

Municipality of Thorne

Subdivision By-law

No. 2002-04



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CHAPTER 1 INTERPRETATION AND DECLARATORY DISPOSITIONS

1.1 TITLE OF BY-LAW

This By-law is called « Subdivision By-law number 2002-004 ” Municipality of Thorne.

The By-law called : : « Rules of Interpretation and Administration applicable to the Planning By-laws number 2002-002 »”. regulates the current By-law.

1.2 OBJECTIVES

This by-law aims to :

Harmonize the development of the municipal territory and ensures that newly created lots are subdivided out in an optimal and rational manner.

Plan for the construction of safe and functional roadways.

1.3 SUBJECTED TERRITORY

The present By-law, of which the provisions are imposed to individuals as well as to legal persons of public right or of private right, applies to the entire territory under the jurisdiction of the Municipality of Thorne.

1.4 SUPERSEDED BY-LAW

The following by-laws, amendments and attached plans are abrogated and superseded by the current by-law:

Subdivision By-law of the Municipality of Thorne, By-law N^o 90-003 and its amendments;

Also abrogates all other regulatory dispositions that are incompatible with the Planning By-law.

These abrogations do not however, legally affect previous procedures instituted under the authority of superseded by-laws. These will remain in effect under the authority of the replaced by-law until a final decision is passed. Also, these changes do not affect issued permits under the authority of the superseded by-laws.

1.5 AMENDMENT METHODOLOGY

The dispositions of this by-law can only be adopted, modified or abrogated under an approved by-law that is in accordance with the dispositions of the [Provincial Planning Act](#).

CHAPTER 2 LOT STANDARDS

2.1 SURFACE, DEPTH, WIDTH AND MINIMAL FRONTAGE OF A LOT

All newly created lots that require a subdivision permit and potentially a building permit for main buildings must be in accordance with the dispositions found in the following table:

Exception : In the case of a cadastral plan for a private or public road and for public parks, the standards below do not apply, however the subdivision permit remains obligatory.

Minimal area and dimensions of lots to be subdivided

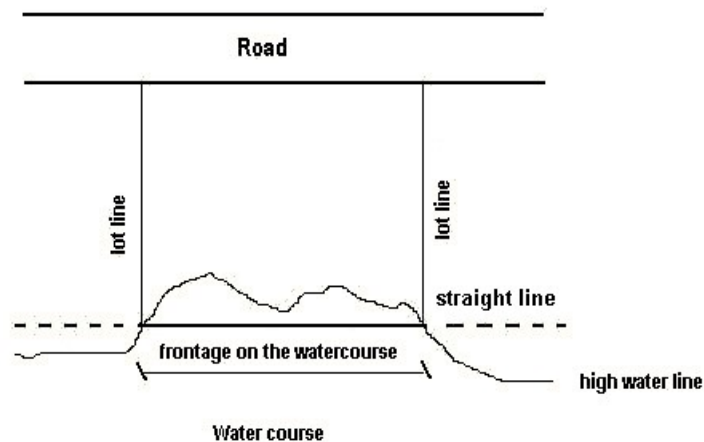
	Within zone permitting these categories of use	
	RESIDENTIAL AND/OR COMMERCIAL	INDUSTRIAL AND/OR INSTITUTIONAL
1. Unserviced lot <u>Less than 100 metres from a watercourse or less than 300 metres when the watercourse is a lake</u> A. Width and <i>frontage</i> B. Depth C. Area <u>More than 100 metres from a watercourse or more than 300 metres when the watercourse is a lake</u> A. Width and <i>frontage</i> B. Depth C. Area <u>Regional Forestry land use designation</u> A. Width and <i>frontage</i> B. Depth C. Area	45.72 metres 61 metres 3,716 square metres	50 metres 61 metres 3,716 square metres
	45.72 square metres - 2,787 square metres	50 metres - 700 square metres
	61 metres 152 metres 5,905 square metres	- - -
2. Lot bordering a road of the higher network A. Width and <i>frontage</i> B. Depth C. Area	45.72 metres - 2,787 square metres	50 metres - 3,700 square metres

2.2 PROPERTY FRONTAGE IN A DEAD END

The lot frontage bordering a dead end and on an exterior side of a curb of 10 degree to 90 degree wherein the lateral lot lines converge towards that type of section of a road, can be reduced to a minimum width of 15 metres, under the condition that the area and the minimum width, as specified in the previous article of this By-law, be obtain at least in one point within the lot.

2.3 SUBDIVISION ADJACENT TO A WATERCOURSES

The minimum width and frontage of a lot which borders a watercourse is indicated in [Article 2.1](#) The frontage on the watercourse is calculated by measuring the two furthest property lines bordering the watercourse in a straight line. See sketch below 2.3. Sketch 2.3



2.4 LOT LINES ORIENTATIONS

Generally the lateral lot line must be perpendicular to the road on which it has its frontage.

However, in the view of leveling out slopes, evenness of lot areas, to extricate angles or to get a better scenery, lateral lot lines can be diagonal in respect to the road on which it has its frontage. In no circumstance, can this exception be justified by simply having delimited adjoining lot lines as found in the official subdivision and they themselves are diagonal to the road.

2.5 FRONTAGE OF LOTS ADJACENT TO A PUBLIC OR PRIVATE ROAD AND RIGHT OF WAY

All newly created lots, except those lots indicated at [Article 2.1](#) must have a frontage that is in conformity with those indicated at [Article 2.1](#) on an existing public or on an existing cadastered private road.

In the case of an enclosed lot, that is to say, not adjacent to a public or private road wherein this situation existed prior to the coming into force of the first Municipal Subdivision By-law dated 01 February 1984, a subdivision permit can be issued for the purposes of subdividing the one lot in question; however, no other subdivision permit can be issued for this same lot, insofar as creating additional lot.

2.6 SURVEY MARKER DAMAGE

A person who either damages or moves a survey marker belonging to the Municipality must immediately inform the Municipality of this occurrence as well as assume full financial responsibility to restore the situation.

2.7 NON CONFORMING LOTS

Only existing lots dated before 01 February 1984 can obtain a subdivision permit to create a lot having an area less than what is stipulated in table [Article 2.1](#), and having a frontage inferior to that stipulated in table [Article 2.1](#). This is in accordance with the following.

2.7.1 Definition

Derogatory lot (not cadastered) : Is a parcel of land not subdivided wherein the area or size is not in conformity with the provisions of the present Subdivision By-law. Some of these parcels of land, if the following conditions are met, have an acquired right therefore can obtain a subdivision permit, under the present Subdivision By-law.

On the date of the coming into force of the current Subdivision By-law, the land was used as a building foundation and was in conformity with the regulation stipulated at the time of construction;

or

The land is vacant, the size and area is in conformity with the provisions of the Municipal Subdivision By-law, if any, that was in force prior to the implementation of the first “Interim control By-Law” put in force by the Pontiac MRC dated 1 February 1984. As well as and is not forming one or several distinct lots on the official cadastral plans, and was described in registered title deeds dated prior to the 1 February 1984.

Derogatory lot: Is a lot wherein the area and/or size is not in conformity with the provisions of the present Subdivision By-law and is registered onto the Provincial cadastral survey in conformity with the legislative and regulatory dispositions that were applicable on the date of this cadastral registration.

2.7.2 Permit issue conditions

As per the [Provincial Planning Act](#), it is permitted to govern, by zone, the introduction of particular conditions to the construction and use on derogatory lots in regards with the standards of the present Subdivision By-law. These derogatory lots are therefore protected by an acquired right.

A subdivision permit for derogatory lot cadastered or not can be issued, on the condition that:

The day that precedes the coming into force of the first “interim control By-Law” of the Pontiac MRC, dated 01 February 1984, the area and size of the lot meets the requirements, if any, in terms of the regulation relative to cadastral plans applicable on that date;

The cadastral plan results in creating one lot, or unless the lot consists of several original lots, in which case, only one lot per original lots, can result from it;

The frontage of derogatory lot cadastered or not does not require to meet the minimal frontage stipulated under [Article 2.1](#) of the present Subdivision By-law; however, it is prohibited to reduce the frontage as long as the frontage does not meet the dispositions of [Article 2.1](#) of the present Subdivision By-law.

2.7.3 Construction on derogatory lot cadastered or not

A construction, renewal or renovation permit on a derogatory lot cadastered or not as described in [Article 2.7.1](#) can be issued. However, other dispositions of the current By-law, in particular, [Article 2.7 to 2.7.2](#) and other Planning By-laws articles, for example, the margins, must be met same as any other newly created lot.

CHAPTER 3 DISPOSITIONS RELATIVE TO ROAD SYSTEMS

3.1 DEFINITION

The allowance of roads must be established in accordance with the appropriate function for which they were intended as ascribed by the Transportation Plan being an integral part of the By-law called : « Master Plan number 2002-001».

All the geometrical characteristics of roads other than those prescribed under this chapter must adhere to the dispositions of a document adopted by a resolution of Council, and named « *Standards guide for the construction of municipal roads* ». The following roads standards are certified by the "[Transportation Association of Canada](#)".

When the layout of a road is provided under the Transportation Plan, it is considered an essential element for the efficient functioning of the Municipal road network systems. Consequently, it must ultimately link to the proposed road network within the Transportation Plan.

3.2 LAYOUT OF ROADS NEAR TO WATERCOURSES

The construction, reconstruction, widening or strengthening of a road including an interchange, exit ramp and other road infrastructures can be considered by abiding to a minimal distance of seventy five (75) metres from the natural waterline of a watercourse, a lake or a river.

When the topography, because of its contours makes it difficult to build a good road and it is proven that by locating a section of that road within the 75 metres, it would reduce its slope of at least 5 degrees, a section of road can be located less than seventy five (75) metres from the natural waterline of a watercourse, lake or river. In the case where that section of the road is to be longer than three hundred (300) metres, the applicant must obtain an « Certificate of Authorization » by The Provincial Ministry Environmental of as stipulated under the Environmental Act.

3.3 LINKING OF ROADS TO REGIONAL ROADS 301, 303 AND 366

All subdivision proposals must limit, as much as possible, the number of access means to Regional Roads 301, 303 and 366.

3.4 CLASSIFICATION AND ROAD WIDTH

The municipal road system is coordinated and classified according to the characteristics, main function and the importance of the roads which make up the system..

All roads appearing on a preliminary subdivision plan must be classified by the designated officer according to one of the four (4) road categories listed below :

3.4.1 Main road

A road mainly serving the major high speed traffic flow. It mainly serves circulation linking major attraction points. Its predominant use is for fast moving and uninterrupted traffic flow from one major attraction point to another. In the case of Thorne, the Regional Roads 301, 303 and 366 are classified under this definition.

3.4.2 Collector road

A collector road within a neighborhood road. These collector roads are used on the one hand to service riverside properties and the other for traffic between local roads and main arteries, i.e Greemount and Bryson roads.

3.4.3 Neighborhood road

The main function of these roads is to service residential riverside properties in which the layout, stop signs, slow speed limits, and local traffic use are prevalent, as such, transit vehicle traffic have no interests in using this road.

3.4.4 Private road

A common access road built without controlled or issued municipal **construction** standards. However, in terms of a **subdivision**, the creation of a lot serving for private road purposes must be at a minimal width of fifteen (15) metres and, in this case, have a dead end radius of 9 metres.

3.4.5 Allowance width and road width

All road systems falling under the classification identified in articles [3.4.1](#), [3.4.2](#), [3.4.3](#) and [3.4.4](#) must adhere to the following characteristics:

a) Allowance width

Type of road	Minimum	Maximum	Radius Cul-de-sac minimum
Private road	15 m.	20 m.	9 m.
Neighborhood road	20 m.	25 m.	10 m.
Collector road	20 m.	25 m.	10 m.
Main road	20 m.	none	15 m.

b) Road width

Type of road	Minimum	Maximum	Radius Cul-de-sac minimum.
Private road	none	none	none
Neighborhood road	9m.	20 m.	7 m.
Collector road	9m.	20 m.	7 m.
Main road	15 m.	none	10 m.

3.4.6 Right of passage and easement

A right of passage or easement identified in a notarized agreement indicating its existence prior to 01 February 1984, the date in which the "Premier règlement de contrôle intérimaire de la MRC de Pontiac" came into force, will be recognized and/or accepted same as an existing private road.

3.5 TURNS, INTERSECTIONS AND VISIBILITY

The intersections and turns prescribed are in accordance with the principles provided under [l'Association québécoise du transport et des routes](#) called "Normes canadiennes de conception géométrique des routes".

The following standards must be respected:

1. The angle of the intersection must not be inferior to seventy-five (75) degrees. This alignment must be maintained for a minimal distance of thirty (30) metres. Intersections with right angles are desirable .

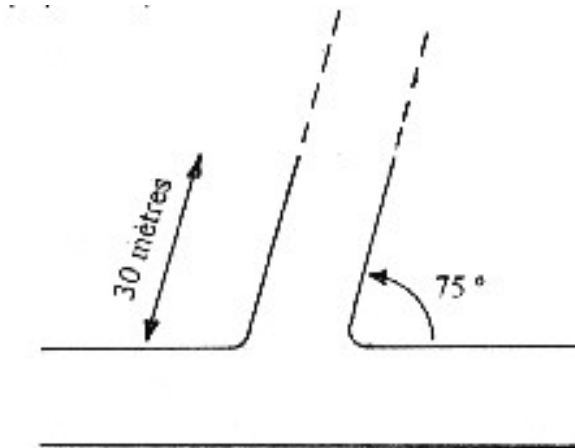


Figure 1 : Angle intersection

2. No intersection can be located on the interior side of the curb when the radius of this curb is inferior to one hundred and eighty (180) metres.

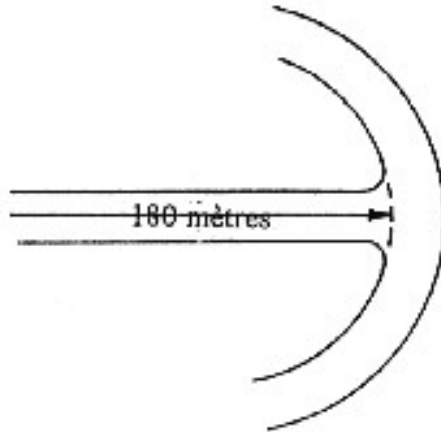


Figure 2 : Interior intersection

3. No intersection can be located on the exterior side of the curb when the radius of this curb is inferior to one hundred and twenty (120) metres;

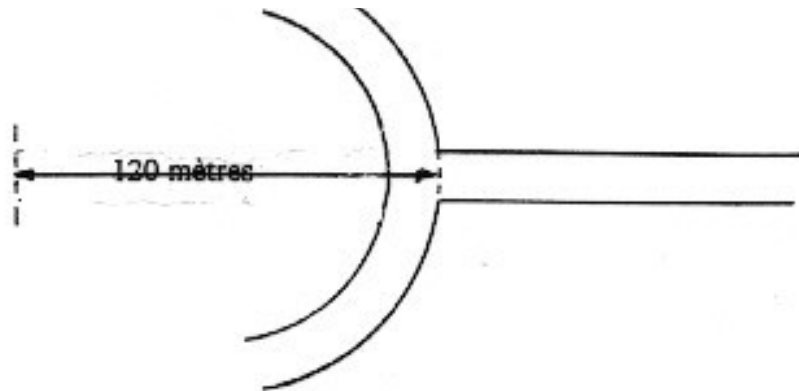


Figure 3 : Exterior intersection

- No curb is authorized within the first fifteen (15) metres from a road which intersects with an existing or planned road. The angle of the intersection, as seen herein, must be ninety (90°).

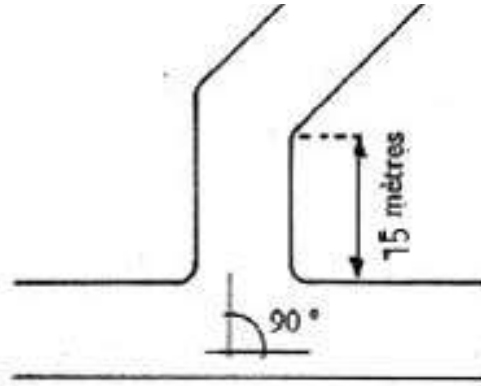


Figure 4 : Minimal distance of a curbed to an intersection

- All intersections on a fifteen (15) metres or more road allowance must have a minimal an angle of visibility of thirty (30) metres length.

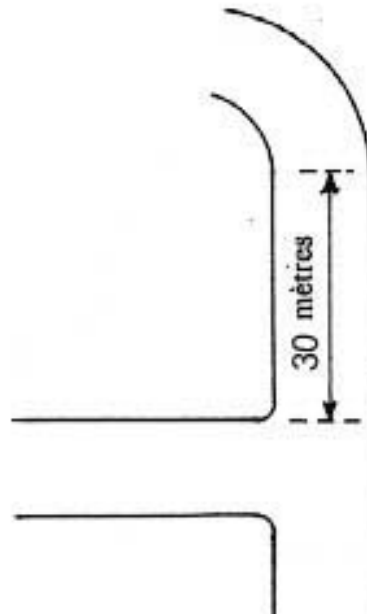


Figure 5 : Visibility at intersection on road with an allowance of fifteen (15) metres or more.

6. On a same road, the centre of two (2) intersections must be distanced at a minimum of sixty (60) metres..

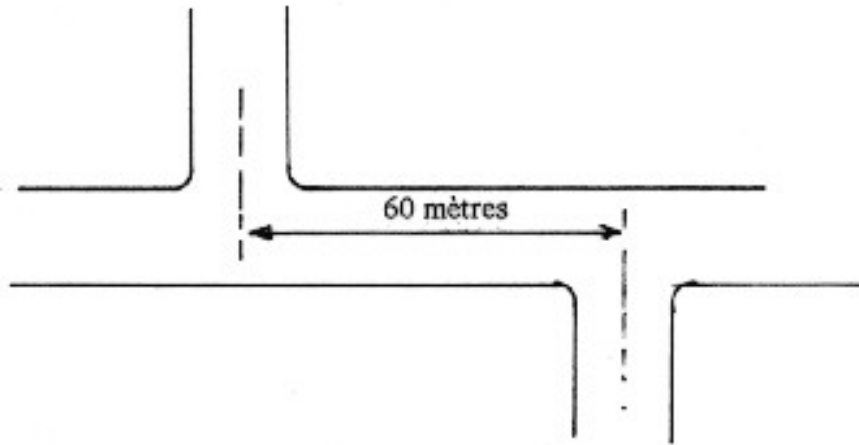


Figure 6 : Minimal distance between intersections on the same road

7. On roads having a slope superior to eight percent (8%), no intersection is authorized within that slope. Also a minimal distance for visibility purpose of thirty (30) metres must be envisioned between the top of the slope and all future intersections.

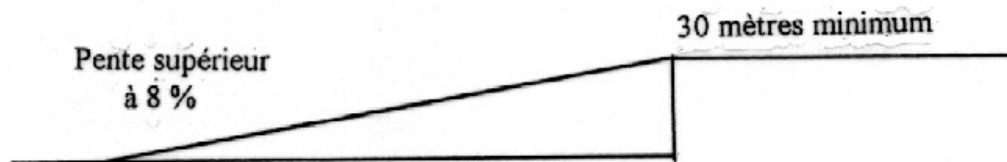


Figure 7: Intersections on roads having a slope superior to 8%

3.6 DEAD END

The dead end can be used when it is deemed a practical or economical for the development of a lot when its shape, depth or location does not result in a continuous road. The subdivision standards identified in table [Article 3.4.5](#) must be respected.

CHAPTER 4 DISPOSITIONS RELATIVE TO SUBDIVISION PLANS AND SUBDIVISION PERMITS

4.1 DRAFT SUBDIVISION PROJECT

The creation of any additional lots within the Municipality of Thorne must follow the subsequent stages :

Deposit a presentation of a draft subdivision project with all related documentation needed. This presentation can be produced by the requester without any costs incurred.

Present a full subdivision plan prepared by a certified land surveyor.

Obtain a subdivision permit issued by the Municipality.

Transmission of a certification of the subdivision permit approval by the Municipality to the land surveyor.

Transmission of the Municipal approval with a registry application of a lot from the land surveyor to the Government of Quebec, for cadastral registration and completion purposes.

4.1.1 Draft Subdivision Project Presentation

A draft subdivision project is a plan showing all required elements needed to enable the analysis and approval of the draft subdivision project by the Municipality. Three (3) copies of the draft subdivision project using a scale of 1 :1000, or any other scale which the designated municipal official deems acceptable must be provided. They must indicate the following information, if applicable :

- 1) The dimensions and total area of the subdivision as well as the proposed lot lines and its approximate dimensions.
- 2) The layout, slope, road allowance for proposed and existing roads or roads previously accepted to which the proposed roads will be connected.
- 3) The identification and limits for adjacent lots to the proposed subdivision as well as providing a general subdivision layout for the adjacent lots that are owned by the same developer or are under his responsibility.
- 4) The topographic lines identified by the contour lines at an interval of five (5) metres or any other interval judged to be acceptable by a designated official.
- 5) A description of the natural lot characteristics such as watercourses, ditches, marshes, rock formations, wooded areas, etc.
- 6) Watercourse locations.
- 7) The location of land slide zones based on the categories established in the By-law named : Zoning By-law number 264. The reference plan showing the zone locations is produced by the MRC of Pontiac.
- 8) The proposed and existing public infrastructure and services.
- 9) Servitudes and right of passage.

- 10) Areas reserved for particular soil usage such as : residential, commercial, etc.
- 11) The date, plan of scale, name and address of the owner as well as a signature or a written authorization if the request is made by other persons.

All other information that the Municipality deems necessary.

If a draft subdivision project is in accordance with all By-law dispositions and it has received a recommendation by the Planning Commission or by the Municipal Council if necessary. The designated official may authorize the applicant to apply for a subdivision permit.

4.1.2 Modifications to the draft subdivision project

To render a draft subdivision project in conformity with the Planning By-laws, the designated official is responsible to identify possible modifications required to the draft subdivision project and inform the applicant that the subdivision permit request will be delayed until all modifications to the draft subdivision project have been made.

4.1.3 Draft subdivision project approval

When all conditions and, if needed modifications, to a draft subdivision project are met and support has been given by the designated official, the draft subdivision project is presented to the Planning Commission. The goals of presenting the draft subdivision project to the Planning Commission are:

- to discuss with the members of the Commission on the proposed lot dispositions;
- to inform the members that the applicant will hire a professional to repeat the draft subdivision project onto a subdivision plan serving to apply for a subdivision permit.

4.2 PRESENTATION OF A SUBDIVISION PLAN

All subdivision permit requests must include the following documents :

1. Three (3) copies of the Plan prepared by a land surveyor (1 copy for the MRC) including the dimensions and the total area of the subdivision as well as the proposed lot lines and their dimensions;
2. Obtain an attestation from the designated official named by council resolution, a confirmation that every lot identified on the subdivision plan can receive a septic installations and a well in conformity with the minimal standards under the municipal regulations and those of the Ministère de l'Environnement et de la Faune du Québec. –or-
Provide an attestation signed by an expert confirming that each lot identified on the subdivision plan can receive a septic installation and a well in conformity

with the minimal standards under the municipal By-laws and those of the Ministère de l'Environnement et de la Faune du Québec, in the cases that the designated official deems it to be too complicated for his degree of knowledge.

3. For subdivisions located within a low to medium land slide risk zones (as defined by Zoning By-law number 264) the applicant must provide an attestation from an accredited engineer, member of l'Ordre des ingénieurs du Québec (OIQ), indicating that the soil (land) is capable of receiving the proposed development, taking into account the pedological, hydrological and geological characteristics.
4. The layout, slope, road allowance for proposed and existing roads or roads previously accepted to which the proposed roads will be connected.
5. A description of the natural lot characteristics such as watercourses, ditches, marshes, rock formations, wooded areas, etc.
6. In flood zones, plans prepared by a land surveyor must indicate the elevation levels.
7. The date, plan of scale, name and address of the owner as well as a signature or a written authorization if the request is made by other persons .

4.3 LAND TRANSFERS FOR PARKS, PLAYGROUNDS AND NATURAL AREAS

As a condition for the approval of a cadastral plan, the Provincial Act « [Provincial Planning Act](#) » allows Quebec municipalities to demand:

- 1) That a land owner who wishes to subdivide a lot, that is to say, creating a new lot that can entertain a construction opportunity, the owner is to yield gratuitously to the municipality a plot of land used for the development of parks, playgrounds and natural areas. This at an area equal to 0% - 10% of the total land area of the proposed subdivision plan -OR-
- 2) That a land owner is levied a partial cash payment equivalent to 0% - 10% of the value inscribed under the Municipal assessment role for the lot indicated in the subdivision plan request.

In the case of Thorne the Municipal Council has decided to select the 0% option and thus have decided not to demand any land transfer or monetary compensation as a condition for the approval of a new subdivision plan.

CHAPTER 5 SUBDIVISION PERMIT

5.1 SUBDIVISION PERMIT OBLIGATIONS

Persons desiring to carry out a subdivision project including a road or absence of a road, private or public cannot proceed without obtaining an official subdivision permit as stipulated in the current By-law.

Only those subdivision permits authorized by a designated official, duly nominated by a Municipal Council resolution can be registered at the Québec Ministry, in accordance with the dispositions of the [Civil Code of Québec](#).

A subdivision or cadastral project that is inconsistent with the dispositions found in the present By-law can be cancelled as per the procedures found in the [Provincial Planning Act](#).

Under no circumstances can the Municipality consider a lot division or lot subdivision, modification or cancellation unless an official subdivision permit was issued.

The fulfillment of the conditions above-mentioned does not obligate the Municipality to accept the cessation of road(s) proposed in a plan, to declare its opening nor to take care of or assume civil responsibility for construction and maintenance costs to road(s).

All subdivision projects must require a subdivision permit.

5.2 SUBDIVISION PERMIT ISSUE CONDITIONS

The designated official issues a subdivision permit when:

- The subdivision plan is prepared in accordance with the propositions provided in the Master Plan.
- The request is in conformity with the current By-law and is designed to receive the planned uses for this zoning as per the specification grid found under the Zoning By-law number 2002-003.
- The request includes all plans and documents required by the current By-law. Every element within these documents are in conformity with the Municipal Planning By-laws.
- The request for a permit has been paid.
- The planned roads are in conformity with the current By-law and shown as distinct lots. The planned roads are in conformity with the applicable regulation governing road construction standards, specifically the slope.

- The draft subdivision project has been previously presented to the Planning Commission.
- All municipal taxes for buildings under the subdivision plan have been settled.

5.3 SUBDIVISION PERMIT ISSUE TIMEFRAME

When a request is made in accordance with the current By-law and includes all pertinent information prescribed under this By-law, the designated official has, of the date of receipt of the request and all supporting documentation, sixty (60) days in which to issue the subdivision permit.

5.4 SUBDIVISION PLAN APPROVAL

When the conditions of [Article 4.5](#) of the current By-law are met, the designated official approves the subdivision plan and issues the subdivision permit. The permit confirms the approval of the cadastral plan by the Municipality. Copies of this subdivision plan approval signed by the designated municipal official will be returned to the applicant as well as the land surveyor who produced the cadastral plan.

5.5 SUBDIVISION PERMIT NULL AND VOID

All subdivision permits are null and void if it has not been approved by Ministère de la justice, division du cadastre within two (2) years from the issue date of the aforementioned permit issued by the municipality.

Once the two (2) years has elapsed, a new permit must be made and payment resettled. The original permit is not refundable.

CHAPTER 6 ABROGATIVE DISPOSITIONS

The current By-law abrogates all regulatory descriptions as well as By-law N° 90-003 and its modifications.

CHAPTER 7 EFFECTIVE DATE

The current By-law will come into effect once all necessary procedures under the law have been fulfilled.

GIVEN AT THORNE, QUEBEC the 4th day of February 2003.

.....
Ross Vowles
Mayor

.....
Robert Charette,
Secretary-Treasurer

Adoption date of the By-law:

Reception date of conformity certificate :