

Minutes of the Regular Sitting of the Council of the Municipality of the Township of Harrington held at the Lost River Community Centre, 2811 Route 327, this 15th day of July, 2024 at 7:03 p.m.

Present and forming quorum under the chairmanship of Mayor Gabrielle Parr, Councillors Chantal Scapino, Julie James, Daniel St-Onge, Richard Francoeur, Robert Dewar and Gerry Clark.

Director General and Clerk-Treasurer Steve Deschênes is present.

Agenda

- 1. Opening of the sitting**
- 2. Information from the Mayor**
- 3. Adoption of agenda**
- 4. Information from councillors**
- 5. Question period**
- 6. Approval of minutes**

6.1 Regular meeting of June 17th, 2024

7. Financial and administrative management

- Monthly statistics report - council and town meeting dashboard

7.1 Tabling of the report on expenses authorized by the general manager and department heads.

7.2 Acceptance of accounts payable and accounts paid for the month of June, 2024

7.3 Tabling of June 2024 financial report

7.4 Authorization - Sale by call for tenders/public tender of the property located at 57 chemin White, Roll #2183-41-1692 owned by the municipality

7.5 Renewal of municipal insurance contracts from August 31, 2024 to August 31, 2025 - FQM Assurances

7.6 Payment authorization to Inter Chantiers for work on chemin de la Rivière-Rouge

7.7 Confirmation of permanent employee status for Director General and Clerk-Treasurer Steve Deschenes

7.8 Transaction to settle termination of employment

8. Notice of motion and by-law

8.1 Adoption of by-law number 358-2024 amending zoning by-law number 192-2012 of the Municipality of the Township of Harrington, for its entire territory

8.2 Filing and notice of motion and presentation of draft by-law number 360-2024 respecting agreements for municipal and infrastructure work in accordance with the Quebec Municipal Code (RLRQ chapter C-27.1)

8.3 Adoption of **DRAFT BY-LAW NUMBER 360-2024** on municipal and infrastructure work agreements

8.4 Deposit and notice of motion and presentation of draft by-law number 361-2024 respecting construction requirements and conditions for public or private roads in accordance with the Quebec Municipal Code (RLRQ chapter C-27.1)

8.5 Adoption of **DRAFT BY-LAW NUMBER 361-2024** respecting construction requirements and conditions for public and private roads

8.6 Deposit and notice of motion and presentation of draft by-law 362-2024 amending by-law 196-2012 constituting the urban planning advisory committee

8.7 Adoption of **DRAFT BY-LAW NUMBER 362-2024**, amending the by-law constituting the Planning Advisory Committee 196-2012 of the Municipality of the Township of Harrington, to add to and modify the number of members composing the Committee

9. Public works

9.1 Authorization to sign an intermunicipal service agreement with the municipality of Boileau for the grading of the Rivière-Maskinongé road

9.2 Authorization - Professional Mandate for the Preparation of Plans and Specifications for the Interior Renovation of the Kitchen and Public Washrooms at the Community Centre Located at 2811 Route 329 Harrington

10. Public safety

- Fire response summary.

The mayor presents a summary of firefighting activities.

11. Urban planning

11.1 Summary of permits issued

11.2 Request for minor exemption number 2024-0056
- lot 6 534 157 109, chemin de la Louve, Roll 1386-83-8170

11.3 SPAIP application no: 2024-0045- lot # 6 210 491 and lot # 6 210 470
- 167, Chemin de la rivière Maskinongé, Roll 1687-03-1820

12. Environmental health

13. Recreation and culture

14. Question period

15. Adjournment

1. Opening of the sitting

Mayor Gabrielle Parr welcomes everyone to the sitting. Quorum being established, the mayor declares the regular meeting open at 7:00 p.m. and adds that the recording of the meeting is in progress.

2. Information from the Mayor

Mayor Gabrielle Parr informs those present about certain files and activities carried out during the month of June 2024.

2024-06-R253

3. Adoption of the agenda

IT IS MOVED BY Councillor Daniel St-Onge

AND CARRIED THAT the agenda be adopted as proposed.

ADOPTED UNANIMOUSLY

4. Information from councillors

Councillors provide information on certain files and activities in which they participated during the month of June 2024.

5. Question period

The mayor answers questions from the citizens present at the meeting.

6. Approval of Minutes

2024-06-R254

6.1 Ordinary sitting of June 17th, 2024

NOTING THAT a copy of the minutes has been given to each member of the municipal council.

THEREFORE,

IT IS MOVED BY Councillor Robert Dewar

AND CARRIED THAT the minutes of the regular meeting of the Municipal Council held on June 17th, 2024, be adopted.

ADOPTED UNANIMOUSLY

7. Financial and administrative management

7.1 Tabling of report on expenses authorized by management and department heads.

Reports of expenditures authorized by Branch and Service Directors for the month of June 2024 are filed with the Board.

2024-06-R255

7.2 Acceptance of accounts payable and accounts paid for the month of June 2024

IT IS MOVED BY Councillor Julie James

AND CARRIED to approve the accounts and salaries paid for the month of June, 2024 and the accounts payable, as presented below, and to authorize their payment:

BILLS PAID (CHEQUES ISSUED JUNE 2024)

240330 12/06/2024 Josef Oeler	531.25
240331 12/06/2024 Services de Cartes Desjardins	2269.65
240332 12/06/2024 Hydro-Québec	1521.75
240333 12/06/2024 Desjardins Sécurité Financière	8221.08
240334 12/06/2024 Bell Mobilité	113.94
240335 12/06/2024 Jonathan Rodger	50.00
240336 30/06/2024 MRC d'Argenteuil	131152.84
240337 30/06/2024 Ministre des Finances	144087.00
240338 20/06/2024 Hydro-Québec	414.33
240339 20/06/2024 Retraite Québec	528.28
240340 20/06/2024 Mathieu Dessureault	597.62
240341 20/06/2024 Rodney Hoar	32.20
240342 20/06/2024 Steve Deschenes	368.30
240343 26/06/2024 Daniel Laporte	374.35
240344 26/06/2024 Heather-Anne MacMillan	46.69
240345 26/06/2024 Harrington Valley Community Ctr	1000.00
240346 26/06/2024 Financière Banque Nationale	871.84
240347 26/06/2024 Lost River Community Center	500.00
240348 26/06/2024 FTQ	871.68
240349 26/06/2024 Desjardins Sécurité Financière	7204.38
240350 26/06/2024 CUPE Local 4852	445.68
240351 26/06/2024 Bell Canada	327.82

SALARIES PAID

(CHEQUES ISSUED JUNE 2024)

Salaires pour les employés (salary of employees)	37286.49
Salaires pour les élus (salary of elect members)	8669.15
Salaires pour les pompiers (salary of firemen)	575.43
Receveur Général du Canada	8338.47
Ministère du Revenu du Québec	20009.57
CSST	1307.12

BILLS TO BE PAID (CHEQUES TO BE PAID JULY 2024)

240352 16/07/2024 Waste Management	6107.36
240353 16/07/2024 9284-3838 Québec Inc.	3844.29
240354 16/07/2024 Urbacom	2527.15
240355 16/07/2024 J.-René Lafond Inc.	354.12
240356 16/07/2024 PFD Avocats	1076.20
240357 16/07/2024 Féd. Québécoise des Municipalités	224.20
240358 16/07/2024 Fonds Information Foncière	78.00
240359 16/07/2024 Équipements Grenville	284.68
240360 16/07/2024 Marquage Lignax	1839.60
240361 16/07/2024 Gilbert P. Miller et Fils Ltée	24701.28
240362 16/07/2024 Fonds des Biens et des Service	77.02
240363 16/07/2024 Service d'Entretien Ménager-M.C.	1379.70
240364 16/07/2024 Juteau Ruel Inc.	196.56
240365 16/07/2024 Médialo Inc.	509.34
240366 16/07/2024 Asetrail	79087.85
240367 16/07/2024 9129-6558 Québec Inc.	7351.52
240368 16/07/2024 Parallèle 54	10175.29
240369 16/07/2024 Centre de Rénovation Pine Hill	296.33
240370 16/07/2024 Kilmar Dépanneur Inc.	117.59
240371 16/07/2024 Canadian Tire	80.46
240372 16/07/2024 FQM Assurances	1594.67
240373 16/07/2024 Fosses Septiques Miron	195.46
240374 16/07/2024 Matériaux McLaughlin Inc.	2291.00
240375 16/07/2024 Aluminium J. Clément Inc.	8045.93
240376 16/07/2024 Les Éditions Main Street	454.15
240377 16/07/2024 Excavation Lambert Kelly	395.17
240378 16/07/2024 Auto Parts Extra	532.96
240379 16/07/2024 Constructo-Séao	136.05
240380 16/07/2024 Location Madden Rental	339.99
240381 16/07/2024 Service Hydraulique d'Argenteuil	565.71
240382 16/07/2024 Maxiburo	275.31
240383 16/07/2024 Multi Routes	34748.77
240384 16/07/2024 Service de Recyclage Sterling	2104.28
240385 16/07/2024 Gariépy Bussière C.A. Inc.	1897.09
240386 16/07/2024 D&D Création	149.47
240387 16/07/2024 Énergies Sonic RN S.E.C.	<u>4390.03</u>
	<u>576141.49</u>

I, the undersigned, Director General, certify that the Municipality of the Township of Harrington has the budget credits for the expenses described above.

Steve Deschênes
Director General and Clerk-
Treasurer

ADOPTED UNANIMOUSLY

7.3 Tabling of the financial report for June, 2024

Steve Deschênes, General Manager, Clerk-Treasurer, submits the financial report for the month of June, 2024.

2024-06-R256

7.4 Authorization - Sale by call for tenders/public tender of the property located at 57 chemin White, Role number 2183-41-1692 owned by the municipality

WHEREAS the Municipality wishes to sell the property located at 57 chemin White.

WHEREAS the Municipal Government will, in the short term, prepare the documents to proceed by public tender/tender for the sale of this building.

WHEREAS the municipal government by public notice and solicitation will inform the public of the sale of the immovable.

FOR THESE REASONS,

IT IS MOVED BY Councillor Robert Dewar

AND CARRIED THAT City Council authorize, by this resolution, the sale of Number 2183-41-1692 as 57 White Road:

THAT the starting price for the sale is \$30,000

AND THAT City Council authorize Mayor Gabrielle Parr and General Manager Steve Deschenes to sign all items associated with this sale and transaction.

ADOPTED UNANIMOUSLY

2024-07-R257

7.5 Renewal of municipal insurance contracts from August 31, 2024 to August 31, 2025 - FQM Assurances

CONSIDERING that the Municipality must renew its municipal insurance contracts.

CONSIDERING that the renewal proposed by FQM Assurances is advantageous for the Municipality.

THEREFORE,

IT IS MOVED BY Councillor Daniel St-Onge

AND CARRIED to renew the municipal insurance contracts with FQM Assurances - La Mutuelle des municipalités du Québec from August 31, 2024 to August 31, 2025, in the total amount of \$48,841.81.

ADOPTED UNANIMOUSLY

2024-07-R258

7.6 Payment authorization to Inter Chantiers for work on chemin de la Rivière-Rouge

CONSIDERING THAT Council adopted Resolution No. 2024-05-R206 awarding the contract for work on chemin de la Rivière-Rouge, within the framework of the local road repair program, to Inter Chantiers in the amount of \$3,495,312.22, taxes included.

CONSIDERING the progress of work to June 26, 2024.

THEREFORE,

IT IS MOVED BY Councillor Julie James

AND CARRIED to authorize payment of the amount of \$319,550.87, taxes included, to Inter Chantiers representing progressive settlement #1.

ADOPTED UNANIMOUSLY

2024-07-R259

7.7 Confirmation of permanent employee status for Director General and Clerk-Treasurer Steve Deschenes

CONSIDERING that Mr. Steve Deschenes has completed his 6-month probationary period to the satisfaction of the members of the municipal council based on his performance.

CONSIDERING that certain modifications must be made to Mr. Steve Deschenes' employment contract, following his probationary period and his tenure in the position of Director General and Clerk-Treasurer.

CONSEQUENTLY,

IT IS MOVED BY Councillor Robert Dewar

AND CARRIED that Council formalize the status of permanent employee for Mr. Steve Deschenes and accept the modification to his employment contract sent to members of Council on July 9, 2024, and that it authorizes Mayor Gabrielle Parr to sign the addendum to the employment contract.

ADOPTED UNANIMOUSLY

2024-06-R260

7.8 Transaction to settle termination of employment

WHEREAS the termination of employment of a manager within the Municipality, which it is not appropriate to name under the terms of this resolution given its public nature, but whose identity is known to all members of the Municipal Council.

WHEREAS the discussions undertaken between the parties to settle the terms and conditions of this termination of employment;

WHEREAS the termination agreement between the parties, a copy of which has been submitted to the Municipal Council for review.

THEREFORE,

IT IS MOVED BY Councillor Gerry Clark

AND CARRIED;

- To proceed with the termination of the employment relationship by means of the termination agreement, a copy of which has been submitted to Council for review.
- To authorize the Mayor, Ms. Gabrielle Parr, and the General Manager, Mr. Steve Deschenes, or the Assistant General Manager, Mr. Mathieu Dessureault, to sign the termination agreement on behalf of the Municipality.
- To authorize the payments agreed to in the termination agreement to be made.

ADOPTED UNANIMOUSLY

8. Notice of Motion and by-law

2024-06-R261

8.1 Adoption of by-law number 358-2024 amending zoning by-law number 192-2012 of the Municipality of the Township of Harrington, for its entire territory

IT IS MOVED BY Councillor Gerry Clark

AND CARRIED to adopt by-law number 358-2024 amending zoning by-law number 192-2012 of the Municipality of the Township of Harrington, as previously amended, to authorize the storage and warehousing of trailers for a use in the residential group for its entire territory

ADOPTED UNANIMOUSLY

BY-LAW NUMBER 358-2024 amending zoning by-law number 192-2012 of the Municipality of the Township of Harrington, for its entire territory

WHEREAS the Municipality of the Township of Harrington is governed by the Land Use Planning and Development Act (R.S.Q., c. A-19.1).

WHEREAS Zoning By-law number 192-2012 of the Municipality of the Township of Harrington, in force since May 22, 2012, may be amended in accordance with the law.

WHEREAS this by-law contains provisions subject to referendum approval by persons qualified to vote under the Land Use Planning and Development Act.

WHEREAS a copy of this by-law was delivered to the members of the Municipal Council in accordance with the Quebec Municipal Code (RLRQ, c. C-27.1)

WHEREAS a copy of the by-law is available for public consultation.

WHEREAS a notice of motion was given by Councillor Gabrielle Parr at the meeting of May 21, 2024.

WHEREAS a 15-day public consultation was held.

WHEREAS this draft by-law applies to all zones on the territory of the Municipality of the Township of Harrington and is subject to referendum approval by persons eligible to vote.

WHEREAS the Municipality has, in accordance with Section 132 of the Land Use Planning and Development Act, posted a public notice informing interested persons of their right to file an application with respect to one or more provisions subject to referendum approval contained in the second draft by-law.

WHEREAS following this public notice, the Municipality has not received any valid application.

THEREFORE, the Municipality of the Township of Harrington decrees as follows:

ARTICLE 1 - PREAMBLE

The preamble forms an integral part of the present by-law.

ARTICLE 2

Zoning By-law 192-2012, as amended, is modified in Article **2.4.2 "Authorized temporary buildings or structures"**, by replacing the 8th paragraph of the first paragraph which will read as follows:

"2.4.2: Authorized temporary buildings or structures

8. In all zones authorizing the "Residential" use, a trailer as a temporary use may be authorized, subject to the following conditions:

- a) A maximum period of fourteen (14) consecutive days is authorized, and only one certificate of authorization per year may be granted.
- b) Only one trailer is authorized per lot.
- c) A main building must be erected on the lot.
- d) The trailer must be located on a lot with a minimum surface area of 1,500 m².
- e) The trailer must have a valid registration.
- f) The trailer must be mobile and in good condition (no permanent fixtures).
- g) At no time may trailers be located within 20 metres of the natural high-water mark of a lake or watercourse.
- h) Trailers must not exceed 8 m in length. "

ARTICLE 3

Zoning By-law 192-2012, as amended, is modified in Article **2.4.2 "Authorized temporary building or structures"**, by replacing the 2nd paragraph to read as follows:

"2.4.2: Authorized temporary buildings or structures

In addition, trailers defined in article 2.4.2 must comply with the provisions of the table in article 3.3.4 of the present by-law with respect to location and minimum setbacks."

ARTICLE 4

Zoning By-law 192-2012, as amended, is modified in the table of article **3.3.4 "Residential use"**, by the addition of a new item following number 34 which will read as follows:

"3.3.4: Residential uses

Usage, bâtiment, construction et équipement accessoires autorisés	Cour / marge avant	Cour / marge avant secondaire	Cours / marges latérales	Cour / marge arrière
35. Roulottes Distance minimale de la ligne de terrain	Non -	non -	oui 3m	Oui (à l'exception des terrains riverains (lac, rivière) 3 m

ARTICLE 5

Zoning By-law 192-2012, as amended, is modified, in Article **3.8.1 "Outdoor Storage"**, by modifying the 3rd paragraph of the first paragraph to read as follows:

"3.8.1: Outdoor storage

3. Except for public uses, the use of a container, truck, trailer, wagon, rolling stock or any other similar equipment is prohibited for outdoor storage. **However, for a use in the housing group, a container or trailer may be authorized for the duration of construction, renovation or demolition work, all as prescribed in construction bylaw number 194-2012."**

ARTICLE 6

Zoning By-law 192-2012, as amended, is modified by the addition of section 3.8.1.1 "Special provisions for trailer storage" following section **"3.8.1: Outdoor storage"** which will read as follows:

"3.8.1.1: Special provisions for trailer storage

Notwithstanding section 3.8.1, in all zones authorizing the "Residential" use, a trailer may be stored on a lot at any time without obtaining a certificate of authorization, subject to the following conditions:

- a) Only one trailer is permitted per lot.
- b) A main building must be erected on the lot.
- c) The trailer must be located on a lot with a minimum surface area of 1,500 m².
- d) The trailer must be owned by the resident of the building.
- e) The trailer must have a valid registration.
- f) The trailer must be mobile and in good condition (no permanent inking).
- g) At no time may trailers be located within 20 metres of the natural high-water mark of a lake or watercourse.
- h) Trailers must not exceed 8 m in length.
- i) The trailer must not be used for residential purposes.
- j) The trailer must not be supplied with drinking water or be connected to the water supply system.

In addition, the provisions of the table in section 3.3.4 of this by-law apply to the location and minimum setbacks required."

ARTICLE 7 - ENTRY INTO FORCE:

COMING INTO FORCE:

This by-law shall come into force in accordance with the Act.

8.2 Filing and notice of motion and presentation of draft by-law number 360-2024 respecting agreements for municipal and infrastructure work in accordance with the Quebec Municipal Code (RLRQ chapter C-27.1)

2024-07-R262

8.3 Adoption of DRAFT BY-LAW NUMBER 360-2024 on municipal and infrastructure work agreements

WHEREAS articles 145.21 and following of the Act respecting land use planning and development.

WHEREAS a notice of motion was duly given at the meeting of July 15, 2024;

WHEREAS a copy of this draft by-law was given to the members of the Municipal Council in accordance with the Quebec Municipal Code (RLRQ, c. C-27.1).

WHEREAS a copy of the draft by-law is available for public consultation at the start of the meeting.

IT IS MOVED BY Councillor Robert Dewar

AND CARRIED unanimously by the councillors (6):

TO ADOPT draft by-law number 360-2024 concerning agreements for municipal and infrastructure work.

TO HOLD a public consultation meeting on August 19th, 2024, at 6:00 p.m., at 420 Ch. De Harrington.

THEREFORE, the Municipality of the Township of Harrington decrees as follows:

The preamble forms an integral part of the present by-law.

1 DECLARATORY, FINAL AND INTERPRETATIVE PROVISIONS

SECTION 1.1: DECLARATORY PROVISIONS

1. TITLE OF BY-LAW

This by-law shall be known as the "By-law respecting agreements for municipal and infrastructure work" and shall bear the number 360-2024.

2. PURPOSE

The main purpose of the by-law is to make the carrying out of municipal infrastructure work and all road infrastructure work subject to the conclusion of a work agreement in accordance with section 145.21 of the Act respecting land use planning and development L.R.Q. A-19.1.

3. TERRITORY COVERED

This by-law applies to the entire territory under the jurisdiction of the Municipality of the Township of Harrington.

4. PERSONS AFFECTED

This by-law applies to all individuals and legal entities.

5. PARTIAL INVALIDITY OF THE BY-LAW

Should any part, clause or provision of the present by-law be declared invalid by a recognized court, the validity of all other parts, clauses or provisions shall not be questioned except in the case where the meaning and scope of the by-law are altered or modified thereby.

The Council has adopted this by-law section by section and would have enacted the remainder of the by-law notwithstanding the invalidity of part or all of one or more sections.

6. PARTIAL INVALIDITY OF THE BY-LAW

No section of this by-law shall have the effect of exempting any person from the application of any law of Canada or Quebec.

7. PRECEDENCE

Where any provision of this by-law is inconsistent with any other by-law, the most restrictive or prohibitive provision shall apply. Where provisions of the present by-law are incompatible, the specific provision shall apply in relation to the general provision.

8. ENTRY INTO FORCE

This by-law shall come into force in accordance with the law.

SECTION 1.2: RULES OF INTERPRETATION

9. DEFINITIONS

Except for words defined in Permits and Certificates By-law number 195-2012, for the purposes of this by-law, the following words and expressions have the meaning and significance attributed to them herein. All other words used in this by-law retain their usual meaning.

Bicycle lane or path: Bicycle Lane located in the right-of-way of the traffic lane, bordering the roadway, with a minimum width of 2.5 m and delimited by pavement markings or a continuous physical barrier.

Beneficiary: Any person who benefits from work carried out by a holder pursuant to an agreement under this by-law.

Agreement: Contractual document entered pursuant to this by-law and defined in section 145.21 of the Act respecting land use planning and development L.R.Q. A-19.1.

Contractor: The person mandated by the applicant to carry out certain infrastructure work.

Infrastructure and equipment: All elements, private, public or destined to become so, necessary for the development and servicing of a new sector under development, a planned development or an already built sector. This

includes but is not limited to: roadways (foundation and paving), curbs, signage, bridges, sidewalks, paths, trails, lighting systems, guardrails, fences, aqueducts, storm and sanitary sewers (including appurtenances), fire hydrants, aqueduct booster stations, sewer pumping stations, deaerator chambers, air bleeders, generators, reservoirs, wastewater or drinking water treatment plants and all other deemed equipment required to serve the beneficiaries.

Applicant: Any natural or legal person, partnership, group of persons or association requesting authorization from the Municipality to carry out work, with a view to servicing one or more properties on which it is proposed to erect one or more constructions, or on which constructions already exist.

Aqueduct network: System of conduits and equipment used primarily to supply drinking water to buildings and to fight fires. Without limiting the generality of the foregoing, the aqueduct network includes valves, valve boxes or chambers, air and water traps, standpipes and pressure-reducing stations, as well as booster pumps and network connection pieces.

Domestic sewer system: Conduit system including the connection pieces of the sewer connection to the network that contains and conveys wastewater and includes, among other things, manholes and pumping stations.

Storm sewer system: A system of pipes, including connections to the network, that contains and conveys rainwater, runoff and snowmelt, and includes manholes, street catch basins and any other necessary installations.

Street: Public or private vehicular thoroughfare, suitable for vehicular traffic and serving as a means of access to the properties bordering it.

Private street: Street belonging to a private owner or an association of owners, the right-of-way of which has not been transferred to a municipality, the provincial government or the federal government.

Public street: Street owned by a municipality, provincial or federal government.

Off-pavement section: Portion of land located between the outer limit of the roadway or curb or sidewalk and the adjacent property line.

Signage: Signs and accessories intended to make road traffic safer or in compliance with the Highway Safety Code.

Oversizing: Infrastructures and equipment whose dimensions or capacities exceed those of the basic service required to supply equipment to the sector for which the applicant is requesting a permit. Examples include but are not limited to: a larger-diameter pipe, a pumping station, a wastewater treatment plant or a reservoir. On the other hand, a collector or arterial roadway is not considered as oversizing in the present by-law.

Supervision: action taken by a qualified individual who monitors the work on a full-time basis to ensure that it complies with the plans and specifications submitted and accepted, as well as with the rules of the trade.

Lighting system: includes lighting units, electrical cables and all elements required for its operation.

Work: the action of building infrastructure and equipment.

Municipal work: Any work involving infrastructure or equipment owned or administered by the Municipality or destined to become so.

Level I work: The expression "Level I work" means waterworks, domestic and storm sewer systems, street foundations, drainage, installation of electrical power (electricity, Bell, etc.). Level I work also includes domestic service connections and access to waterfront properties, including culverts.

Level II work: The expression "level II work" refers to the single or base layer of asphalt, sidewalks or curbs, crosswalks, fences, signage and the lighting system (electrical conduits for lighting and installation of streetlamps).

Level III work: Level III work means asphalt wearing course and landscaping.

Sidewalk: Concrete space generally 1.50 m wide, located on the sides of a street and reserved for pedestrians.

2 APPLICATION

10. CONCLUSION OF AN INFRASTRUCTURE AGREEMENT

An agreement concerning the construction of infrastructure and equipment, and the assumption or sharing of the costs of such work, must be reached if collective infrastructure or equipment is to be installed to serve properties potentially covered by permits or certificates, or other properties on the territory of the Municipality. Such work may be carried out on or off the applicant's project site, provided it is intended to serve the properties covered by the applicant's request and, where applicable, other properties, and may be municipalized or remain private.

Without limiting the generality of the foregoing, infrastructure work includes aqueducts, sewers, sidewalks, curbs, pedestrian walkways, parks, streets, street foundations, paving, drainage, lighting systems, signage, pedestrian crossings, fences and similar equipment.

11. CONDITIONS FOR ISSUANCE OF PLANNING PERMITS

No subdivision permit, (concerning proposed streets or lots fronting on a proposed street), building construction permit (on a lot defined in the preceding line) or infrastructure construction permit may be issued unless the applicant has first entered into an agreement with the Municipality as provided for in the present by-law. Any subdivision project resulting from an agreement shall include lots intended for construction purposes, public purposes, access purposes and traffic purposes, by phase, to be the subject of a subdivision permit.

12. CONDITIONS PRECEDENT TO THE CONCLUSION OF AN AGREEMENT

If a project requires approval under the relevant sections of the Site Planning and Architectural Integration Program (SPAIP) By-law, approval by resolution of the Municipal Council is required prior to entering into an agreement.

All documents and conditions related to the request and detailed in the present by-law must be completed prior to the conclusion of an agreement.

An agreement may also be entered into in respect of infrastructure work for the purpose of servicing one or more properties.

13. OFFICIALS RESPONSIBLE FOR APPLICATION OF THE BY-LAW

The General Manager, the Director of the Urban Planning and Environment Department and the Director of the Public Works Department are responsible for the application of this by-law.

3 APPLICATION PROCEDURE AND TECHNICAL REQUIREMENTS

14. WORKS AND EQUIPMENT

Infrastructure works and equipment for a project may be carried out within the limits of the development project or outside.

15. STANDARDS AND TECHNIQUES

The technical standards relating to the design and execution of infrastructure work that must be complied with when carrying out a real estate development project are those applicable in the Municipality in accordance with the by-laws and policies in force.

However, within the framework of the agreement, the Municipality reserves the right, depending on the context and the conditions established, in the exercise of its jurisdiction, to require inferior or superior work, standards or construction qualities to consider the particularities of a project.

Compliance with municipal by-laws does not exempt the applicant from complying with all government legislation and regulations.

16. CONTENT OF THE REQUEST

Any applicant requesting the construction of municipal works or wishing to carry out infrastructure work of a private nature must submit a request to the Municipality in which the following information must be included:

- 1) The applicant's name, address, occupation and telephone number, with proof of registration.
- 2) The lot numbers of the streets for which services are requested, with the relevant plan numbers prepared by the land surveyor.
- 3) Engineering plans and specifications (one hard copy, one digital copy in PDF and DWG format) as well as the cost of carrying out the work at market value at the time of application, all prepared by the project engineer.
- 4) Cadastral plans for approval, if applicable.
- 5) A list of all work carried out by the applicant, if applicable, indicating the location of the work and the dates on which it was carried out.
- 6) Applicant's signature.
- 7) Proof of two million dollars (\$2,000,000) liability insurance.
- 8) A copy of the signed contract with the contractor, if applicable.
- 9) Copies of certificates of authorization from the Ministry of Sustainable Development, of the Environment and the fight against climate change.
- 10) Letter of undertaking authorizing the Municipality's agent or the issuer of the surety, in the event of default, to enter the property where the work is to be carried out and to perform the work stipulated in the agreement.

11) An amount to cover the cost of analysis of the file by the Municipality, calculated as follows:

- a) For a street project without water or sewer service: \$1,000 + \$4 / linear metre, not to exceed \$5,000.
- b) For a street project with one or 2 water or sewer services: \$1,000 + \$8/linear metre, not to exceed \$5,000.

17. PLANS, SPECIFICATIONS AND ESTIMATES

The applicant shall have the engineer of his choice prepare all plans, specifications and estimates, tender documents for the work and all other preliminary studies required for his project.

All costs related to the preparation of these documents must be borne by the applicant.

Should the applicant refuse to sign an agreement for this work, he/she remains responsible for these costs.

18. STUDY AND REPORT BY THE PUBLIC WORKS DEPARTMENT

The request must be submitted to the Urban Planning and Environment Department, which will forward the relevant information to the municipal authorities concerned.

The Municipality may request the participation of the engineer in charge of the file, or any other engineer or professional, for the purpose of ruling on the file, at the applicant's expense.

19. ACCEPTANCE OF PLANS AND SPECIFICATIONS

Upon receipt of the documents listed in Article 16, the municipal departments validate their conformity and notify the applicant of any deviations and corrections, if applicable.

The municipality then sends the applicant a document setting out the financial breakdown of the cost of municipal work and equipment. For an agreement to be reached between the parties, the applicant must send a notice approving this breakdown no later than thirty (30) days from receipt of the document setting out this breakdown.

A notice of approval must state, among other things, that the applicant:

- Acknowledges having received and read the detailed cost estimates for the municipal work and declares that he/she is satisfied with them.
- Accepts the breakdown of costs for the project.
- Authorizes Council to take the necessary steps to adopt and approve the by-law required to decree and finance the Municipality's share and appropriate the sums of money necessary to pay the cost of the municipal work not attributable to it, and this, upon signature of the agreement by the parties.

Subject to the cost-sharing terms set out in this by-law, the applicant is responsible for obtaining all required government authorizations and approvals and assumes the costs thereof.

20. CONSIDERATION AND DECISION ON THE REQUEST BY THE TOWN COUNCIL

- 1) On receipt of the report from the departments concerned and the draft memorandum of understanding, the Municipal Council decides on the request.
- 2) If Council accepts the request, it must:
 - a) Accept the draft agreement and authorize the mayor and clerk-treasurer, by resolution, to sign said agreement with the petitioner for the implementation of the work according to the option selected.
 - b) Adopt, where applicable, a borrowing by-law to decree the construction of the work or part of the services to be performed by the Municipality, to be paid in whole or in part by a special tax imposed by reason of the frontage, surface area or assessment of the immovables for which the infrastructures are requested.
- 3) The Municipality assumes no responsibility for the non-approval of a borrowing by-law which causes it to suspend or not follow up on a request it has accepted.
- 4) If the Council does not accept the request, it must give reasons for its decision.

21. PERIOD OF VALIDITY OF AN APPROVED DRAFT AGREEMENT

From the date of the Municipal Council resolution authorizing signature of the agreement with the applicant, the latter has a maximum period of six months in which to sign the said agreement, failing which it will be null and void and the applicant will assume all costs incurred in preparing his application.

If the applicant wishes to continue with the project, he or she must submit a new application, which will be subject to the same review and decision process.

22. CONTENT OF THE AGREEMENT

The agreement covers road infrastructure or other work.

The agreement may also cover infrastructure and equipment, wherever located in the Municipality, intended to serve not only the properties covered by the permit, but also other properties within the Municipality's territory.

Upon receipt of the notice of approval provided for in section 19 of this agreement, the Municipality shall forward to the applicant a draft agreement for the implementation of the project in question, in whole or in phases, said agreement including, but not limited to, the following elements, namely:

- a. Designation of parties.
- b. Description of the municipal work to be performed and identification of the party responsible for all or part of the work.
- c. A plan showing the land covered by the agreement.

- d. The determination of the costs relating to the work to be borne by the party responsible for carrying it out and, in the event that a party other than the party carrying out the municipal work assumes the costs, the determination of the costs relating to the work to be borne by that person; where applicable, the terms of payment by the person responsible for defraying the cost of the work, as well as the interest payable on any instalment due.
- e. The names of the professionals whose services and fees will be retained by the applicant to carry out any of the steps provided for or necessary to the completion of the said agreement (including, in particular, site supervision and inspections by an engineer).
- f. A detailed schedule for the work to be carried out by the applicant, indicating the various stages of the project in chronological order.
- g. Financial guarantees required of the permit applicant.
- h. How the work will be carried out.
- i. The date by which the work must be completed.
- j. Management of provisional and final acceptance of work.
- k. Conditions relating to the issuance of building construction permits.
- l. Terms and conditions for the transfer of streets, infrastructures and spaces intended for municipal facilities, where applicable.
- m. Default clause.
- n. An undertaking by the applicant to provide the Municipality, upon completion of the work, with a certificate from an engineer attesting to the compliance of said work with the by-laws, standards and rules of the trade applicable to the work covered by the agreement.
- o. An undertaking by the applicant to authorize the Municipality, in the event of default by the applicant, to enter the building, to carry out any work provided for in the agreement and, at its discretion, to use the surety provided for this purpose. It also authorizes the Municipality to enter the building and carry out any corrective work to secure the building and ensure environmental protection on the site.

If there is more than one applicant, each applicant must commit to the Municipality jointly and severally with the others, for every one of the obligations stipulated in the agreement.

4 FINANCIAL ARRANGEMENTS AND COST SHARING

23. WORK COMPLETION COSTS

In the case of road infrastructure intended to remain private, the applicant is responsible for the entire cost of the work, with no possibility of financial participation by the Municipality.

In the case of infrastructure destined for public use, the applicant is responsible for the entire cost of the work.

However, at its discretion, and on the recommendation of the Director of the Public Works Department, the Municipal Council may choose to have the Municipality assume all or part of the cost of carrying out municipal work.

24. EXCEPTION CLAUSE RELATED TO A BORROWING BY-LAW

If the execution of the municipal work covered by this agreement must, at the Municipality's discretion, be the subject of a borrowing by-law to finance the portion attributable to the Municipality, the following paragraph shall apply.

If the said borrowing by-law does not come into force within six (6) months of the date of signature of the agreement on the grounds that it has not been approved by those entitled to vote or by the Minister of Municipal Affairs and Housing, the said agreement shall become null and void and any damages that may be caused to the applicant in such a case may not be claimed from the Municipality, the applicant releasing the Municipality accordingly.

5 FINANCIAL GUARANTEES

25. PERFORMANCE BOND

Prior to signing the agreement, the applicant must provide the Municipality with financial guarantees to preserve the Municipality's right to proceed with the work in the event of default by the applicant. The guarantees may take one or other of the following forms, or a combination thereof:

a. A performance bond provided by the applicant issued in favour of the Municipality by an insurance company holding guarantee insurance and included on the list published by the Inspector General of Financial Institutions for a value equal to 100% of the estimated total cost or actual cost of the work, valid for a minimum period of six (6) months after the estimated date of completion of the said work.

or

b. An irrevocable and unconditional bank letter of guarantee provided by the applicant in favour of the Municipality for a value equal to 100% of the estimated total cost of the work, valid for a minimum period of six (6) months after the estimated date of completion of said work.

Or

c. A cash sum equal to 100% of the estimated total cost of the municipal work.

26. Maintenance guarantee

Prior to the release of the performance guarantee, the applicant must provide the Municipality with financial guarantees to enable the Municipality to maintain and repair the municipal work in the event of defects or problems arising after final acceptance. These guarantees cover any defects, omissions or faulty workmanship that may exist or occur in the work and must be valid for a period of one (1) year after final acceptance of the work. They are equal to 10% of

the estimated total cost of the municipal work and may take the form, at the applicant's option, of a performance bond, a bank guarantee or an amount of money satisfying the terms and conditions indicated in article 25.

27. Guarantee renewal

In the event that a guarantee referred to in articles 25 and 26 expires on a date prior to the fixed period, the estimated date of completion of the work or the end of the work, the applicant must renew this guarantee at least sixty (60) days prior to its expiry date. Should the applicant fail to renew and notify the Municipality within this period, the Municipality may take appropriate measures to protect its warranty, including the possibility of invoking the default clause and forfeiting the warranty.

28. Maintenance of guarantees during provisional operation

If the Municipality agrees to operate the works before acquiring them, the cost of operation is assumed by the Municipality as of provisional acceptance. The applicant must, however, correct all deficiencies before transferring the infrastructures, and the guarantees provided for in the preceding articles apply according to the relevant terms and conditions.

29. Release of financial guarantees

On the date of provisional acceptance of the work, the Municipality may elect to retain or release all or part of the balance of the performance bond held by it and provided by the applicant upon signature of the agreement. At that point, the maintenance guarantee takes over.

The total balance is released upon final acceptance of the work, when the maintenance guarantee takes over from the performance guarantee, if applicable. The release of a financial guarantee is conditional on the Municipality not having had recourse to this guarantee.

The Municipality may also authorize provisional acceptance of Level I work and modify the performance bond so that it corresponds to 125% of the estimated total cost of the remaining work. The form of the guarantee must comply with the provisions of article 26.

6 PROCEDURE FOR MONITORING AND ACCEPTANCE OF WORK

30. Work supervision and monitoring

The engineer appointed by the Municipality (at the applicant's expense) will monitor the work, ensure compliance with the plans and specifications and ensure compliance with municipal by-law requirements.

If, at any given time, the Municipality is of the opinion that the work is not being carried out in accordance with the approved plans and specifications and the terms of this agreement, it may order the work to be halted in whole or in part until the situation has been verified and corrected, if necessary.

Following receipt of a notice from the Municipality to the effect that the work does not conform or requires modifications, adjustments or repairs, the applicant shall, within 48 hours of receipt of such notice, carry out the required modifications, repairs or adjustments, in accordance with the Municipality's requirements

31. ACCEPTANCE PROCEDURE

Upon completion of the work, the director of the public works department, the applicant, the engineer appointed by the applicant and the engineer appointed by the Municipality (at the applicant's expense) will inspect the work as a whole with a view to provisional acceptance.

The engineer appointed by the Municipality (at the applicant's expense) shall, if necessary, recommend provisional acceptance of the municipal work. The Public Works Director takes note of this recommendation and comments, if necessary.

If this site visit establishes that the municipal work complies with the project plans and specifications, the Public Works Director gives the Municipal Council his recommendation on provisional acceptance or final acceptance of the work, as he determines. Final acceptance of municipal roadwork is granted only after a freeze/thaw cycle (winter season) has enabled the condition of the work to be assessed, and appropriate corrective action taken if required.

If, in the opinion of the director of the public works department, any elements appear to be non-compliant with the project plans and specifications, the latter will issue a notice of deficiency to the applicant, who must carry out the necessary work to correct them within the timeframe indicated in the notice.

Should the applicant fail to carry out the corrective work within the timeframe indicated, the Municipality may carry out the work or have it carried out by a third party, using the financial guarantee on hand at the time, without further notice or delay. If this guarantee is insufficient, the Municipality may claim the balance from the applicant.

The procedure set out in this article also applies to provisional acceptance of Level I work. In this case, the applicant must provide an estimate of the total cost of the remaining work, prepared by an engineer.

7 TRANSFER OF INFRASTRUCTURE

32. TRANSFER OF INFRASTRUCTURE

If the project complies with the requirements of the road construction by-law, the Municipality's public infrastructure transfer by-law and the memorandum of understanding, the Municipality may, once the work is fully completed and following final acceptance of the municipal work, accept the transfer of the infrastructure.

33. TRANSFER FEES

All applicable fees related to the transfer of infrastructures are to be paid by the applicant.

8 TRANSFER OF INFRASTRUCTURE

34. CONTRAVENTION OF PLANNING BY-LAWS

Any person who contravenes any of the applicable provisions of this by-law is guilty of an offence.

35. APPLICATION OF PENALTIES

Council generally authorizes the Director General, the Director of the Public Works Department, the Foreman of the Public Works Department, the Director of the Planning and Environment Department and any Building and Environment Inspector to undertake penal proceedings against any person who contravenes any of the provisions of the present by-law, and consequently generally authorizes these persons to issue any statements of offence useful for this purpose.

The Municipality may, for the purposes of enforcing the provisions of this by-law, exercise cumulatively or alternatively, with those provided for in this by-law, all appropriate recourses of a civil or penal nature and, without limitation, the Municipality may exercise all recourses provided for in articles 227 to 233 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

35. PENAL SANCTIONS

Cumulatively or alternatively, the Municipality may also take penal action to enforce compliance with its by-laws.

Any person who contravenes this planning by-law commits an offence and is liable to a fine of not less than one thousand (\$1,000) dollars, and not less than two thousand (\$2,000) dollars for a legal person, plus costs.

In the event of a repeat offence, the fine may be increased to three thousand (\$3,000) dollars for a natural person and five thousand (\$5,000) dollars for a legal entity, plus costs.

If an offence lasts more than one day, the offence committed on each day constitutes a separate offence, and the penalties enacted for each offence may be imposed for each day that the offence lasts, in accordance with the present by-law.

8.4 Filing and notice of motion and presentation of draft by-law number 361-2024 respecting construction requirements and conditions for public or private roads in accordance with the Quebec Municipal Code (RLRQ chapter C-27.1)

8.5 Adoption of DRAFT BY-LAW NUMBER 361-2024 on construction requirements and conditions for public or private roads

WHEREAS the Municipality of the Township of Harrington is governed by the Land Use *Planning and Development Act* (L.R.Q., c. A-19.1).

WHEREAS the Municipality of the Township of Harrington wishes to ensure an adequate and safe road service for all citizens and users on its territory.

WHEREAS it is necessary to update the current by-law on road construction and establish new normative provisions governing roads.

WHEREAS a notice of motion of the present by-law is given at the regular meeting of the municipal council on July 15, 2024, and the draft by-law is tabled at this same meeting.

WHEREAS a copy of this draft by-law was given to the members of the Municipal Council in accordance with the Quebec Municipal Code (RLRQ, c. C-27.1);

WHEREAS a copy of the draft by-law is available for public consultation at the beginning of the meeting.

IT IS MOVED BY Councillor Daniel St-Onge

AND UNANIMOUSLY RESOLVED TO ADOPT draft by-law number 361-2024, concerning construction requirements and conditions for public or private roads, which repeals by-laws 198-2012 and 199-2012.

THEREFORE, the Municipality of the Township of Harrington decrees as follows:

The preamble forms an integral part of this by-law

1 DECLARATORY PROVISIONS

1.1 PURPOSE OF THE BY-LAW

The purpose of this by-law is to make the issuance of a public or private road construction permit subject to the conclusion of an agreement between the applicant and the Municipality concerning the execution of work related to infrastructures and equipment and the assumption of responsibility for this work by integrating drainage and water flow management measures in an ecologically responsible manner.

1.2 AREA OF APPLICATION

This by-law applies to the construction of public or private roads located throughout the territory of the Municipality of the Township of Harrington, including, without limiting the generality of the foregoing, road foundations, covers, drainage, signs, pedestrian walkways, fences and similar equipment.

1.3 REFERENCE DOCUMENTS

When detailed technical information concerning materials, equipment and calculation methods is required to ensure compliance with the requirements of this by-law and the text refers to a reference document, such document forms an integral part of this by-law.

In the event of any discrepancy between the provisions of these regulations and the requirements of any referenced document, the provisions of these regulations shall prevail.

1.4 INTERPRETATION

The use of the verb "shall" indicates an absolute obligation; the verb "may" indicates an optional meaning. Any other definition retains its regular meaning or that prescribed in the applicable regulations.

1.5 TERMINOLOGY

Unless expressly specified to the contrary or unless the context indicates a different meaning, the expressions, terms and words defined in the Permits and Certificates Bylaw apply.

1.6 COMING INTO FORCE

This by-law shall come into force in accordance with the law.

2 DEFINITIONS

- 1) **Vehicular access:** A private access road providing access to buildings, including those within integrated projects, from the public thoroughfare. A vehicular access must **always be passable to allow emergency vehicle traffic.**
- 2) **AQTR:** Association québécoise des transports (Quebec Transportation Association)
- 3) **Shoulder:** Part of the roadbed between the roadway and the ditch embankment, used to support the structure and surface of the roadway.
- 4) **Bank:** Part of the edge, more or less steep, of running or stagnant water, which can be or is submerged without the water overflowing.
- 5) **Riparian protection strip:** strip of land bordering lakes and watercourses, extending inland from the natural high-water mark.
- 6) **BNQ:** Bureau de normalisation du Québec.
- 7) **CCDG:** Ministry of Transport general specifications.
- 8) **Turning circle:** Turning area where vehicles travel counter-clockwise to allow a vehicle to return to travel in the opposite direction in the other lane.
- 9) **Pavement:** Surface on which vehicles travel, excluding shoulders.
- 10) **Chemin:** A land communication route of local interest, usually in the countryside, of secondary importance to roads.
- 11) **Private road:** A private road is an automobile or vehicular thoroughfare that has not been ceded to a municipality or to a provincial or federal government.
- 12) **Public road:** A public road is an automobile or vehicular thoroughfare owned by a municipality, the provincial government or the federal government.
- 13) **Council:** The Council of the Municipality of the Township of Harrington.
- 14) **Road construction:** Refers to, but is not limited to, drainage, excavation or foundation work required to build the infrastructure.
- 15) **Watercourse:** Year-round or intermittent river or stream, with the exception of drainage ditches dug artificially into the ground and used for runoff.
- 16) **Cul-de-sac:** roundabout with a minimum diameter of 30 meters, dead end, dead-end street.
- 17) **Start of work:** the time at which clearing work begins prior to the start of infrastructure shaping work, including blasting where applicable.
 - 1) Subtract the index for the penultimate month of December from the index for the last month of December prior to the fiscal year in question.
 - 2) The difference obtained under paragraph 1) is divided by the index established for the penultimate month of December.

- 18) **Right-of-way:** Space occupied by roads and public utilities.
- 19) **Private road right-of-way:** corridor used for private roadway purposes.
- 20) **Driveway:** Permanent access to a sidewalk, curb or ditch to allow vehicular access to land adjacent to the street.
- 21) **Foundation:** A layer of predetermined materials, including the lower and upper foundations, of an established thickness, designed to receive the loads transmitted by motorized vehicle traffic and their loads.
- 22) **Ditch:** A ditch is a small longitudinal depression in the ground used to drain surface water from neighboring properties, i.e. road ditches, line ditches that drain adjacent properties only, and ditches used to drain a single property only.
- 23) **Engineer:** Engineer employed by a consulting engineering firm whose services are retained by a developer, the Municipality or the MRC for the preparation of plans and specifications. The engineer is always mandated by the municipality to supervise the work.
- 24) **Laboratory:** Accredited soil laboratory mandated by the municipality or the developer.
- 25) **Lake:** Any body of water fed from a watershed by one or more watercourses or springs.
- 26) **Natural highwater mark:** The point where the predominance of aquatic plants changes to a predominance of terrestrial plants, or if there are no aquatic plants, where the terrestrial plants stop in the direction of the water body.
- 27) **Bed:** The part of a lake or watercourse usually covered by water.
- 28) **Littoral:** Part of a lake or watercourse extending from the high-water mark to the center of the lake or watercourse.
- 29) **Lot:** Land registered on a cadastral plan, in accordance with articles 3026 et seq. of the Civil Code, to which a distinct number is assigned.
- 30) **Riparian lot:** Site adjacent to a lake or watercourse, wetland, marsh, bog, swamp or other body of water.
- 31) **MELCC:** Ministry of Environment et de la Lutte contre les changements climatiques.
- 32) **MTQ:** Quebec Ministry of Transport and Sustainable Mobility.
- 33) **Municipality:** The Municipality of the Township of Harrington.
- 34) **Wetland:** A place flooded or saturated with water for a period of time long enough to influence the nature of the soil and the composition of the vegetation. This definition includes marshes, swamps, bogs and ponds. A wetland may be open or closed.
- 35) **Municipalize:** Place a good or service under the control of a municipality.
- 36) **Designated Officer:** Official designated by Council to administer and enforce this by-law as described in the Permits and Certificates By-law.
- 37) **Cadastral operation:** A cadastral modification as provided for in the first paragraph of article 3043 of the Civil Code of Québec.
- 38) **Work:** Any building, construction, use, excavation or transformation of land, including clearing, filling and clearing.
- 39) **Pedestrian passageway:** land laid out for pedestrian traffic.
- 40) **Culvert:** conduit installed to allow water to flow into a drainage system (including ditch, watercourse, etc.).

- 41) **Bridge:** structure or construction used to cross a depression in the ground or an obstacle (including a watercourse, railroad, road, etc.).
- 42) **Road surfacing:** means covering with gravel, stone screening, crushed paving, bituminous concrete or any other equivalent material approved by the Municipality.
- 43) **Applicant:** any individual or legal entity requiring the Municipality to issue a subdivision permit for a development project involving at least the construction of a road.
- 44) **Utilities:** Public utility networks such as aqueduct, sanitary sewer, storm sewer, electricity, gas, fiber optics, post office, telephone and related equipment and accessories.
- 45) **Sub-base:** A granular borrow layer of predetermined particle size, placed on the subgrade or supporting soil and under the lower foundation.
- 46) **Lot:** Land consisting of one (1) or more contiguous lots or parts of lots.
- 47) **Public thoroughfare:** any vehicular, bicycle or pedestrian thoroughfare, or any space reserved for this purpose by the Municipality or having been ceded to it for public use.

3 PRINCIPLES OF APPLICATION

3.1 PRINCIPLE

All construction work on public or private roads within the territory of the Municipality must be carried out by the applicant or his agent(s), in accordance with the terms and conditions set out in this by-law.

3.1.1 ADMINISTRATIVE PROVISIONS

a) Administration and enforcement of the by-law

The administration and enforcement of this by-law are entrusted to any person hereinafter referred to as the "designated officer", by resolution of the Municipal Council.

b) Powers of the designated official

The powers of the designated officer are set out in the Permits and Certificates By-law.

c) Site and building visits

The designated officer may visit and examine, between 7:00 a.m. and 7:00 p.m., any immovable or movable property, as well as the interior and exterior of constructions, buildings or works of any kind, to ascertain whether the by-law whose application has been entrusted to him is being complied with and to oblige owners, tenants or occupants to receive him and answer any questions put to them concerning the application of this by-law.

The designated officer is authorized to be accompanied by any person during the visit likely to help him assess the condition of the premises or to note a fact or situation.

3.2 PERMITS

3.2.1 OBLIGATIONS

Any person wishing to undertake an activity requiring the issuance of a permit under the present by-law must obtain such permit from the designated officer before undertaking said activity.

No permit may be issued until the requirements of this by-law and any other applicable municipal by-law have been complied with.

The applicant must carry out the work in accordance with the conditions stipulated in the permit and the declarations made at the time of application.

No deforestation and/or road construction work may begin until a permit has been obtained from the Municipality's urban planning department. To

this end, issuance of the permit is conditional on the developer agreeing to sign the memorandum of understanding with the Municipality.

Prior to the commencement of work, the applicant must have obtained all required permits and/or certificates of authorization from other government authorities, and must also provide the designated officer with the following documents in duplicate (2), said documents to be signed and sealed by a qualified engineer who is a member of the Order of Engineers of Québec:

- A road subdivision plan showing the limits of the road right-of-way.
- Elevations of the natural terrain as well as projected elevations of the longitudinal and transverse profile with % slopes of the road.
- 25m sections and a typical cross-section of the proposed road structure.
- Stormwater management plan (including pre- and post-development flow calculations, sizing of culverts and flow and sediment control structures) in accordance with MELCC stormwater management guides.
- Easements required for drainage of proposed structures and other related equipment or overburden.
- Culvert location, diameter, type and installation details.
- Location and length of proposed guardrails.
- Road design speed.
- Location and details of utilities to be located on or under the road right-of-way, as well as any required easements.
- A schedule for completion of the work.

Work is to be carried out in stages. Each stage will be followed by an inspection and must be approved by the designated municipal official, engineer or authorized representative before proceeding with the following steps:

- a) Road staking
- b) Clearing and removal of vegetation cover.
- c) Profiling, backfill/clearance, drainage pipework.
- d) Granular foundation and compaction.
- e) Paving (if required).

3.2.2 MODIFICATIONS TO PLANS AND DOCUMENTS

Any changes made to plans and documents after the permit has been issued must be approved by the designated officer before the modified work is carried out. In such cases, a new permit will be required. The designated officer may approve modifications only if they comply with the provisions of this by-law and all applicable regulations.

Such approval does not extend the term of the permit.

3.2.3 TIME LIMIT FOR PERMIT ISSUANCE

Unless otherwise stipulated, when the subject of an application complies with the provisions of the present by-law, the permit requested must be issued within sixty (60) calendar days of the date of receipt of the application by the designated officer.

If an application is incomplete, the date of receipt of the additional information is considered to be the date of receipt of the application.

3.2.4 DURATION OF PERMIT

All permits are null and void if not acted upon within six (6) months of the date of issue.

Road construction must be completed within one (1) year of the date of issue of the permit, i.e. one (1) year for foundations, single-layer paving, slope stabilization and ditches.

For bridge construction (not forming part of a road construction permit), the construction deadline is to be established with the municipal authorities.

Once these deadlines have passed, the Municipality may initiate any appropriate legal proceedings in accordance with the provisions of the present by-law.

3.2.5 PERMIT POSTING

A permit must be prominently displayed, for the entire duration of the work, on the site where it is to be carried out.

3.2.6 PERMIT COSTS

No fee is required for the issuance of a public or private road construction permit. However, the fees and/or financial guarantees required under the by-law respecting agreements for municipal and infrastructure work apply.

3.2.7 FOLLOWING APPLICATION SUBMISSION

Upon receipt of a written and complete application, the designated official will study the project plan, suggest any necessary modifications to the applicant, if applicable, within sixty (60) calendar days of receipt of the documents and issue a building permit if:

- 1) The subdivision permit is issued in accordance with the conditions and requirements of the subdivision by-law.
- 2) The project complies with the urban plan, other urban planning bylaws, the MRC's layout diagram, any MRC interim control bylaws and any other municipal bylaws in force, and has been accepted in principle, by resolution, by the Council, which has so informed the applicant.
- 3) The application is accompanied by all plans and documents required by this by-law.
- 4) The project complies with this by-law.
- 5) A memorandum of understanding is signed in accordance with the by-law respecting municipal and infrastructure work agreements.
- 6) Permits or certificates of authorization from the Ministry of Sustainable Development, of Environment and the Parks, the Ministry of Transport or any other government department or level, if required, have been issued.

If not, he must inform the applicant in writing of his refusal within 30 calendar days, giving reasons.

3.2.8 ISSUANCE OF A MAIN BUILDING CONSTRUCTION PERMIT

A construction permit for a main building may be issued on a lot adjacent to a public or private road, subject to, among other things, completion of the road's upper foundation and all related drainage and stabilization work. Provisional acceptance of the work following a site visit in the presence of the engineer mandated by the Municipality (and at the applicant's expense), the developer or his representative and the designated official.

This requirement does not restrict the applicant from complying with urban planning regulations in order to obtain a building permit. Incidentally, the application must comply with zoning and building by-laws, be accompanied by all required plans and documents, and include the cost of obtaining the permit and the financial guarantees provided for in said by-laws.

3.2.9 NOTICE OF COMMENCEMENT OF WORK

Before work begins, the applicant must send the Municipality written notice of his intention to begin said work. The Municipality will convene a site start-up meeting within 7 days of receipt of this notice.

At this meeting, the Municipality will issue an authorization to start the work, provided that all permits and authorizations have been obtained, and

that all requirements set out in the memorandum of understanding for municipal work, agreed and signed by the developer and the Municipality, have been met.

3.2.10 WORK INSPECTION

Within a fortnight of completion of the work, the engineer appointed by the Municipality (at the developer's expense), the contractor, the applicant and a representative of the Municipality will inspect the work for provisional acceptance. This inspection will take place following written notice from the engineer at least 5 days in advance. Upon completion of the work, a certificate of compliance must be issued for the work performed by an engineer who is a member in good standing of the Ordre des ingénieurs du Québec, and who has been duly appointed upon signing the memorandum of understanding provided for in the by-law respecting municipal and infrastructure work agreements.

3.2.11 WARRANTY PERIOD

The time between provisional acceptance of the work and final acceptance (if all deficiencies are corrected) during which the contractor must guarantee the good condition and operation of the work performed under the contract is 12 months.

3.2.12 "AS-BUILT" DRAWINGS

Three paper copies and one digital copy in PDF format of all "as-built" plans must be submitted to the Municipality no later than 60 days after completion of the work and corrected following final acceptance, if applicable. These plans must incorporate all changes made during construction. A written list of changes and triangulation of all appurtenances (main valves, service valves, sewer inlets, manholes, catch basins, etc.) must accompany the "as-built" plans.

3.2.13 FINAL ACCEPTANCE

At the end of the 1-year warranty period, the engineer appointed by the Municipality (at the developer's expense) will inspect the work in the presence of the contractor, the developer and a representative of the Municipality. The contractor will be advised to make any repairs deemed necessary and noted by the engineer and the Municipality's representative. Once all deficiencies have been corrected, the engineer will issue a certificate of compliance. The developer may then release and pay the 10% contractual holdback to the contractor.

3.3 CATEGORY OF LAND COVERED BY THIS BY-LAW

All building permit applications involving at least one public or private road or part of a road are subject to the present by-law and to the obligation to enter into an agreement, as hereinafter stipulated.

3.4 CONDITIONS PRECEDENT TO THE ISSUANCE OF A SUBDIVISION PERMIT IN RESPECT OF THE PRESENT BY-LAW

In addition to the conditions for issuing a subdivision permit provided for in the subdivision by-law in force on the territory of the Municipality, the designated officer may only issue a subdivision permit providing for a road or part of a road if:

- a) The proposed road is connected to a public road or to a road giving access to a public road.
- b) The application addressed to the Municipality, for the attention of the General Manager, is accompanied by all the documents required by the present by-law.
- c) The applicant and the Municipality have signed an agreement concerning the execution of the work, in accordance with the conditions set out in this by-law.

3.5 ASSUMPTION OF COSTS

Any person requesting the issuance of a construction permit covered by this by-law is required to assume all costs related to direct or related work

associated with the construction of the road shown on the plans and must, to this end, first enter into an agreement with the Municipality under the terms of the by-law respecting agreements for municipal and infrastructure work.

3.6 MEMORANDUM OF UNDERSTANDING FOR THE CONSTRUCTION OF A PRIVATE ROAD OR ITS EXTENSION

The applicant must contract with the municipality to meet the following conditions:

- a) To provide a plan of the proposed cadastral operation of the road, drawn up by a land surveyor (one hard copy and one digital copy in PDF format).
- b) Provide the road construction plans, completed and sealed by an engineer (one hard copy, one digital copy in PDF and DWG format).
- c) Provide a biologist's report inventorying the flora and fauna as well as any environmental details that may be disturbed by the construction of said road(s).
- d) To provide any expert reports requested for analysis and understanding of the application.
- e) To build the road shown on the plan for which the construction permit is requested within the time frame agreed upon by the parties.
- f) To carry out all work, to inform the Municipality in writing of the completion of the work, while allowing the Municipality the right to visit the site to verify the progress of the work and its compliance with the construction standards of the present by-law.
- g) Where applicable, to build or install at its own expense all infrastructure related to construction, such as lighting, bridges, culverts or any other equipment or infrastructure directly related to the construction of said road, except for traffic signs.
- h) To take all necessary mitigation measures to minimize negative impacts on the environment as a preventive measure, such as drainage, erosion and sedimentation control.

4 DESIGN STANDARDS MINIMUM STANDARDS FOR ROAD CONSTRUCTION

The design and construction of roads and all municipal services must comply with the following standards:

- Environmental Quality Act, directives 001, 004 and all others applicable from the Ministry of Environment against climate change. (MELCC).
- The urban planning by-law in effect at the time the project documents are submitted.
- The by-law governing subdivision standards and the present by-law.
- The present by-law.
- Quebec Ministry of Transport standards for road construction, tomes I, II and III, as well as the general specifications (CCDG).
- Bureau de normalisation du Québec (BNQ) standards.
- AQTR's Canadian geometric road design standards.
- Good engineering practice.
- Sketches appended to the by-law.

Any reference to regulations, standards, directives or laws must refer to the most recent version. In the event of contradiction between regulations, standards, directives and laws, the safest standard must be applied.

4.1 STAKING THE ROAD

Before commencing construction work, the applicant must have permanent metal markers (monuments) installed by a land surveyor on each side of the road at maximum 150-metre intervals, as well as at the beginning and end of each curve, at tangent points and when the right-of-way line is broken.

Any survey monuments removed must be reinstalled by a land surveyor, at the applicant's expense. These requirements also apply when a road is retroceded to the Municipality by its owner(s).

4.2 ROAD LAYOUT STANDARDS

4.2.1 ROAD LAYOUT

a) Soil type and wooded area

In addition to respecting the natural topography of the site as much as possible, street alignments must avoid peat bogs, marshy land, unstable ground and any land unsuitable for drainage or exposed to flooding, scree and subsidence.

In general, roads should bypass wooded areas, copses and rows of trees, and use cleared areas and any natural sites of interest.

Roads should avoid peat bogs, swamps, unstable ground and any land unsuitable for drainage or exposed to flooding, scree and subsidence. They must respect wooded areas and rows of trees. A minimum distance of 60 metres must be maintained between the right-of-way of a street and the natural line of any watercourse or lake; if water and sanitary sewer services are available, this distance may be increased to 45 metres.

4.2.2 RIGHT-OF-WAY

The road right-of-way must be fifteen (15) metres.

4.2.3 INTERSECTION ANGLE

The alignment of the road must comply with the requirements set out in the current subdivision by-law.

4.2.4 INTERSECTION AND SLOPE

The road layout must comply with the requirements set out in the current subdivision by-law.

4.2.5 SLOPES

Each layer of road subgrade must be levelled and compacted to obtain a minimum cross slope of 3% from the center to the ditches, except on sharp curves where a different slope may be proposed in accordance with the provisions of the Canadian Geometric Design Standards for Roads.

4.2.6 SPEED-DEPENDENT CURVES

All future roads must be designed to have a minimum curve radius of 50 metres if the desired posted speed is 30 km/h, and 85 metres if the posted speed is 50 km/h.

4.2.7 CUL-DE-SACS

The road layout must comply with the requirements set out in the current subdivision by-law.

4.3 TERRACING

4.3.1 SITE PREPARATION

The land to be used for the road must be prepared as follows:

- a) Vegetation, stumps, roots, rocks and other such matter must be removed from the entire width of the road base.
- b) If the road crosses a wetland or peat bog, the construction method must be defined by an engineer.
- c) Ditches must be built to a regular profile to allow water to always run off. They must be free of stones, branches and other objects that could impede water flow. Ditches must be able to drain into lower ditches or watercourses.
- d) Road shoulders likely to cause erosion must be paved.
- e) The right-of-way must be completely free of all debris, garbage, piles of earth, rocks, branches and other obstacles.
- f) Any land adjoining a road must be higher than the road. All owners must ensure that surface water from their parking lot drains into the ditch. Under no circumstances may water from the lot drain onto the road.

4.3.2 EXCAVATION SURPLUS

Any surplus material must be transported, placed and spread out in a suitable manner at locations agreed upon with the engineer and the owner. If the owner does not wish to retain surplus excavated material, the contractor shall dispose of it.

If excess excavated material is deposited on land not owned by the owner or the contractor, the latter must provide the Municipality and the engineer with a letter from the owner of the site to the effect that he accepts the material and releases the contractor, the owner, the engineer and the Municipality from any disputes that may arise from the fact that excavated material has been transported and deposited on his land and that he has obtained all required authorizations and permits.

4.3.3 ENVIRONMENTAL PROTECTION

Throughout the duration of the work, the contractor must take, and ensure that all persons under his jurisdiction take, all necessary measures to maintain the protection of the environment, and more particularly, but without limitation, the following items:

- All existing vegetation on the project site must be preserved, such as bushes, trees, lawns and other vegetation which, in the opinion of the engineer, does not interfere with the work, or else we will be forced to carry out redevelopment work (such as tree planting, seeding, compensatory measures, etc.).
- The use of pesticides, herbicides and insecticides is prohibited.
- The contractor must, for the duration of the work, use recognized industrial control methods to avoid or curb the production of dust, noise and smoke, as well as any air pollution on the site.
- Whenever necessary, or at the request of the engineer, owner or designated officer of the Municipality, the contractor must apply dust suppressant (excluding water). Failure to do so may result in such spreading being carried out at the contractor's expense.
- Machine-tool and tracked vehicle traffic is always prohibited on all asphalt-covered roads, unless wood plywood with a minimum thickness of $\frac{3}{4}$ inch or rubber mats with a minimum thickness of $\frac{3}{4}$ inch are laid on the ground to prevent damage to the asphalt. Any offender will be systematically subject to the fines provided for in the present by-law. Also, the cost of repairing damaged paving will be borne by the offender.
- It is forbidden to carry out construction work between 7 p.m. and 7 a.m. that generates noise from machinery or specialized equipment.

In addition, the contractor must comply in all respects with the environmental guide for work related to the Quebec Water Treatment Plan (Quebec Eater Purification Program) issued by the MELCC, Management of the quality of watercourses in 1985, with subsequent revisions.

4.3.4 MATERIAL REMOVAL AND SITE CLEAN-UP

After completion of each structure, the contractor shall remove all rubble to a site approved by the engineer and clean up the site within 7 days.

4.4 Road structure

4.4.1 COLLECTOR STREET

The minimum width of the roadway is 7 m, with 1 m shoulders. The pavement structure **must meet the following minimum requirements:**

- Sub-base: 300 mm thick MG-112 material. All materials, whether in place or not, may be considered as long as a soil laboratory accredits the material as MG-112. The engineer must, depending on the "natural" soil conditions of the site, justify that this layer is not required when applicable.
- Lower foundation: 250 mm thick, MG-56 diameter crushed stone. The engineer may, depending on the "natural" soil conditions of the site, justify that this layer may be less than 250 mm.
- Upper foundation: 200mm thick MG20 crushed stone.

The above-mentioned sub-base and lower and upper foundation layers must be compacted separately to 95% of the modified "Proctor".

The grading of the various materials must comply with standard NQ 2560-114. Grades specified in the General Specifications and Estimates (CCDG) of the Ministry of Transport of Québec.

A copy of the grading analysis and compaction tests must be submitted to the Municipality and/or the engineer. Upon presentation of calculations certified by a soils engineer, the Municipality may, if it deems appropriate, accept a different structure, provided it is shown that the bearing capacity of the proposed structure is equal to or greater than that required by the present by-law, all in accordance with the type of soil on which the road structure rests.

The Municipality reserves the right to require, under certain conditions, the paving of shoulders, gutters, windrows and curbs. The shoulder will be 1 m wide on each side of the pavement, with a 5% slope.

4.4.2 LOCAL STREET

The minimum width of the roadway is 6 m with 0.5 m shoulders. The pavement structure must meet the following minimum requirements:

- Sub-base: 300 mm thick MG-112 material. Any material, in place or not, may be considered as long as a soil laboratory accredits the material as MG-112. The engineer must, depending on the "natural" soil conditions of the site, justify that this layer is not required when applicable.
- Lower foundation: 200 mm thick MG-56 crushed stone.
- Upper foundation: 200mm thick MG-20 crushed stone.

The above-mentioned subbase, lower foundation and upper foundation layers must be compacted separately at 95% modified Proctor.

The grading of the various materials must comply with NQ 2560-114.

A copy of the grading analysis and compaction tests must be submitted to the Municipality and/or the engineer. Upon presentation of calculations certified by a soils engineer, the Municipality may, if it deems it appropriate, accept a different structure, provided it is shown that the bearing capacity of the proposed structure is equal to or greater than that required by the present by-law, all in accordance with the type of soil on which the road structure rests.

The Municipality reserves the right to require, under certain conditions, the paving of shoulders and the installation of gutters, windrows and curbs.

4.4.3 BITUMINOUS SURFACING

Bituminous paving must be supervised by a recognized soil laboratory approved by the Municipality. Parameters to be monitored include: asphalt mix conformity, paving rate, asphalt mix temperature during paving, asphalt mix joint temperature before and during paving of the 2nd span, asphalt binder spreading and all other requirements established within BNQ and/or CCDG standards.

A layer of crushed stone MG-20, MG-20b or GBR (on steep slopes only) will be laid, graded and compacted to 95% of the modified Proctor, on the shoulder to reinforce the bituminous pavement. Crushed stone must not be deposited on the bituminous pavement and spread with a grader on the shoulder in such a way as to damage the pavement or reveal grooves. Any saw cuts in the pavement must be made in a straight line.

4.5 ROADWAY DRAINAGE

4.5.1 DITCHES AND EMBANKMENTS

The road must be provided with ditches at least 3 metres wide and, as a rule, with sufficient drainage to receive rainwater from the road and adjacent private properties.

Maintenance should be carried out using the lower third of the slope method.

In addition to referring to the sketch appended to the by-law, ditches and embankments must comply with the following requirements:

Ditches must be dug using an appropriate bucket with blade (without teeth/when the nature of the soil permits) on each side of the road with a minimum longitudinal slope of 0.5% to allow free flow of surface water. The profile of ditches must be such that no stagnant water remains in them. Ditches must have a minimum depth of 800 mm. Ditch side slopes must not exceed 1.0V for 1.5H. Maintenance easements in favour of the municipality must be provided if the top or bottom of the slope exceeds the right-of-way. In addition, retaining walls must be provided to minimize slopes.

Where private land is lower than the level of the proposed ditch bottom, an embankment must be built to retain water within the ditch. This embankment must be stabilized and able to withstand heavy rainfall.

During and after construction, all necessary measures must be taken to ensure that surface water drains away without eroding or washing away fine particles. This implies the installation of sedimentation basins and sediment barriers at the appropriate locations, as indicated on the plans submitted.

To this end, the contractor must take the necessary measures and build the necessary facilities to prevent material and/or fine particles from polluting watercourses or constituting substances or materials harmful to the life of aquatic flora and/or fauna.

The developer is required to stabilize ditch embankments with H-3 hydroseeding (native species) on 100 mm of topsoil, within a maximum of 14 days following completion of the pavement structure. In unstable areas, biodegradable netting with mulch will be installed, as recommended by the engineer.

In addition, for any ditch with a slope greater than 8%, the bottom of the ditch must be graded with 100 to 200 mm crushed stone, 300 mm thick, and fitted with velocity sills when the slope exceeds 8%. The junction between the slope of the ditch and that of the surrounding land must be rounded.

In certain steeply sloping areas, a paved gutter, at the limit of paving, may be required at the natural outlets of surface water to prevent erosion of shoulders and slopes. If an existing ditch needs to be reshaped, the lower third technique must be used.

Whenever surface or channelled drainage water from the right-of-way destined to become municipal is directed towards or onto private property,

a minimum 6-metre-wide drainage and maintenance easement must be granted to the Municipality when the road is retroceded.

4.5.2 CULVERT

When a culvert is installed, its end must be stabilized to prevent erosion.

The proposed street right-of-way includes the extra widths required to ensure vegetation recovery on the slopes created on either side of the roadway, shoulders and drainage ditches.

All culverts must be designed for a minimum recurrence of 1 in 25 years. For private driveways, the minimum diameter of culverts is 375 mm. They must be HDPE (high-density polyethylene) with a smooth Class 320 interior, with a minimum width of 6 metres and a maximum width of 9 metres for residential driveways and 11 metres for commercial or industrial driveways. For commercial driveways longer than 11 metres, a manhole must be installed for maintenance purposes.

Transverse culverts crossing the roadway must be at least 12 metres long and have a minimum diameter of 450 mm, HDPE class 320. If a culvert is longer than 30 metres, an access shaft approved by the Municipality must be installed every 15 metres.

Where significant water flows are anticipated, culverts must be of sufficient diameter not to delay the flow of these flows.

Culverts must be installed in accordance with the sketch appended to the by-law.

There must be no standing water upstream or downstream of the culvert.

Culverts at private entrances are the responsibility of the owner of the property served and must be installed or replaced by the owner. Driveway slopes must not encroach into the road right-of-way. Driveway slopes may only be started from the property line.

4.6 TEMPORARY SIGNAGE

The contractor must provide all necessary signage (barricades, descriptive signs, light signals, flagmen, beacons, fences, etc.) when performing work near or on the road, in accordance with the Regulation respecting road signage of the Ministry of Transport of Quebec dated November 24, 1989 and all subsequent amendments (Highway Safety Code L.R.Q., c. C-2a.289), as well as occupational health and safety standards.

Should the signage prove inadequate or non-compliant, the Municipality will proceed with the installation of all necessary signage at the expense of the contractor and the promoter, for as long as the signage remains non-compliant.

The contractor must maintain traffic flow and access to property entrances at all times. The contractor is responsible for notifying in writing all emergency services and other road users (firefighters, police, school bus, public transit, Canada Post, Chamber of Commerce, garbage and recycling collection, etc.) in the event of mandatory road closure. No road closure may be carried out without the prior authorization of the Municipality and its approval of the proposed signage plan.

4.7 RESTRAINT SYSTEMS

The engineer must refer to Volume 1 of the Standards of the Ministry of Transport of Quebec, entitled Road Design (Conception Routière), regarding the justification for the installation of a restraint system (guardrails). The Municipality reserves the right to require, under certain conditions, the installation of a safety element where it deems it necessary.

5 ROAD TRANSFER AND MUNICIPALIZATION

5.1 OBLIGATION TO MUNICIPALIZE

Neither the acceptance in principle of the construction of a road, nor the acceptance of the construction plans and specifications, nor the inspections that may be carried out by any municipal officer or his authorized representative during the execution of the work, shall constitute an obligation on the part of the Municipal Council to accept the transfer and municipalization of a road.

5.2 CRITERIA FOR MUNICIPALIZATION OF A ROAD

Roads built prior to the adoption of this by-law will not be required to comply fully with the provisions of this by-law or any subsequent road construction by-law to be considered for municipalization. However, all roads built after the adoption of the present by-law must comply with all applicable clauses of the by-law in force at the time of construction of said road.

5.3 CONDITIONS

For roads built prior to the adoption of the present by-law, it must be demonstrated by an engineer that the structural capacity of the road meets the minimum requirements consistent with its intended use. In addition, the slope of the road must not exceed 15% in any section, it must be built within a right-of-way at least 15 metres wide, and visibility angles must respect minimum distances to ensure the safe circulation of road users.

The Municipality will only consider municipalizing a road when maintenance work considered usual is required once the transfer has been completed.

When construction work (paving, change of profile or alignment, structural reconstruction, blasting, ditch digging, culvert installation, etc.) is required, it may be carried out, following written agreement with the owners or residents, at the expense of the applicant(s), either by means of a lump-sum payment or a local improvement tax for the area benefiting from the work. No road will be municipalized and maintained by the Municipality until final acceptance of the work has taken place and the engineer responsible for supervising the work has issued a certificate of compliance.

The assignor(s) must provide the Municipality with a cadastral plan of the right-of-way of the road to be assigned, as well as an "as-built" plan of the infrastructure, all prepared by a professional. In addition, permanent metal markers (milestones) must be installed by a land surveyor, at a minimum distance of 150 metres from each other, as well as at each street intersection and at each change of alignment (beginning and end of curve).

The street or road in question must be the subject of a report favourable to municipalization by the Town Planning Advisory Committee (CCU).

5.4 TRANSFER

The acquisition of the road is entirely at the discretion of the Municipal Council, which may require the transfer of the road upon simple request, or never request such a transfer, in which case the road will remain private.

The owner of the land must transfer the road to the Municipality by notarized contract for the nominal sum of one dollar (\$1). All costs relating to this transaction will be borne by the assignor.

The following documents must be provided to the Municipality before both parties sign the notarial deed attesting to the municipalization of a road:

- Certificate of location and technical description from a land surveyor showing that all infrastructures, including ditches, embankments and any other constructions, are within the road right-of-way.
- As-built" plan in 3 hard copies and computer format.
- Certificate of compliance from consulting engineer.
- Final receipt from contractor and subcontractors.
- Cadastre plan.

- Servitudes for drainage of proposed works and other related equipment.
- Draft notarial deed.
- Final acceptance of the work by the designated official.
- A minimum warranty, following final acceptance of the work, of one (1) year for underground services (aqueduct, sanitary and storm sewer systems), earthworks and shoulders, and two (2) years for sidewalks and curbs. During the warranty period, the owner must maintain the work performed in good condition.
- Where paving is required as the final surface of the street, a three-year warranty against any cracks appearing in the pavement from the time the final layer of paving is in place. The warranty shall be in the form of a certified cheque for ten percent (10%) of the actual cost of the bituminous surfacing. Cracks must be sealed in accordance with the directives of the designated official, using a treatment recognized and approved by the latter.

5.5 ACCEPTANCE

The Council of the Municipality of the Township of Harrington may refuse any road if it deems that the owner has not complied with the standards required by this by-law.

No road will be accepted between November 1st and May 1st of each year.

6 PENAL PROVISIONS AND COMING INTO FORCE

Any person who contravenes the provisions of this by-law commits an offence.

6.1 PENAL SANCTIONS

Cumulatively or alternatively, the Municipality may also undertake any recourse of a penal nature for the purpose of enforcing its by-laws.

Any person acting in contravention of the present planning by-law commits an offence and is liable to a fine of not less than one thousand (\$1,000) dollars, and not less than two thousand (\$2,000) dollars for a legal person, plus costs.

In the event of a repeat offence, the fine may be increased to three thousand (\$3,000) dollars for a natural person and five thousand (\$5,000) dollars for a legal entity, plus costs.

If an offence lasts more than one day, the offence committed on each day constitutes a separate offence and the penalties enacted for each offence may be imposed for each day that the offence lasts, in accordance with the present by-law.

6.2 APPLICATION OF PENALTIES

Council generally authorizes the Director General, the Director of the Public Works Department, the Foreman of the Public Works Department, the Director of the Urban Planning and Environment Department and any Building and Environment Inspector to undertake penal proceedings against any contravener of any of the provisions of the present by-law, and consequently generally authorizes these persons to issue any statements of offence useful for this purpose.

The Municipality may, for the purposes of enforcing the provisions of this by-law, exercise cumulatively or alternatively, with those provided for in this by-law, all appropriate civil or penal recourses and, without limitation, the Municipality may exercise all recourses provided for in articles 227 to 233 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

6.3 COMING INTO FORCE

This by-law will come into force in accordance with the law.

8.6 Deposit and notice of motion and presentation of draft by-law 362-2024 amending by-law 196-2012 constituting the Planning Advisory Committee

2024-07-R264

8.7 Adoption of DRAFT BY-LAW NUMBER 362-2024, amending the by-law constituting the Planning Advisory Committee 196-2012 of the Municipality of the Township of Harrington, to add to and modify the number of members composing the Committee

IT IS MOVED BY Councillor Robert Dewar

AND RESOLVED TO ADOPT by-law number 362-2024, amending the by-law constituting the Planning Advisory Committee 196-2012 of the Municipality of the Township of Harrington, to modify the number of members composing the Committee.

ADOPTED UNANIMOUSLY

DRAFT BY-LAW NUMBER 362-2024, amending the by-law constituting the Planning Advisory Committee 196-2012 of the Municipality of the Township of Harrington, to modify the number of members composing the Committee.

WHEREAS the Municipality of the Township of Harrington is governed by the Land Use Planning and Development Act (R.S.Q., c. A-19.1).

WHEREAS the by-law constituting the Planning Advisory Committee 196-2012 of the Municipality of the Township of Harrington is in force throughout the territory and may be amended in accordance with the law.

WHEREAS the Municipality of the Township of Harrington wishes to ensure the efficient management of discretionary requests on its territory.

WHEREAS a notice of motion of the present by-law was given at the regular meeting of the municipal council on July 15, 2024 and the draft by-law was tabled at the same meeting.

WHEREAS the draft by-law is presented in accordance with the Quebec Municipal Code.

WHEREAS a copy of this draft by-law was given to the members of the Municipal Council in accordance with the Quebec Municipal Code (RLRQ, c. C-27.1).

WHEREAS a copy of the draft by-law is available for public consultation at the beginning of the meeting.

THEREFORE, the Municipality of the Township of Harrington decrees as follows:

ARTICLE 1 - PREAMBLE

The preamble forms an integral part of this by-law.

ARTICLE 2

The by-law constituting the Planning Advisory Committee 196-2012, as amended, is modified in article **2.3.1 "Number of members"**, by changing the number five (5) to six (6) in the first paragraph and by changing the number three (3) to four (4) in the second paragraph of the first paragraph and the whole will read as follows:

"2.3.1: Number of members

The Committee is composed of six (6) members appointed by resolution of the Municipal Council, including:

2. **Four (4)** residents of the Township of Harrington".

ARTICLE 3

The by-law constituting the Planning Advisory Committee 196-2012, as amended, is modified in article 2.4.1 "Quorum", by the modification of the number three (3) by four (4) in the first paragraph which will read as follows:

"2.4.1: Quorum

The quorum of the Committee is four (4) members. At all times, a quorum shall consist of a majority of resident members".

ARTICLE 4- COMING INTO FORCE:

This by-law shall come into force in accordance with the Act.

9. PUBLIC WORKS

2024-06-R265

9.1 Authorization to sign an intermunicipal service agreement with the Municipality of Boileau for the grading of Maskinongé River Road

CONSIDERING THAT the municipalities of Boileau and Canton de Harrington have availed themselves of article 569 of the Municipal Code of Québec to enter into an agreement for the provision of grading services on chemin de la Rivière-Maskinongé.

CONSIDERING THAT the Municipality of Boileau owns a grader and has been grading chemin de la Rivière-Maskinongé up to the limits of the municipality of the Township of Harrington for several years.

CONSIDERING THAT approximately 4.1 km of chemin de la Rivière-Maskinongé in the Municipalité du Canton de Harrington requires grading to ensure its maintenance.

CONSIDERING THAT it is in the interest of both parties to enter into an agreement for grading and profiling services on chemin de la Rivière-Maskinongé.

CONSIDERING THAT the contract will be automatically renewed unless either party gives a 6 month notice of termination of said contract.

THEREFORE,

IT IS MOVED BY Councillor Julie James

AND CARRIED to authorize the signing of the grading agreement for the Rivière-Maskinongé road for the next 3 years, 2025, 2026 and 2027.

AND to authorize the General Manager and Mayor Gabrielle Parr to sign said agreement.

- Hourly rate of \$140.00.

ADOPTED UNANIMOUSLY

2024-06-R266

9.2 Authorization - Professional mandate for the preparation of plans and specifications for the interior remodelling of the kitchen and public washrooms at the community center located at 2811 route 327 Harrington

WHEREAS the kitchen and washrooms at the community center have reached the end of their useful life.

WHEREAS the current use of the kitchen does not comply with the building code with respect to the evacuation system for cooking fumes and smoke.

WHEREAS there is a need to refurbish and modernize the kitchen and washrooms at the community center.

WHEREAS a grant application will be submitted within the framework of the Vitalisation project for future renovation and refitting work.

FOR THESE REASONS

IT IS MOVED BY Councillor Robert Dewar

AND CARRIED THAT the Municipality hereby authorizes the firm PLA Architects Inc. to prepare the architectural plans and specifications in the amount of \$9,675.00 plus applicable taxes.

AND THAT payment be made from the unrestricted accumulated surplus.

ADOPTED UNANIMOUSLY

10. Public Safety

Mayor Parr provided a synopsis of the fire response.

11. Urban Planning

2024-06-R267

11.1 Application for minor variance number 2024-0056 - lot 6 534 157 109, chemin de la Louve, Roll 1386-83-8170

CONSIDERING that a request 2024-0056 was submitted for the property located at 109 chemin de la Louve, lot # 6 534 157, registration number 1386-83-8170.

CONSIDERING that property owner's request has two objectives, namely, to deviate from the area and width prescribed in articles 3.4.1 and 3.4.6 of Zoning By-law 192-2012.

CONSIDERING that the new width of the garage would have a frontage line of 14.8 metres instead of 8.94 metres and a new surface area of 138.43 square metres instead of 95.65 square metres.

CONSIDERING that the application of the regulatory provisions relating to this request would cause prejudice to the owner, since the lot on which the garage will be built alone covers an area of more than 12.75 acres, and the garage will be used to store maintenance equipment for the entire estate, i.e. more than 800 acres.

CONSIDERING the necessity and efficient management of a large property to accommodate all the equipment required for grounds maintenance, the need for adequate storage space is justified.

CONSIDERING that the proposed project will have no visual impact and will not be visible from the street.

THEREFORE,

IT IS MOVED BY Councillor Julie James

AND CARRIED THAT the council approves minor derogation 2024-0056 and repeals resolution 2024-06-R248

ADOPTED UNANIMOUSLY

2024-06-R268

11.2 AIIP (PIIA) request no: 2024-0045- lot # 6 210 491 and lot # 6 210 470 - 167, Chemin de la rivière Maskinongé, Roll 1687-03-1820

CONSIDERING that a tree cutting request NO. 2024-0045 has been submitted in accordance with By-law No. 256-2016 and By-law No. 258-2018 on lots No. 6 210 491 and 6 210 470.

CONSIDERING that this request is subject to the criteria of By-law no. 258-2016 concerning the Site Planning and Architectural Integration Program for properties within the limits of the Harrington Valley (SPAIP-02), and to By-law no. 258-2018 concerning interventions within the ecological network (SPAIP-04).

CONSIDERING that the felling project was presented in the form of a silvicultural prescription by the forestry technician of the MRC of Argenteuil, Ms. Annabelle Marceau, and the specific characteristics are presented therein.

CONSIDERING that the members of the CCU are of the opinion that the felling project meets the objectives and evaluation criteria set out in bylaw 256-2016 of the Site Planning and Architectural Integration Program for properties within the limits of the Harrington Valley (PIIA-02) and bylaw 258-2018 of the bylaw governing interventions within the ecological network.

THEREFORE,

IT IS MOVED BY Councillor Daniel St-Onge

AND CARRIED THAT Council accept the tree cutting project as submitted, since it meets the objectives and criteria of the Site Planning and Architectural Integration Program by-laws (PIIA-02 and PIIA-04).

ADOPTED UNANIMOUSLY

12. Environmental hygiene

13. Recreation and Culture

14. Question period

The mayor answers questions from the citizens present at the meeting.

2024-06-R269

15. Adjournment of the meeting

IT IS MOVED BY Councillor Robert Dewar

AND CARRIED THAT the meeting be adjourned at 8:15 p.m.

ADOPTED UNANIMOUSLY

I, Gabrielle Parr, Mayor, certify that the signing of these minutes is equivalent to the signing by me of all the resolutions contained therein within the meaning of section 142 (2) of the Municipal Code of Québec.15.

Gabrielle Parr
Mayor

Steve Deschênes
Director General and Clerk-
Treasurer