

**UNORGANIZED TERRITORY  
OF LAC NILGAUT**

**BY-LAW FOR THE ADMINISTRATION  
OF THE PLANNING BY-LAWS**

**BY-LAW NUMBER 153-2010**



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BY-LAW FOR THE ADMINISTRATION OF THE PLANNING BY-LAWS  
OF THE UNORGANIZED TERRITORY OF LAC NILGAUT

TNO-2011-05-04

WHEREAS the Council of the Regional County Municipality of Pontiac is presumed to be the council of a local municipality with regard to its unorganized territory, hereafter called the TNO Lac Nilgaut, in accordance with Section 8 of the Municipal Territorial Organization Act (R.S.Q., c. O-9);

WHEREAS the Council of the Regional County Municipality of Pontiac may adopt by-laws with regard to the TNO Lac Nilgaut, in accordance with Section 9 of the said Act;

WHEREAS the Council of the Regional County Municipality of Pontiac established a local committee of elected officials for the TNO Lac Nilgaut, hereafter called the Council of the TNO Lac Nilgaut, in accordance with Section 10 of the said Act;

WHEREAS the Council of the TNO Lac-Nilgaut wishes to adopt an administration by-law establishing the fines of penalties applicable to offences against one of the provisions of the planning by-laws of the TNO Lac Nilgaut;

WHEREAS the provisions in Section 455 of the Québec Municipal Code (R.S.Q., c. C-27.1), those in Section 233.1 of the Land Use Planning and Development Act (R.S.Q., c. A-19.1), those in Sections 50 and 52 of the Groundwater Catchment Regulation (R.S.Q., c. Q-2, r.6) and those in the Regulation respecting waste water systems for isolated dwellings (R.S.Q. Q-2. R.22);

WHEREAS a notice of motion with dispense from reading was given by Mrs Charlene Scharf-Lafleur at a regular meeting of the Council of the TNO Lac Nilgaut held on March 22, 2011, in accordance with Section 445 of the Québec Municipal Code (R.S.Q., c. C-27.1);

THEREFORE, it is moved by Mrs Charlene Scharf-Lafleur and resolved to adopt By-law Number 153-2010 enacting the By-law for the Administration of the Planning By-laws of the TNO Lac Nilgaut, and Council enacts what follows, to wit:

### **Section 1 - Title**

This By-law, which number is 153-2010, is cited as the “By-law for the Administration of the Planning By-laws of the Unorganized Territory of Lac Nilgaut”.

### **Section 2 - Preamble**

This By-law includes the preamble as if it was hereafter repeated in full.

### **Section 3 - Scope**

This By-law establishes the amounts of the penalties applicable to an offence against any provision of the planning by-laws of the Unorganized Territory of Lac Nilgaut. It includes the recourses in the case of offences and the sanctions.

### **Section 4 - Context**

This By-law applies in whole or in part to the planning by-laws of the Unorganized Territory of Lac Nilgaut, namely:

- By-law Number 154-2010 relating to the Issuing of Permits and Certificates;
- By-law Number 155-2010 enacting the Zoning By-law;
- By-law Number 156-2010 enacting the Subdivision By-law;
- By-law Number 157-2010 enacting the Construction By-law.

This By-law applies in whole or in part to by-laws amending any of the above-listed by-laws.

## **Section 5 - Repeal of Existing By-laws**

This By-law abrogates and replaces all by-laws, parts or sections of any by-law of the regional county municipality concerning the same object.

## **Section 6 - Notices of Infraction**

The Council authorizes the Building and Environment Inspector, his assistant or any other officer appointed by resolution to give notices of infraction for and in the name of the Regional County Municipality of Pontiac to any person contravening any provision of the by-laws listed in Section 4 of this By-law.

## **Section 7 - Contravention of Planning By-laws**

Any person who contravenes any provision of the by-laws listed in Section 4 of this By-law commits an offence. Any offence is imposed by monetary penalties.

## **Section 8 - Sanctions and Penalties**

Any offence to any provision of the by-laws listed in Section 4 of this By-law shall make the offender liable to a fine of not less than three hundred dollars (\$300) and not more than one thousand dollars (\$1,000) in the case of a first offence, and to a fine of not less than six hundred dollars (\$600) and not more than two thousand dollars (\$2,000) for a subsequent offence.

Where the offender referred to in the first paragraph is a legal person, the fine shall be not less than six hundred dollars (\$600) and not more than two thousand dollars (\$2,000) in the case of a first offence, and not less one thousand and two hundred dollars (\$1,200) and not more than four thousand dollars (\$4,000) for a subsequent offence.

Each day of violation shall constitute a separate offence and the fines imposed for each offence may be imposed for each day the offence continues, in accordance with this Section.

Upon failing to pay immediately the fine and costs, the offender shall be liable to imprisonment for thirty (30) days which may end as soon as the fine and costs are paid.

### **Section 9 - Tree Felling**

Notwithstanding the provisions of Section 8 of this By-law, an offence to any provision of Division 16 of By-law Number 155-2010 enacting the Zoning By-law shall make the offender liable to a fine of not less than five hundred dollars (\$500), plus:

- 1° for felling of trees on less than one hectare of land, an amount varying from one hundred dollars (\$100) and two hundred dollars (\$200) per tree illegally felled, up to a total of five thousand dollars (\$5,000);
- 2° for felling of trees on one or more than one hectare of land, a fine varying from five thousand dollars (\$5,000) and fifteen thousand dollars (\$15,000) per hectare deforested, in addition to an amount determined in accordance with the first subparagraph for each fraction of a hectare.

The amounts specified in the first paragraph are doubled for a subsequent offence.

### **Section 10 - Groundwater Catchment Works**

Notwithstanding the provisions of Section 8 of this By-law, an offence against any provision of Section 4.2 of By-law Number 157-2010 enacting the Construction By-law shall make the offender liable to a fine of not less than five hundred dollars (\$500) and not more than five thousand

dollars (\$5,000) in the case of a first offence, and to a fine of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) for a subsequent offence.

Where the offender referred to in the first paragraph is a legal person, the fine shall not be less than one thousand dollars (\$1,000) and not more than twenty thousand dollars (\$20,000) in the case of a first offence, and not less than two thousand dollars (\$2,000) and not more than forty thousand dollars (\$40,000) for a subsequent offence.

## **Section 11 – Discharge, Collection and Disposal of Waste Water Systems**

Notwithstanding the provisions of Section 8 of this By-law, an offence against any provision of Section 4.3 of By-law Number 157-2010 enacting the Construction By-law shall make the offender liable to a fine of not less than five hundred dollars (\$500) and not more than two thousand dollars (\$2,000) in the case of a first offence, and to a fine of not less than one thousand dollars (\$1,000) and not more than four thousand dollars (\$4,000) for a subsequent offence.

Where the offender referred to in the first paragraph is a legal person, the fine is not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) in the case of a first offence, and not less than two thousand dollars (\$2,000) and not more than ten thousand dollars (\$10,000) for a subsequent offence.

## **Section 12 - Effective Date**

This By-law shall come into force according to Law.



Adopted in Litchfield, Québec

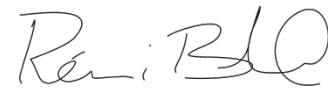
This 24<sup>th</sup> of May 2011.

Notice of motion	:	March 22 <sup>nd</sup> , 2011
Adoption of By-law	:	May 24 <sup>th</sup> , 2011
Publication notice	:	June 1 <sup>st</sup> , 2011
Effective date	:	June 1 <sup>st</sup> , 2011



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Michael McCrank  
Warden



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Rémi Bertrand  
Secretary-treasurer