

CANADA  
MUNICIPALITY OF PONTIAC  
PROVINCE OF QUEBEC

**BY-LAW 28-13**

**BY-LAW 28-13 TO AMEND THE SUBDIVISION BY-LAW NO. 178-01, RELATING TO LAND TRANSFERS, TO BE USED FOR PARKS, PLAYGROUNDS AND NATURAL AREAS, APPLICABLE WHEN A SUBDIVISION PERMIT IS ISSUED**

WHEREAS the Municipality of Pontiac is governed by the Municipal Code and subject to the implementation of the Act respecting land use planning and development;

WHEREAS the Pontiac Municipal council has adopted the zoning by-law no. 178-01, which came into force on December 18, 2001;

WHEREAS in compliance with article 117.1 of the Act respecting land use planning and development, council wishes to favour the establishment and maintenance of parks and playgrounds as well as their improvement, and the preservation of natural areas;

WHEREAS the Council deems it appropriate to increase to 10% the contribution for the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas in accordance with Article 117.4 of the Act on the planning and development;

WHEREAS Council would like to add "land in an agricultural area where a cadastral operation is done in accordance with the Law on the protection of agricultural land and agricultural activities in Quebec" in section 2.1.3 relating to the case requiring no transfer of land or monetary compensation;

WHEREAS Article 2.1.2 « registered contract » must be amended;

WHEREAS a notice of motion was filed by Councillor R. Denis Dubé at the Regular Meeting of February 11th 2014;

WHEREAS the by-law was submitted to the Regular Meeting of March 11th 2014;

CONSEQUENTLY, it is

Moved by: R. Denis Dubé  
Seconded by: Inès Pontiroli

AND RESOLVED THAT the present by-law 28-13 of the Municipality of Pontiac orders the following:

ARTICLE 1 The above noted preamble is an integral part of the present by-law.

ARTICLE 2 Article 2.1, titled "Land transfer for the development parks, playgrounds or natural areas" is modified as follows:

- At the beginning of the fourth line, to replace the words “four per cent (4%)” with the words “ten per cent (10%)”;

- To add a second paragraph to read as follows:

“The first paragraph prevails on other irreconcilable provisions of the present subdivision by-law or any other municipal by-law”;

ARTICLE 3 Article 2.2.1, titled “Financial compensation” is modified as follows:

- In the third line of the first paragraph, to replace the words “four per cent (4%)” with the words “ten per cent (10%)”;

- At the end of the third paragraph, to replace the words “four per cent (4%)” with the words “ten per cent (10%)”;

ARTICLE 4 -Article 3.10.1, titled “Presentation of the preliminary subdivision project” is modified as follows:

- In the twelfth paragraph, to repeal the last sentence, to read “This in order to calculate the 4%”;

ARTICLE 5 -Article 3.13, titled “Presentation of the allotment plan” to be modified as follows:

- In paragraph 9, to repeal the last sentence, to read “This in order to calculate the 10%;

ARTICLE 6 -The article 2.1.3 is modified to include lands in an agricultural area where a cadastral operation is done in accordance with the Law on the protection of agricultural land and agricultural activities in Quebec;

ARTICLE 7 - Article 2.1.2 “registered contract” is amended as follows:

“For all land subdivision where a land transfer for parks, playgrounds, pedestrian pathways and open spaces is required, a formal agreement describing the land to be transferred and/or the amount to be paid to the Municipality will have to be signed by the applicant before the permit is issued. Subsequently, the fees for the notarized contract and any other fees that could come from a land transfer for a park or a playground will be the responsibility of the owner-assignee”.

ARTICLE 8 COMING INTO FORCE

The present by-law will come into force according to the Law.

Carried

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MAYOR

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ASSISTANT DIRECTOR GENERAL

Adoption of by-law: March 4, 2014

Coming into force: May 20, 2014