

CANADA  
PROVINCE OF QUÉBEC  
MRC LES COLLINES-DE-L'OUTAOUAIS  
MUNICIPALITY OF PONTIAC

BYLAW NUMBER 03-08

**BYLAW PERTAINING TO BUSINESS PERMITS**

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**WHEREAS** the Municipality of Pontiac is governed by the *Municipal code* and the *Act respecting land use, planning and development*;

**WHEREAS** on the territory of the municipality, various economic activities are likely to start up or end without the municipality being notified, which potentially leads to errors pertaining to tax treatment and the management of acquired rights in urban planning;

**WHEREAS** issuing business permits allows the municipality to keep the history and inventory of economic activities being practised on its territory, to date;

**WHEREAS** sections 4 (2), 6 (2) and 10 (2) of the *Municipal Powers Act* authorizes the municipality to govern economic activities and to foresee cases when a permit is required, to stipulate the cost, conditions and terms for issuing a permit, as well as the rules for suspending or revoking a permit;

**WHEREAS** the Council wishes to adopt the present bylaw no. 03-08 pertaining to business permits;

**WHEREAS** a notice of motion of the present bylaw was duly given at a council meeting held on January 10, 2008;

It is

Moved by Dr. Jean Amyotte  
Seconded by Lawrence Tracey

**CONSEQUENTLY, THE PRESENT BYLAW 03-08 OF THE MUNICIPALITY OF PONTIAC DECREES AND ORDERS THE FOLLOWING:**

**SECTION 1** The above-noted preamble is an integral part of the present bylaw.

**SECTION 2 DECLARATORY AND INTERPRETATIVE PROVISIONS**

**2.1 Object and range of application**

The present bylaw no. 03-08, titled *Bylaw pertaining to business permits* applies to operating a business place on any property or in any building situated within the limits of the Municipality of Pontiac.

Considered as a business place, is any premises that are partially or entirely used by any physical person or corporation, for the practice of an economic activity, consisting of design, fabrication, storage, distribution, administration, publication or to offer goods or services, in compensation for remuneration.

The present bylaw applies to the business places that existed previous to as well as those that will start after the effective date of the said bylaw.

## **2.2 Regulation compatibility**

The present bylaw applies concurrently with other municipal bylaws. In the case of incompatibility between the applicable provisions of one or more municipal bylaws, the following rules apply:

- The particular provision prevails over the general provision.
- The provision that is the most demanding or the most restrictive prevails over the least demanding or the least restrictive one.

## **2.3 Rules of interpretation**

For interpretative purposes, the titles and symbols used are an integral part of the present bylaw, for all legal purposes. In case of any contradiction between a title, a symbol and the text as such, the text prevails.

Whatever tense of the verb used in the present bylaw, any provision is in effect at all times and under any circumstance it may apply to.

The plural includes the singular and vice versa, unless stated otherwise. The same goes for the masculine and the feminine.

By using the word “MUST”, the obligation is absolute; the word “MAY” remains optional.

The word “WHOEVER” includes any physical person or a corporation.

If necessary, all dimensions, measures and total areas mentioned in the present bylaw are expressed in International Systems of Unit (S.I.)

If necessary, any reference to a law or a bylaw of federal, provincial or municipal jurisdiction also includes any amendment to the said law or bylaw.

## **SECTION 3 ADMINISTRATION AND IMPLEMENTATION OF THE BYLAW**

### **3.1 Designated municipal officers**

The administration and implementation of the present bylaw are confided by Council to the designated municipal officer(s) for these purposes, hereinafter named "the designated municipal officer". In the designated municipal officer's absence or inability to act, the director general assures the interim; for these purposes, he is invested with all of the powers associated with the job.

### **3.2 Duties of a designated municipal officer**

Within his duties, any designated municipal officer must notably:

- enforce the provisions of the present bylaw;
- give ruling on any request for a business permit presented, in virtue of this bylaw;
- keep a record of permits issued and expired;
- archive all documents submitted by those who apply for a permit.

### **3.3 Powers of a designated municipal officer**

Any municipal officer designated by Council to implement the present bylaw and enforce its provisions, has access to any property to verify if the present bylaw is being respected, in particular by examining products or other objects on the property and taking pictures.

The owners or occupants are obliged to let the designated municipal officer enter the property, to make its access easy and to supply any information that is requested by the officer.

A municipal officer, upon establishing a breach of the bylaw, may issue a fine according to section 9 of the present bylaw.

## **SECTION 4 THE NECESSITY OF THE BUSINESS PERMIT**

It is prohibited to create, build, keep or expand a place of business, described section 2.1, or to modify economic activities being practised, without having previously obtained a business permit.

## **SECTION 5 REQUESTING A BUSINESS PERMIT**

Anyone requesting a business permit must complete the form required by the municipality and supply any information that is requested.

## **SECTION 6 COST OF THE BUSINESS PERMIT**

The cost of the business permit is stipulated in bylaw no. 04-08 titled "*Bylaw on the price setting of municipal permits and certificates*".

## **SECTION 7 VALIDITY OF THE BUSINESS PERMIT**

The business permit is valid until December 31 of the calendar year during which the permit was issued by the municipality.

## **SECTION 8 MANDATORY RENEWAL OF THE BUSINESS PERMIT**

At the end of the valid date stipulated in section 7, the business place can no longer be used for the operation of any economic activity, described in section 2.1, unless the business permit has been renewed.

To renew the business permit, the applicant must fill out the form required by the municipality and supply any information that is requested.

The fact of operating any type of economic activity within a business place without a valid permit, constitutes a breach of the present bylaw.

## **SECTION 9 OFFENCES AND PENALTIES**

### **9.1 Respecting the bylaw**

A physical person or a corporation must respect the provisions within the present bylaw.

Any economic activity must be practised in compliance with the declarations given on the request for a permit and with the conditions stipulated on the actual permit or any other related document.

The fact that a designated municipal officer issues a permit or makes an inspection does not release a physical person or corporation of their obligation to respect the provisions within the present bylaw.

Whoever contravenes to any of the provisions of the present bylaw commits an offence.

### **9.2 Procedure in case of an offence**

When a designated municipal officer establishes that there is a breach of the present bylaw, or when he has reason to believe that an offence has been committed, he can draw up a report to enjoin the offender to stop any work being done or to have necessary modifications done in order to comply with the present bylaw.

A report of offence must also mention the deadline given to the offender so that he may comply with the terms of the fine and fees that are being imposed on him and the fact that the fine is being imposed, each day the offence lasts or remains, constitutes a distinct and separate offence.

When an offender fails to comply and, where appropriate, fails to pay the fine and fees within a set delay stipulated in the report of offence, Council may exercise the appropriate judicial appeals and have the offence brought

before the appropriate court in order to obtain full payment of the fine and fees or in order to exercise appropriate recourse in civil court.

In order to enforce the provisions of the present bylaw, Council may, cumulatively or alternatively exercise any appropriate recourse of civil or criminal nature.

**9.3 Sanctions and criminal recourse**

A first offence to a provision of the present bylaw renders the offender liable to a \$250 fine.

In the case of a repeat offence, the fine is \$500. For each additional offence, the fine is \$1,000.

In each case, the fees for judicial proceedings are extra.

In the case of a continuing offence, each day there is a breach of the present bylaw constitutes a new offence and the fines noted above may be imposed for each of these days.

Payment of a fine that was imposed for an offence, does not release the offender of the obligation to comply to the present bylaw.

**SECTION 10 COMING INTO EFFECT**

The present bylaw will come into effect according to the Law.

**Adopted at a meeting held on : February 12, 2008**

**By resolution number : 08-02-56**

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**EDWARD J. MC CANN  
MAYOR**

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**SYLVAIN BERTRAND  
DIRECTOR GENERAL**

**Calendar**

**Notice of motion : January 10, 2008**

**Adoption of the bylaw : February 12, 2008**

**Effective date : \_\_\_\_\_**