CANADA
PROVINCE OF QUEBEC
PONTIAC REGIONAL COUNTY MUNICIPALITY

By-Law number 227-2016 amending the Land Use and Development Plan regarding the Destructured Tracts and New Residences to Be Built on Areas of Ten Hectares or More

WHEREAS the MRC Pontiac, hereafter called the MRC, adopted on June 25, 2013, resolution no. 2013-06-11 in order to make an application for the implementation of residences on its agricultural land, according to the provisions stated at Article 59 of an Act respecting the Preservation of Agricultural Land and Agricultural Activities, hereafter called the LPTAA;

WHEREAS the application concerned the two sections of Article 59 of the LPTAA, that is to say the destructured tracts of land in the agricultural zone (section 1), and the sectors, within the agricultural zone, comprising lots having an area sufficient to avoid destructuring the agricultural zone (section 2);

WHEREAS on June 17, 2015, the CPTAQ issue its decision no. 377560 regarding the implementation of new residences in the agricultural zone;

WHEREAS the current MRC Land Use and Development plan is effective since February 23, 2001, in accordance with an Act respecting Land Use Planning and Development, hereafter called the LAU;

WHEREAS on May 17, 2016, the Quebec Deputy Minister for Municipal Affairs and Land Occupancy, Mr. Sylvain Boucher, sent the notice of conformity in regards to the provincial planning guidelines for interim control by-laws no. 221-2016 and 222-2016 of the MRC Pontiac that concern the implementation of new residences in the permanent agricultural zone;

WHEREAS the provisions of these two by-laws shall be integrated in the Land Use and Development Plan;

WHEREAS the Land Use and Development Plan amendment process is governed by Articles 47 to 53.14 of the LAU;

WHEREAS in accordance with the provisions of Article 445 of the Quebec Municipal Code, a notice of motion was given at the MRC Council regular assembly held on June 21, 2016, related to the presentation for adoption of a by-law amending the Land Use and Development Plan regarding the implementation of new residences in the permanent agricultural zone.

THEREFORE, this by-law ORDERS, ADJUDICATES AND ENACTS the following, to wit:

ADOPTED

I. DECLARATORY PROVISIONS

Article 1.1 Preface

The preface of this by-law is an integral part thereof.

Article 1.2 Title of the By-Law

This by-law is identified by number 227-2016 and is entitled: “By-Law amending the Land Use and Development Plan regarding the Destructured Tracts and New Residences to Be Built on Areas of Ten Hectares or More”.

Article 1.3 By-Law Object

This by-law aims at allowing the implementation of new residences in the permanent agricultural zone under the conditions set forth by the Commission de protection du territoire agricole du Québec (CPTAQ) in its decision no. 377560 issued on June 17, 2015. This decision comes after the application of collective scope presented by the MRC Pontiac on June 25, 2013, in accordance with the provisions of Article 59 of an Act respecting the Preservation of Agricultural Land and Agricultural Activities (LPTAA). This by-law comprises most of the provisions included in the interim control by-laws no. 221-2016 and 222-2016, for which the notice of conformity in regards to the provincial planning guidelines was issued on May 17, 2016. Furthermore, this by-law aims at modifying the land use designation names of the land uses associated with the permanent agricultural zone in order to match the designation names with those used by the CPTAQ and the Agricultural Zone Development Plan (PDZA).

Article 1.4 Area of Application

This by-law applies to the whole agricultural zone enacted in accordance with an Act respecting the Preservation of Agricultural Land and Agricultural Activities, and included in the territory of the MRC Pontiac. More specifically, this by-law applies to the agricultural zone enacted in accordance with the aforesaid Act and included in the municipalities of Bristol, Campbell’s Bay, Chichester, Clarendon, Grand Calumet Island, Allumettes Island, Litchfield, Mansfield-Pontefract, Otter Lake, Shawville, Sheenboro, Thorne, and Waltham.

Article 1.5 Partial Nullity of the By-Law

In the event where a provision or part of this by-law is declared null by a deemed court of law, the other parts or provisions remain valid.

The Council adopts each article of this by-law and enacts the remainder of the by-law notwithstanding the nullity of portions or entire articles.

Article 1.6 Persons Affected

This by-law applies to all individuals and legal persons. The government, its departments, and its representatives are submitted to the application of this by-law in accordance with the LAU provisions.

Article 1.7 Precedence and Effects of the By-Law

This by-law has precedence over all provisions stated in the zoning, subdivision, building or other municipal planning by-laws of the affected municipalities of this by-law.

ADOPTED

No permit or certificate of authorization shall be issued under these by-laws, unless they fully comply with the requirements of this by-law.

II. INTERPRETIVE PROVISIONS

Article 2.1 Interpretation of Text

The titles listed in this by-law are an integral part of it. In case of contradiction between the text and the titles, the text shall prevail.

It is understood that the present verb tense encompasses the future.

The singular form also refers to the plural form, and vice-versa, unless the meaning clearly shows that it cannot logically apply.

The male gender includes the female gender, unless the context indicates otherwise.

With the use of the words “should” or “shall”, the obligation is definite. The word “may” carries the meaning of a possibility.

Article 2.2 Measurement Units

All measurement units in this by-law are indicated under the international units system, i.e. the Metric System.

Article 2.3 Terminology

For the interpretation of this by-law, unless the context calls for a different interpretation, the following words and expressions shall have the sense and meaning attributed to them in this article.

LAKE AND WATER STREAM SHORELINE

Strip of land alongside a lake or water stream. Commonly referred to as waterfront, it has a depth of 300 metres when alongside a lake and a depth of 100 metres when alongside a water stream. Any wetland contiguous to a lake or water stream is an integral part of it.

CULTIVATED FIELD

Patch of land used, among other things, to grow hay, grains, small berries, fruit trees, grape vines or as grazing land for livestock on which land-farming can be done.

WATER STREAM

All streams of water of steady or intermittent flow, including those that have been created or modified by human intervention.

Are included in this definition: road ditches, party ditches, as defined in Article 1002 of the Quebec Civil Code, and drainage ditches that meet the following conditions:

- Used only for drainage and irrigation;
- Only exists due to human intervention;
- Has a watershed surface area of less than 100 hectares.

CPTAQ

Commission de protection du territoire agricole du Québec.

ADOPTED

DESTRUCTURED TRACT

Isolated area of limited size and destructured due to the addition over time of non-agricultural uses and within which there are rare vacant lots that are closed off and cannot be recovered for agricultural purposes.

LAU

Act respecting Land Use Planning and Development.

LOT

Parcel of land identified and delineated on a cadastral map and submitted in accordance with Articles 3036 and 3037 of the Quebec Civil Code.

LPTAA

Act respecting the Preservation of Agricultural Land and Agricultural Activities.

MDDELCC

Department of Sustainable Development, the Environment and the Fight Against Climate Change

WETLAND

Area that is inundated or saturated with water for a sufficiently long period of time to influence the nature of the soil and the composition of vegetation.

The main types of wetlands include, but are not limited to, ponds, marshes, swamps and peatlands; they differ mainly in the type of vegetation they contain.

FRAGMENTATION

Division of a territory or land into several lots.

LOCAL MUNICIPALITIES

Municipalities having an agricultural zone enacted under the LPTAA, namely Bristol, Campbell's Bay, Chichester, Clarendon, L'Île-du-Grand-Calumet, L'Isle-aux-Allumettes, Litchfield, Mansfield-Pontefract, Otter Lake, Shawville, Sheenboro, Thorne and Waltham.

MRC

Pontiac Regional County Municipality.

REPLOTTING

Regrouping of contiguous lots or parts of lots to form a single piece of land.

RESIDENCE

Building that is intended for human habitation with only one dwelling (single-family detached residence, including summer cottages, but excluding hunting camps and basic shelters).

PUBLIC ROAD

Piece of land owned by the federal or provincial governments, or by the municipality, and used for vehicular traffic.

ADOPTED

PRIVATE ROAD

Any road that is not under the jurisdiction of a municipality or the government and that gives access to properties that depend on them.

TAQ

Tribunal administratif du Québec.

LAND UNIT

One or more contiguous lots or parts of lots, or that would be contiguous according to Articles 28 and 29 of the LPTAA, and that are part of the same estate.

VACANT LAND UNIT

Land unit on which there is no immovable property intended for residential purposes (residence or cottage), but that can include a basic shelter, one or more ancillary residential buildings, farm, commercial, industrial or institutional buildings.

UPA

Union des producteurs agricoles / Quebec Farmers' Association.

SECTION 1

Destructured tracts, according to the mapping attached to this by-law, identified in decision number 377560 of the CPTAQ, are as follows:

Type 1 destructured tracts: land units can be parcelled out according to this by-law;

Type 2 destructured tracts: land units cannot be parcelled out and must be vacant as of June 25, 2013.

SECTION 2

Dynamic agricultural, viable agricultural and agro-forestry designations corresponding respectively to the dynamic agricultural, viable agricultural and agro-forestry environments of the permanent agricultural zone according to the mapping attached to this by-law and as identified in decision number 377560 of the CPTAQ, which stipulates that the establishment of new residences is possible on vacant land units, as of June 25 2013, that have sufficient surface areas to avoid destructuring of the agricultural zone.

Designations are established as follows:

Dynamic agricultural Dynamic agricultural environment	Vacant land unit of 100 hectares or more;
Viable agricultural Viable agricultural environment	Vacant land unit of 10 hectares or more;
Agro-forestry Agro-forestry environment	Vacant land unit of 10 hectares or more.

PERMANENT AGRICULTURAL ZONE

Part of a local municipality's territory within the MRC, described in the technical plans and descriptions developed and adopted in accordance with Articles 49 and 50 of the LPTAA.

ADOPTED

III. ADMINISTRATIVE PROVISIONS

Article 3.1 Application of This By-Law

Article 3.1.1 Designated Officer

The administration of this by-law is assigned to the designated officer responsible for issuing permits and certificates under the planning by-laws of each affected municipality.

Article 3.1.2 Functions and Authority of the Designated Officer

The designated officer ensures compliance to this by-law in the area under his jurisdiction. He sees that permit and certificate of authorization requests are managed and processed, and conducts field inspections. More specifically, the officer is responsible for coordinating the application of this by-law, and in doing so, he shall:

a) Issue or refuse to issue permits and certificates of authorization required under this by-law for the area under his jurisdiction, after having done a mandatory visit to the applicant's property;

b) Keep a logbook of permits and certificates of authorization officially issued or refused under this by-law, and the reasons that support his decision in case of refusal;

c) Maintain an up-to-date file for each permit or certificate of authorization request;

d) Write a report to the municipal council regarding any violation to this by-law and make recommendations to correct the problem and, following the council's decision, issue an infraction notice under this by-law;

e) Notify the owner or occupant to cease any activity or work in violation of this by-law;

f) Notify the owner or occupant to implement corrective actions in order to address the issues of complying practices or activities as they relate to this by-law;

g) In the case of ongoing violations, instruct the person at fault to immediately cease the violation in the area under his jurisdiction, and inform the person that violating the regulatory provisions exposes him to legal penalties for each day of violation, in addition to possible civil actions under the law;

h) He reports to the MRC any difficulty of enforcement or interpretation of this by-law, if any, and sends, once a year, a logbook of permits and certificates issued under this by-law and containing relevant information related to the follow-up of the agreement reached with the CPTAQ and the UPA Outaouais-Laurentians, including lot numbers, cadastre, and land unit surface area.

Article 3.1.3 Right to Access

In performing his duties, the designated officer has the right to visit and examine, between seven (7) a.m. and seven (7) p.m., any property or moveable property to ascertain if the requirements of this by-law are met. Owners, tenants or agents of the premises must receive the designated officer to answer any questions regarding the application of this by-law. The designated officer may be accompanied by any expert or peace officer to carry out the required verifications.

ADOPTED

Article 3.2 Delivery of Permits and Certificates of Authorization

The designated officer shall only issue a permit or certificate of authorization if it complies with the provisions of this by-law and other by-laws of the local municipality.

In case of refusal, the designated officer shall notify in writing the reasons for refusing to issue the permit or certificate of authorization.

Article 3.3 New Residences Report

The MRC shall, once a year, prepare an annual report to the CPTAQ and the UPA Outaouais-Laurentians, stating the number of new residences built in the agricultural zone and relevant information related to the follow-up of the agreement, including lot numbers, cadastre, land unit surface area and municipality. The information is sent beforehand to the MRC by the designated officer in each of the local municipalities affected by this by-law.

IV. REGULATORY PROVISIONS

Article 4.1 Amendment to the Terminology of the Permanent Agricultural Zone Land Use Designations

In the Land Use and Development Plan, the section on land use designations in Section 1.2 – Agricultural Environment is modified by the addition, before the paragraph on destructured tracts, of the following paragraph:

The terminology for land use designations related to the permanent agricultural zone is amended in order to match the designation names with those used by the Commission de protection du territoire agricole du Québec (CPTAQ) and the Agricultural Zone Development Plan (PDZA). Thus, the agricultural designation becomes the dynamic agricultural designation, the type 1 agro-forestry designation becomes the viable agricultural designation and the type 2 agro-forestry designation becomes the agro-forestry designation. However, this amendment to the designation names does not affect the limits of the said designations. The map in Appendix E shows the destructured tracts along with the three land use designations related to the permanent agricultural zone and is an integral part of the Land Use and Development Plan.

Article 4.2 Integration of Decision Number 377560 of the CPTAQ to the Land Use and Development Plan

In the Land Use and Development Plan, the section on land use policies of Section 1.2 – Agricultural Environment is modified by the addition, after the first paragraph, of the following paragraph:

The Pontiac MRC made an application of collective scope on both sections of Article 59 of the LPTAA, namely the destructured tracts of the agricultural zone (section 1) and the sectors, within the agricultural zone, in which new residences can be built on lots of a sufficient surface area to avoid destructuring of the agricultural zone (section 2). To this end, the Commission de protection du territoire agricole du Québec (CPTAQ) rendered its decision number 377560 on June 17, 2015, thus authorizing the establishment of new residences in the permanent agricultural zone according to the terms and conditions of Section 4.6 – Application of Collective Scope Provisions (Decision No. 377560 of the CPTAQ) of the Land Use and Development Plan Complementary Document. Moreover, the map presented in Appendix E shows the destructured tracts as well as the three designations related to the permanent agricultural zone and is an integral part of the Land Use and Development Plan.

ADOPTED

Article 4.3 Integration of Decision Number 377560 of the CPTAQ to the Complementary Document of the Land Use and Development Plan

In the Complementary Document, Section 4.6 – Application of Collective Scope Provisions (Decision No. 377560 of the CPTAQ) is added and includes all of the following elements:

Provisions for the Establishment of New Residences within the Dynamic Agricultural Designation

No new residences are allowed within the dynamic agricultural designation identified in Appendix E of the Land Use and Development Plan, except:

1) in the destructured tracts identified in Appendices F and G of the Land Use and Development Plan;

2) to follow-up on a valid notice of compliance issued by the CPTAQ allowing the construction or reconstruction of a residence built in accordance with Articles 31.1 (single block vacant property of 100 hectares or more), 40 (farm residences), and 105 of the LPTAA;

3) for the construction of residences having already obtained authorizations from the CPTAQ as of June 25, 2013;

4) for the replacement of residences having an acquired right or privileges (personal rights) under Articles 31, 31.1, and 40 of the LPTAA, according to the provisions for the extinguishment of such rights under the Law;

5) to follow-up on the two types of applications for residential purposes still admissible at the CPTAQ, that is:

    a) to move, on the same land unit, a residence authorized by the CPTAQ or having rights under Articles 101, 103, and 105 (acquired right) of the LPTAA, or Article 31 (the owner of a vacant lot as of the effective date of the Law could build a residence on a vacant lot between 1978 and 1988);

    b) to allow the conversion for residential purposes of a parcel of land having an authorization or an acquired right other than residential under Articles 101 and 103 of the LPTAA.

Provisions for the Establishment of New Residences within the Viable Agricultural and Agro-Forestry Designations

No new residences are allowed within the viable agricultural and agro-forestry designations, identified in Appendix E of the Land Use and Development Plan, except:

1) in the destructured tracts identified in Appendices F and G of the Land Use and Development Plan;

2) to follow-up on a valid notice of compliance issued by the CPTAQ allowing the construction or reconstruction of a residence built in accordance with Articles 31.1 (single block vacant property of 100 hectares or more), 40 (farm residences), and 105 of the LPTAA;

3) for the construction of residences having already obtained authorizations from the CPTAQ;

4) for the replacement of residences having an acquired right or privileges (personal rights) under Articles 31, 31.1, and 40 of the LPTAA, according to the provisions for the extinguishment of such rights under the Law;

ADOPTED

5) to follow-up on the two types of applications for residential purposes still admissible at the CPTAQ, that is:

   a) to move, on the same land unit, a residence authorized by the CPTAQ or having rights under Articles 101, 103, and 105 (acquired right) of the LPTAA, or Article 31 (the owner of a vacant lot as of the effective date of the Law could build a residence on a vacant lot between 1978 and 1988);

   b) to allow the conversion for residential purposes of a parcel of land having an authorization or an acquired right other than residential under Articles 101 and 103 of the LPTAA;

6) to follow-up on an authorization issued by the CPTAQ for the construction of a single residence on a vacant land unit of 10 hectares or more, already established under the ownership titles published in the land register on June 25, 2013, and that remained vacant since that date;

   a) the maximum surface area used for residential purposes is 3,000 square metres or 4,000 square metres along a lake or a water stream;

   b) the side yard to comply with when building a residence is 30 metres from a neighbouring non-residential property line;

   c) a separating distance of at least 75 metres from the residence shall be observed relative to a cultivated field on a neighbouring property;

   d) a minimum distance of 30 metres shall be observed between a well and a cultivated field;

7) to follow-up on an authorization issued by the CPTAQ for the construction of a single residence on a vacant land unit of 10 hectares or more, formed by the replotting of two or more vacant land units already established under the ownership titles published in the land register on June 25, 2013, and having all remained vacant since that date;

   a) the maximum surface area used for residential purposes is 3,000 square metres or 4,000 square metres along a lake or a water stream;

   b) the side yard to comply with when building a residence is 30 metres from a neighbouring non-residential property line;

   c) a separating distance of at least 75 metres from the residence shall be observed relative to a cultivated field on a neighbouring property;

   d) a minimum distance of 30 metres shall be observed between a well and a cultivated field.

In the event that the residence is not being established along a public road, and an access road needs to be built to get to the residence, it can be added to the surface area of 3,000 square metres or 4,000 square metres along lakes and water streams, and shall be of a minimum width of 5 metres. In this case, the total surface area used for residential purposes shall not be more than 5,000 square metres, which includes the surface area of the access road.

When a land unit overlaps more than one designation, it is the total surface area of the property that must be calculated for the minimum required surface, but the residence and the overall authorized surface area mentioned in items 6 a) and 7 a) of the above section entitled “Provisions for the Establishment of New Residences within the Viable Agricultural and Agro-Forestry Designations” shall be within the viable agricultural designation or the agro-forestry designation.

ADOPTED

Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)

In type 1 destructured tracts (with fragmentation), identified in Appendices F and G of the Land Use and Development Plan, the subdivision, alienation and use for residential purposes in order to build a residence are authorized. The minimum subdivision surface areas and dimensions are defined in the following table:

	UNSERVICED LOT (neither aqueduct nor sewer)
MINIMUM LOT SURFACE AREA	2,787 square metres
MINIMUM LOT WIDTH (MEASURED ON THE FRONT LINE)	45.72 metres

Notwithstanding the foregoing, the minimum subdivision surface areas and dimensions along lakes and water streams are the ones defined in the subdivision by-law of the local municipality.

No new roads, public or private, are authorized within type 1 destructured tracts (with fragmentation).

When fragmentation is done to create residential spaces, an access in front of the public road, of a minimum width of 15 metres, shall not be detached from the remainder of the land unit if the latter has a depth of more than 60 metres and a surface area of more than 4 hectares. The width of the access in front of the public road can, by derogation, have a minimum width of 12 metres in case it would be demonstrated by the local municipality that a width of 15 metres is impossible to guarantee given the nature of the land.

Provisions for the Establishment of New Residences within Type 2 Destructured Tracts (without Fragmentation and Vacant)

In type 2 destructured tracts (without fragmentation and vacant), identified in Appendices F and G of the Land Use and Development Plan, the use for residential purposes in order to build a residence on a vacant land unit already established under the ownership titles published in the land register on June 25, 2013 and that remained vacant since that date is authorized. The maximum surface area used for residential purposes is 3,000 square metres or 4,000 square metres along lakes and water streams.

In type 2 destructured tracts (without fragmentation and vacant), alienation and subdivision in order to create new land units are not authorized.

Special Provisions for Some Type 1 Destructured Tracts (with Fragmentation) and Type 2 Destructured Tracts (without Fragmentation and Vacant)

a) Tract 84005-02

Despite the provisions of the first and second paragraphs of the above section entitled “Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)”, the minimum subdivision surface areas and dimensions in tract 84005-02 are defined in the following table:

ADOPTED

	UNSERVICED LOT (neither aqueduct nor sewer)
MINIMUM LOT SURFACE AREA	3,716 square metres
MINIMUM LOT WIDTH (MEASURED ON THE FRONT LINE)	45.72 metres
MINIMUM LOT DEPTH (MEASURED FROM THE FRONT LINE)	100 metres

b) Tract 84005-08

Despite the provisions of the first and second paragraphs of the above section entitled "Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)", the minimum subdivision surface areas and dimensions in tract 84005-08 are defined in the following table:

	UNSERVICED LOT (neither aqueduct nor sewer)
MINIMUM LOT SURFACE AREA	3,716 square metres
MINIMUM LOT WIDTH (MEASURED ON THE FRONT LINE)	45.72 metres
MINIMUM LOT DEPTH (MEASURED FROM THE FRONT LINE)	100 metres

Despite the provisions of the third paragraph of the above section entitled "Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)", the existing public or private road can only be extended to service the last lot at the end of tract 84005-08. The aforesaid lot may be parcelled out according to the minimum surface areas and subdivisions in the above table.

c) Tract 84005-11

In addition to the provisions of the above section entitled "Provisions for the Establishment of New Residences within Type 2 Destructured Tracts (without Fragmentation and Vacant)", construction of new residences in tract 84005-11 is only allowed on lots or parts of lots whose replotting complies with the minimum subdivision surface areas and dimensions defined in the following table:

	UNSERVICED LOT (neither aqueduct nor sewer)
MINIMUM LOT SURFACE AREA	2,787 square metres
MINIMUM LOT WIDTH (MEASURED ON THE FRONT LINE)	45.72 metres

d) Tract 84005-16

In addition to the provisions of the above section entitled "Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)", any new residence in tract 84005-16 must comply with the provisions

ADOPTED

of by-law number 65-99 enacting the revised Land Use and Development Plan and its regulations related to floodplains, specifically by-law number 117-2006 enacting the interim control by-law related to the determination and protection of floodplains along the Ottawa River.

Despite the third paragraph of the above section entitled “Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)”, any road registered in the official cadastre prior to June 25, 2013 shall be considered an existing road.

e) Tract 84015-19

Despite the provisions of the first and second paragraphs of the above section entitled “Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)”, the minimum subdivision surface areas and dimensions in tract 84015-19 are defined in the following table:

	UNSERVICED LOT (neither aqueduct nor sewer)
MINIMUM LOT SURFACE AREA	3,716 square metres
MINIMUM LOT WIDTH (MEASURED ON THE FRONT LINE)	45.72 metres
MINIMUM LOT DEPTH (MEASURED FROM THE FRONT LINE)	150 metres

f) Tract 84035-07

In addition to the provisions of the above section entitled “Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)”, any new residence in tract 84035-07 must comply with the provisions of by-law number 65-99 enacting the revised Land Use and Development Plan and its regulations related to floodplains, specifically by-law number 117-2006 enacting the interim control by-law related to the determination and protection of floodplains along the Ottawa River.

g) Tract 84040-04

In addition to the provisions of the above section entitled “Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)”, any new residence in tract 84040-04 must comply with the provisions of by-law number 65-99 enacting the revised Land Use and Development Plan and its regulations related to floodplains, specifically by-law number 117-2006 enacting the interim control by-law related to the determination and protection of floodplains along the Ottawa River.

h) Tract 84082-09

In addition to the provisions of the above section entitled “Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)”, any new residence in tract 84082-09 must comply with the provisions of by-law number 65-99 enacting the revised Land Use and Development Plan and its regulations related to floodplains, specifically by-law number 117-2006 enacting the interim control by-law related to the determination and protection of floodplains along the Ottawa River.

Despite the provisions of the first and second paragraphs of the above section entitled “Provisions for the Establishment of New Residences within Type 1 Destructured Tracts

ADOPTED

(with Fragmentation)", the minimum subdivision surface areas and dimensions in tract 84082-09 are defined in the following table:

	UNSERVICED LOT (neither aqueduct nor sewer)
MINIMUM LOT SURFACE AREA	3,716 square metres
MINIMUM LOT WIDTH (MEASURED ON THE FRONT LINE)	45.72 metres
MINIMUM LOT DEPTH (MEASURED FROM THE FRONT LINE)	100 metres

Despite the third paragraph of the above section entitled "Provisions for the Establishment of New Residences within Type 1 Destructured Tracts (with Fragmentation)", any road registered in the official cadastre prior to June 25, 2013 shall be considered an existing road.

Notwithstanding the foregoing, no lot fragmentation is permitted in the textured part of tract 84082-09 identified in Appendix G of the Land Use and Development Plan.

Separating Distances for the Management of Odours not Applicable to Destructured Tracts

A destructured tract does not impose any additional constraints to farming on neighbouring lots with respect to an existing residence, located within that tract. Therefore, it cannot be a factor to calculate separating distances for the management of farming odours.

Separating Distances for the Management of Odours Applicable to New Residences in the Agricultural Zone

To promote cohesion of uses in the agricultural zone and reduce the inconveniences related to odours, the establishment of new residences in the agricultural zone is subject to minimum separating distances with regard to all farming facilities. These separating distances are defined in the following table:

Type of Production	**Livestock Units***	**Minimum Required Distance* (m)**
Cattle or grain-fed calf	Up to 225	150
Cattle (fattening)	Up to 400	182
Milk	Up to 225	132
Swine (maternity, nursery)	Up to 225	236
Swine (fattening, farrowing, finishing)	Up to 599	267
Poultry (chicken, turkey, etc.)	Up to 400	236
Other productions	Distances provided in the provincial planning guidelines for 225 livestock units	150

* Number of livestock units used as basis to establish prescribed distances.

ADOPTED

In the event that livestock units are greater than the values shown in the above table, the distances that do apply are those provided by the provincial planning guidelines.

In the event that the residence being established is located near a livestock production facility whose certificate of authorization from the Department of Sustainable Development, the Environment and the Fight Against Climate Change provides for a distance that is greater than the one indicated in the above table, it is the distance that the livestock production facility would have to comply with in the case of a new establishment that applies for the establishment of the residence.

A residence, established according to the conditions stated above, cannot restrict the development of a livestock production facility existing before its establishment. It will therefore not be taken into account in the calculation of the applicable separating distances for an extension or modification project for an existing livestock production facility on the date of issue of a permit or certificate of authorization.

Provisions regarding the Quebec Department of Transport Highway Road Network

For any land unit contiguous to the right of way of the Quebec Department of Transport highway road network, it is necessary to get a permit from the said Department before any subdivision, work or construction may be undertaken. This permit shall indeed be granted before a local municipality may give a subdivision permit or a building permit related to the establishment of a principal building.

V. FINAL PROVISIONS

Article 5.1 Legal Action

Under this by-law, Council authorizes the designated officer to initiate legal proceedings against any person who violated any provision of this by-law, and therefore generally allows these officers to issue infraction notices necessary for this purpose; as they are responsible for enforcing this by-law.

Article 5.2 Offence Punishable by a Fine

Anyone who violates any provision of this by-law commits an offence and is liable to a fine.

First Offence:

- A minimum fine of $ 300 if the offender is an individual and $ 500 if the offender is a legal person;

- The maximum fine that may be imposed is $ 1 000 if the offender is an individual, and $ 2 000 if the offender is a legal person.

Subsequent Offences:

- A minimum fine of $ 500 for a subsequent offence if the offender is an individual, and a minimum fine of $ 2 000 for a subsequent offence if the offender is a legal person;

- The maximum fine for each subsequent offence is $ 2 000 if the offender is an individual and $ 4 000 if the offender is a legal person.

In all cases, the costs of prosecution are extra.

ADOPTED

The deadlines for payment of fines and fees imposed under this article, and the consequences of failure to pay those fines and fees on time, are prepared in accordance with the Quebec Code of Penal Procedure.

If an offence lasts more than one day, the offence committed each day constitutes a separate offence and the penalties imposed for each offence may be imposed for each day the offence continues under this article.

Article 5.3 Alternative Recourses

In addition to legal prosecution, the MRC may exercise before the civil courts, all other proceedings necessary to enforce the provisions of this by-law.
More specifically, the MRC can obtain an order from the Quebec Superior Court to stop a use of land or construction project inconsistent with this by-law and execute the required work, including demolition of any buildings and re-establishment of the land.

The MRC may request permission to perform this work at the expense of the owner of the immovable. The cost of such work is applied against the immovable, all in accordance with the law.

Article 5.4 Person Party to the Offence

A person who does or omits to do anything to help a person commit an offence under this by-law or who advises, encourages or incites a person to commit an offence, also commits the offence and is liable to the same fine.

Article 5.5 Aiding and Abetting

A director or officer of a legal person who induces this legal person by an order, authorization, advice or encouragement to refuse or neglect to comply with this by-law commits an offence and is liable to the same fine.

Article 5.6 Misrepresentation

Also commits an offence and is punishable by fines a person who makes a false or misleading declaration to the designated officer in order to obtain a certificate of authorization, permit, permission or approval issued under this by-law.

Article 5.7 Amendments

The provisions of this by-law shall only be amended or repealed under the LAU.

Article 5.8 Coming into Force Applicable to the Destructured Tracts

Provisions related to the destructured tracts are in effect since May 17, 2016 and the MRC is waiting for the CPTAQ's Legal Division to validate the coming into force.

Article 5.9 Coming into Force Applicable to the Sectors that May Welcome New Residences, within the Agricultural Zone, Comprising Lots Having an Area Sufficient to Avoid Destructuring the Agricultural Zone

The coming into force of the provisions related to the sectors that may welcome new residences, within the agricultural zone, comprising lots having an area sufficient to avoid destructuring the agricultural zone is subject to the following conditions:

ADOPTED

1) The revised Land Use and Development Plan shall be amended and this amendment shall be in effect;

2) The local municipality planning by-laws shall be amended, the amendments shall be in effect and the MRC shall receive a notice from the CPTAQ's Legal Division to validate the coming into force.

Article 5.10 Repealing of Interim Control By-Laws No. 221-2016 and 222-2016

When all affected municipalities will have put into effect the provisions of this by-law, interim control by-laws no. 221-2016 and 222-2016 will automatically be repealed.

Article 5.11 Coming into Force

This by-law shall come into force as per the provisions of the LAU.

Carried at Litchfield, Que.

Notice of motion	: June 21, 2016
Notice of public consultation	: July 13, 2016
Public consultation	: August 3, 2016
Adoption of by-law	: August 16, 2016
Coming into force	: October 17, 2016
Date of publication	: November 2, 2016

Raymond Durocher
Warden

Gabriel Lance
General Manager and Secretary-Treasurer

ADOPTED