verte is incorporated and its charter reads as follows:

"CHARTER OF THE MUNICIPALITY OF RIVIÈRE VERTE

1. The inhabitants and ratepayers of the territory described in Schedule II to the Act respecting the creation of two new municipalities in the county of Rivière-du-Loup are incorporated as a municipal corporation from 1 November 1981, under the name of "municipality of Rivière Verte", hereinafter called "the municipality".

2. The by-laws, resolutions, assessment rolls, collection rolls and other acts of the municipality of Saint-Antonin remain in force within the territory of the municipality 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.

3. The Municipal Code governs the municipality to the extent that its provisions are consistent with those of this charter.

4. The first general election shall be held for the municipality in November 1981, in accordance with article 245 of the Municipal Code. The term of office of the members of the council is two years, in accordance with the provisions of the Municipal Code which apply to the new municipality.

5. Until the first general election, the council is composed of the members of the provisional committee elected for the territory described in Schedule II to the Act respecting the creation of two new municipalities in the county of Rivière-du-Loup; the chairman of the committee becomes the mayor of the municipality.

6. The first sitting of the council shall be held on the second Monday following 1 November 1981; if such day is a holiday, it shall be held on the first following day that is not a holiday.

7. The municipality forms part of the county municipality of Rivière-du-Loup.

8. The memorandum of agreement approved by the Minister of Municipal Affairs pursuant to section 14 of the Act respecting the creation of two new municipalities in the county of Rivière-du-Loup, is binding on the municipality."

DIVISION III

GENERAL PROVISIONS

25. Notwithstanding section 2 of the charter of the municipality of Saint-Antonin and section 2 of the charter of the municipality of Rivière Verte, the long term loans authorized under the by-laws made by the present municipality of Saint-Antonin shall be reimbursed in accordance with the taxation clauses of the said by-laws.

26. Subject to the memorandum of agreement approved by the Minister under section 14, each of the municipalities incorporated under this chapter has the power to levy and recover the whole or part of the taxes levied by the present municipality of Saint-Antonin on the immoveables situated in its territory; each such municipality is also liable for the refunding of the taxes paid in excess to the present municipality of Saint-Antonin for the immoveables situated in its territory.

27. Any debt which could occur, from 1 November 1981, pursuant to judicial proceedings or a transaction, owing to any act involving the present municipality of Saint-Antonin, is apportioned between the municipalities incorporated under this chapter pro-

portionately to the total value of the taxable real estate situated in their territory as shown on the valuation roll then in force; the share of each municipality becomes exigible thirty days after a demand for payment is made by the council of the municipality of Saint-Antonin.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

28. The documents and records of the present municipality of Saint-Antonin not yet sent in accordance with the memorandum of agreement approved by the Minister under section 14, to either of the municipalities incorporated under Chapter IV, shall be kept by the secretary-treasurer of the municipality of Saint-Antonin.

29. The report of the auditor appointed by the present municipality of Saint-Antonin for the fiscal year 1980 shall be sent to the council of the municipality of Saint-Antonin, whose secretary-treasurer shall immediately forward a copy thereof to the Minister and to the council of the other municipality incorporated under Chapter IV.

30. This act comes into force on the day of its sanction.

SCHEDULE I

DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE
MUNICIPALITY OF SAINT-ANTONIN

A territory of an irregular shape is described, with reference to the plan of the official cadastre of the parish of Saint-Antonin, as follows:

Bounded on the northeast by lots 2, 3, 4, 5*b*, 6*a*, 6*b*, 6*c*, 7*a*, 7*b*, 7*c*, 8*a*, 8*b*, 9*a*, 9*b*, 10*a*, 10*b*, 10*c*, 11*c*, 11*e*, 11*g*, 12*b*, 12*d*, 13*b*, 13*d*, 13*g*, 13*i*, 14*a*, 14*b*, 14*c*, 15*b*, 15*d*, 16*a*, 16*b*, 17*a*, 17*b*, 18*a*, 18*b*, 18*c*, 19*a*, 19*b*, 20*a*, 20*b*, 21 and 22*a*, southwest range (Chemin neuf) and by lots 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135 and 136, range IV-east (Les Six Mille Acres) on the southeast, by lot 121; rang IV-east (Les Six Mille Acres), by the dividing line between the official cadastre of the township of Whitworth and the official cadastre of the parish of Saint-Antonin and by the dividing line between the official cadastre of the township of Parke and the official cadastre of the parish of Saint-Antonin; on the south and the southwest by the dividing line between the official cadastre of the parish of Saint-Alexandre and the official cadastre of the parish of Saint-Antonin, by the dividing line between the official cadastre of the parish of Notre-Dame-du-Portage and the official cadastre of the parish of Saint-Antonin; on the west and the northwest by the Rivière-du-Loup, by the dividing line between the official cadastre of the parish of Notre-Dame-du-Portage and the official cadastre of the parish of Saint-Antonin and by the dividing line between the official cadastre of the parish of Saint-Patrice-de-la-Rivière-du-Loup and the official cadastre of the parish of Saint-Antonin.

That territory comprised within the above limits, has an area of fifteen thousand two hundred and eighty-seven acres (15 287 acres), English measure.

SCHEDULE II

DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE
MUNICIPALITY OF RIVIÈRE VERTE

A territory forming part of the present municipality of Saint-Antonin, described, with reference to the plan of the official cadastre of the parish of Saint-Antonin, as follows:

Of an irregular shape, bounded on the northeast by lot 31*b*, range I and lot 31*a*, range II of the official cadastre of the parish of Saint-Modeste, by the Rivière-Verte and part of lot 42, range V, of the official cadastre of the township of Whitworth; on the east by the Rivière-Verte; on the southeast by the Rivière-Verte and lots 3*a*, 3*b* and part of lot 1*a* in range south of Vieux chemin Temiscouata, in the township of Whitworth; on the southwest by lots 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 150*a* and 152, range IV, (Les Six Mille Acres), of the cadastre of the parish of Saint-Antonin and by lots 87 and 88, range III, 37 of range II and 1 of range I (Les Six Mille Acres), of the official cadastre of the parish of Saint-Antonin; and on the northwest by lots 88, 89, 90, 91, 92, 93, 96, 97, 98, 99, 100, 101, 102, 103 and part of lot 104, range III (les Six Mille Acres), of the cadastre of the parish of Saint-Antonin and by lot 1089, range IV and lots 1059, 1060 and 1060*a*, range III, of the official cadastre of the parish of Saint-Patrice-de-la-Rivière-du-Loup.

Having an area of four thousand seven hundred and seventy acres (4 770 acres), English measure.