



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 81
(1999, chapter 88)

**An Act respecting the amalgamation of
Municipalité de Mont-Tremblant,
Ville de Saint-Jovite, Municipalité de
Lac-Tremblant-Nord and Paroisse de
Saint-Jovite**

**Introduced 10 November 1999
Passage in principle 2 December 1999
Passage 16 December 1999
Assented to 20 December 1999**

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EXPLANATORY NOTES

This bill provides that the Minister of Municipal Affairs and Greater Montréal is to send to Municipalité de Mont-Tremblant, Ville de Saint-Jovite, Municipalité de Lac-Tremblant-Nord and Paroisse de Saint-Jovite a proposal for the amalgamation of the territories of the municipalities. The municipalities will be then required to transmit their opinion on the amalgamation proposal to the Minister within the time the Minister fixes.

The bill authorizes the Government to order, on the conditions it determines, the constitution of a local municipality formed by the amalgamation of the municipalities, and specifies that certain provisions of the Act respecting municipal territorial organization will be applicable.

The bill establishes the approval procedure for land use planning by-laws that apply to the part of the territory of the new municipality corresponding to the territory of the former Municipalité de Lac-Tremblant-Nord. It also sets out the rules applicable to the by-law passed by the council of Municipalité de Mont-Tremblant to protect the site known as “Domaine Saint-Bernard”, located in the territories of both Municipalité de Mont-Tremblant and Paroisse de Saint-Jovite. The bill also establishes how costs are to be apportioned in the event of legal proceedings to which a former municipality may be a party.

Lastly, the bill contains a provision relating to the conditions of employment applicable to the officers and employees of the municipalities affected by the proposed amalgamation between the date on which this bill is introduced and the date on which the amalgamation becomes effective.

Bill 81

AN ACT RESPECTING THE AMALGAMATION OF MUNICIPALITÉ DE MONT-TREMBLANT, VILLE DE SAINT-JOVITE, MUNICIPALITÉ DE LAC-TREMBLANT-NORD AND PAROISSE DE SAINT-JOVITE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Minister of Municipal Affairs and Greater Montréal shall send, by registered or certified mail, to the mayor and to the secretary-treasurer or clerk of Municipalité de Mont-Tremblant, Ville de Saint-Jovite, Municipalité de Lac-Tremblant-Nord and Paroisse de Saint-Jovite a proposal for the amalgamation of the territories of those municipalities. The mayor and the secretary-treasurer or clerk must refer the amalgamation proposal to the council at its next regular sitting following receipt of the proposal.

Section 86 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) applies, with the necessary modifications, to the amalgamation proposal.

As soon as possible after being so required by the Minister, the clerk of Ville de Saint-Jovite shall publish the amalgamation proposal in a newspaper circulated in the territories of the municipalities referred to in the first paragraph.

2. The municipalities referred to in section 1 must transmit their opinion on the amalgamation proposal to the Minister of Municipal Affairs and Greater Montréal before the expiry of the time fixed by the Minister.

3. The Government may, on the conditions it determines and upon the Minister's recommendation, order the constitution of a local municipality formed by the amalgamation of the municipalities referred to in section 1.

4. Sections 30, 108, 110, 110.1, 113 to 125 and 214.3 of the Act respecting municipal territorial organization apply, with the necessary modifications.

For the purposes of section 122 of that Act, the officers and employees of the municipalities referred to in section 1 are the officers and employees in the employ of the municipalities on 10 November 1999.

5. For the purposes of Chapters III and IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), two sectors shall be constituted from the territory of the new municipality, the first sector formed of the territory of Municipalité de Lac-Tremblant-Nord as it existed before the amalgamation, the second sector formed of the other part of the territory of the new municipality. Every provision passed by the council of the new municipality under those chapters must be contained in a by-law that is applicable to one of those sectors or portion thereof and not applicable to any portion of the other sector. For the purposes of those by-laws, in any provision of those chapters, “territory of the municipality” means the sector to which the by-law applies, “all the qualified voters” means the qualified voters of that sector or, where applicable, of a zone or sector of a zone of that sector, and “zone”, “sector of a zone”, and “contiguous zone” mean the zones and sectors of zones of that sector.

A by-law passed by the council of the new municipality under section 102 or 110.4 of the Act respecting land use planning and development that is applicable to the sector formed of the territory of Municipalité de Lac-Tremblant-Nord as it existed before the amalgamation is, notwithstanding subparagraph 2 of the third paragraph of section 123 of that Act, a by-law that is subject to approval by way of referendum.

The advisory planning committee required to be consulted in respect of a regulatory provision referred to in the first paragraph must, as regards the members chosen from among the persons resident in the territory pursuant to section 146 of the Act respecting land use planning and development, be composed solely of persons resident in the territory to which the by-law containing the regulatory provision applies. For that purpose, the council of the new municipality may establish two separate advisory planning committees.

Every public notice that must be given and every document that must be distributed, published or posted pursuant to any of the provisions of Chapter III or Chapter IV of Title I of the Act respecting land use planning and development, and that concerns the sector of the new municipality formed of the territory of Municipalité de Lac-Tremblant-Nord as it existed before the amalgamation and every public notice that must be given pursuant to the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) following the application of those provisions, must also be mailed to any person who files a request for that purpose, at the office of the municipality, indicating the person’s mailing address; the request takes effect on receipt at the office of the municipality and remains valid until it is withdrawn or replaced. The mailing must be completed within the time prescribed by the provision concerned for the posting, publication or distribution of the notice or document, except where the time prescribed by the provision concerned is five days, in which case the mailing must be completed within ten days.

Section 246.1 of the Act respecting land use planning and development and section 656 of the Act respecting elections and referendums in municipalities apply to the formalities mentioned in the fourth paragraph.

6. By-law 99-11 passed by the council of Municipalité de Mont-Tremblant on 29 June 1999 is deemed to have come into force on the date of its approval by the Minister of Municipal Affairs and Greater Montréal. As of 10 November 1999, section 2 of the by-law may not be repealed, amended or replaced.

7. As of 10 November 1999, by-law 99-11 may not be invalidated on the ground that the acquisition of immovables forming part of “Domaine Saint-Bernard” for the purpose of establishing a park involves immovables situated outside its territory.

Any debt arising from the application of the by-law is, from the coming into force of the order made under section 3, a charge on the aggregate of the taxable immovables situated in the territory of the local municipality constituted by that order.

8. The costs relating to a dispute or legal proceedings to which a municipality referred to in section 1 is a party shall remain, after the coming into force of the order referred to in section 3, a charge on the taxable immovables of the sector comprising the territory of the former municipality.

The Government may reapportion the costs referred to in the first paragraph and any reapportionment shall be made according to the nature of the costs and the nature of the dispute or legal proceedings.

9. No increase in the salary of the officers and employees of a municipality referred to in section 1 may be granted and no modification to seniority rules or employee benefits may be made by such a municipality between 10 November 1999 and the date of coming into force of the amalgamation order.

If it appears that the amalgamation will not become effective, the Government may by order fix the date on which the first paragraph ceases to apply.

10. Section 18 of the Act respecting the Agence de développement Station Mont-Tremblant (1997, chapter 100), amended by section 13 of chapter 43 of the statutes of 1999, is amended by replacing “whose description shall be published by the Minister of Municipal Affairs and Greater Montréal in the *Gazette officielle du Québec*” by “described in section 1.1 of the agreement”.

11. Section 10 has effect from 19 December 1997.

12. The provisions of this Act come into force on 20 December 1999 except sections 5 and 8, which come into force on the date on which the order made under section 3 comes into force.