

1982, chapter 23

**AN ACT TO REGROUP THE TOWNS OF
BAIE-COMEAU AND HAUTERIVE**

Bill No. 37

Introduced by Mr Jacques Léonard, Minister of Municipal Affairs

First reading: 30 November 1981

Second reading: 7 June 1982

Third reading: 23 June 1982

Assented to: 23 June 1982

Coming into force: 23 June 1982

Act amended: None



CHAPTER 23

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

[Assented to 23 June 1982]

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shall remain in force within the territory for which they have been made until they are amended, quashed or repealed and to the extent that they are consistent with the provisions of this charter or any other Act whatever.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) governs 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 October 1982. It shall be conducted in all respects as an election prescribed for a set date, *mutatis mutandis*.

First election.

5. For the first general election, the council of the town shall be composed of nine members, including the mayor and one councillor for each electoral district described in Schedule II to the Act to regroup the towns of Baie-Comeau and Hauterive.

Town council.

6. Within fifteen days of the date of the coming into force of the Act to regroup the towns of Baie-Comeau and Hauterive, the council of each of the former towns of Baie-Comeau and Hauterive must both appoint, for the first general election, the same person as returning officer and the same person as election clerk; if the councils fail to agree on the choice of the returning officer or the election clerk within the prescribed time, the Commission municipale du Québec shall make the appointment by order.

Election officers.

Section 150.1 of the Cities and Towns Act applies, *mutatis mutandis*, at the election, in respect of all expenses incurred at any time by the returning officer. The returning officer thereby binds the town and may contract temporary loans on such conditions and for such term as the Commission municipale du Québec may determine. The expenses of the returning officer shall be assumed by the town after 31 December 1982.

Election expenses.

7. For the purposes of the proceedings after the general election and the preparation, adoption and filing of the budget of the town for the fiscal period 1983, the first sitting of the council shall be held on the third Monday of October 1982 at eight 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 of the Cities and Towns Act.

Council meeting.

Notwithstanding any inconsistent provision, the budget of the town for the fiscal period 1983 may be prepared and adopted before 15 November 1982. Sections 474.1 and 474.2 of the Cities and Towns Act apply to the budget for the fiscal period 1983.

Budget.

8. At the first general election, a member of the council of the former town of Baie-Comeau or of the former town of Hauterive may be nominated, elected or appointed as a member of the council of the town and hold the two offices concurrently.

Concurrent office.

While holding the two offices concurrently, the holder is not entitled to any remuneration as a member of the council of the town.

Remuneration.

Remuneration. **9.** The remuneration to which a member of the council of the town is entitled for the period between the day he takes office and 1 January 1983 shall be paid to him after that date.

Council meetings. **10.** The first sitting of the council after 31 December 1982 shall be held on the third Monday of January 1983 at eight 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 of the Cities and Towns Act.

Employees. **11.** 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 31 December 1982, without reduction of salary, and they shall remain in office subject to the provisions of the law and the following conditions.

Clerk. The clerk of the former town of Hauterive is designated to act as clerk of the town from the first general election to the end of the first meeting held after 31 December 1982.

Treasurer. The treasurer of the former town of Baie-Comeau is designated to act as treasurer of the town from the first general election to the end of the first meeting held after 31 December 1982.

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

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

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

Loan by-law. 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 the taxable real estate of the town.

Loans. 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.

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

Succession. 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.

Members. The members of the bureau are the members of the former municipal bureaus of Baie-Comeau and Hauterive in office on 31 December 1982.

Population. **15.** The population of the town, for the purposes of section 7 of the Cities and Towns Act, is constituted, until the Government recognizes another, of the sum of the populations of the municipalities mentioned in section 2.

Debts. **16.** 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.

Deficit or surplus. **17.** The accumulated deficits or surpluses of each of the municipalities mentioned in section 2 on 31 December 1982 remain a charge or benefit on all the taxable real estate of each of such municipalities, until they are extinguished.

Special taxes. **18.** 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.

Rolls. **19.** Every value entered on the real estate assessment roll or roll of rental values of each of the former towns of Hauterive and Baie-Comeau made for the fiscal period 1983 is deemed to be replaced by the value equal to the product obtained by multiplying the value entered by the factor established for that roll under section 264 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Rolls. The real estate assessment roll and the roll of rental values of the town for the fiscal period 1983 are constituted, respectively, of the aggregate of the real estate assessment rolls and of the rolls of rental values contemplated in the first paragraph, amended in accordance with that paragraph.

Fiscal period 1983-1984. The median proportion and the factor contemplated in section 264 of the Act respecting municipal taxation are not to appear on

the municipal real estate tax account for the fiscal period 1983 or the school real estate tax account for the fiscal period 1983-1984 or, as the case may be, on the account in respect of a tax, compensation or tariff based on the rental value of a place of business or premises for the fiscal period 1983.

Special
tax.

20. For the fiscal periods 1983 to 1987, the town council must impose and levy on every taxable immovable situated in the territory of the former town of Hauterive, proportionately to its value entered on the valuation roll in force each year, a special real estate tax whose yield is established as follows:

Fiscal period 1983	\$700 000
Fiscal period 1984	\$560 000
Fiscal period 1985	\$420 000
Fiscal period 1986	\$280 000
Fiscal period 1987	\$140 000.

Business
tax.

21. For the fiscal period 1983, the yield of the business tax must be not less than \$1 934 500.

Taxes.

22. The amount payable to the town for its fiscal period 1983 under section 223 of the Act respecting municipal taxation is equal to the total sum of the amounts payable under that section to the former towns of Hauterive and Baie-Comeau for their fiscal period 1982, multiplied by the quotient obtained by dividing the aggregate of taxation revenues of the town for its fiscal period 1983 by the aggregate of taxation revenues of the former towns for their fiscal period 1982.

Subsidy.

23. The Minister of Municipal Affairs shall pay to the town, during its first five fiscal periods, a subsidy of \$1 300 000 apportioned as follows:

Fiscal period 1983	\$435 000
Fiscal period 1984	\$345 000
Fiscal period 1985	\$260 000
Fiscal period 1986	\$175 000
Fiscal period 1987	\$ 85 000.

Reduction.

For each of those fiscal periods, the amount of the general real estate tax imposed on the immovables situated in the territory of the former town of Baie-Comeau is reduced by an amount equal to the subsidy. The reduction for each of the immovables shall be proportionate to its value entered on the assessment roll in force each year.

Subsidy.

24. The Minister of Municipal Affairs shall pay to the town, during its first five fiscal periods, a subsidy of \$734 448 apportioned as follows:

Fiscal period 1983	\$256 080
Fiscal period 1984	\$191 928
Fiscal period 1985	\$128 040
Fiscal period 1986	\$ 79 200
Fiscal period 1987	\$ 79 200.''

1937,
c. 120,
1950,
c. 124, re-
pealed.

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 in office until 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 revoked under this Act.

Mayor. **3.** If the office of mayor of one of the towns of Baie-Comeau or Hauterive becomes vacant, it shall be filled in accordance with the first and second paragraphs of section 33.9 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1).

Councillor. If the office of councillor of one of those towns becomes vacant, it shall remain vacant.

Quorum. **4.** Notwithstanding subparagraph 5 of the first paragraph of section 33.10 of the Act respecting elections in certain municipalities, where, by reason of vacancies, there is not a quorum on the council of one of the towns of Baie-Comeau or Hauterive, the Minister of Municipal Affairs may appoint an administrator, who is substituted for the municipal council and the mayor of the town.

Applicability. Sections 6, 7, 8, 9 and 21 of the Act respecting municipal organization of certain territories (R.S.Q., chapter O-8) apply, *mutatis mutandis*, in the case referred to in the first paragraph.

Municipal commission. As long as the council of one of the towns contemplated in the first paragraph can no longer sit validly for any reason, or, in the case provided for in that paragraph, until the appointment of an administrator, where such is the case, the Commission municipale

du Québec is substituted for the municipal council and the mayor of that town.

Order. If the Government considers that one of the towns contemplated in the first paragraph refuses or is neglecting to comply with the law, the Government may adopt an order by which the Commission municipale du Québec is substituted for the council and the mayor of that town and for all the officers or employees of the town who are not employees within the meaning of the Labour Code (R.S.Q., chapter C-27); the order terminates the term of office of the mayor and the councillors, suspends those officers or employees without salary or wages, and takes effect from the date of its adoption or on any later date fixed therein.

Authoriza-
tion re-
quired. **5.** Every agreement by which one of the towns of Baie-Comeau or Hauterive incurs a current liability for a term exceeding thirty days or an extraordinary liability must be previously authorized by the Commission municipale du Québec in order to be binding.

Exception. **6.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Effect. **7.** For the purposes of the carrying out of sections 4 to 9 of the Charter of the town of Baie-Comeau and of the second and third paragraphs of section 11 of the said charter, and for the purposes of the preparation, adoption and filing of the budget of the town for the fiscal period 1983, sections 1, 3 and 15 of the said charter and Schedules I and II to this Act are deemed to have effect from the coming into force of this Act.

Effect. **8.** Sections 1 to 3, section 10, the first paragraph of section 11 and sections 12 to 24 of the Charter of the town of Baie-Comeau, section 2 of this Act and Schedules I and II to this Act have effect from 1 January 1983.

Existing
towns. **9.** For the purposes of sections 3, 4 and 5, the towns of Baie-Comeau and Hauterive are those existing on the day of the coming into force of this Act.

Effect. **10.** Sections 3, 4 and 5 of this Act have effect until 31 December 1982.

Coming
into force. **11.** This Act comes into force on the day of its sanction.

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 Lafleche, 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 Lafleche; thence, successively, the following lines and limits: the north line of the township of Lafleche to the dividing line between the townships of Eudes and Lafleche; 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 the 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) kilometres; the said parallel line at the same distance of two (2) kilometres generally northerly, easterly and northeasterly to its intersection with the extension of the centre line of Saint-Pancrace cove, the starting point of which is located at the intersection of the east line of the township of Lafleche 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 Lafleche to the starting point.

SCHEDULE II

Electoral district number 1

Starting at the point of intersection of the centre line of Lafèche boulevard and Bélanger boulevard, thence, successively, the following lines: the centre line of Bélanger boulevard and its extension to the centre line of the Amédée river; the center line of the ship of Lafèche; part of the north line of the said block and its extension 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 Lafèche; 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 Lafèche; 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 centre 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 Lafèche; 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 Lafèche 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 Lafèche 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 the 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 the 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 the 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 the 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 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 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 cadastre of the township of Laflèche; 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 said 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 Laflèche; 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 Laflèche; 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.