

**PROVINCE OF QUÉBEC
PONTIAC COUNTY**

MINUTES of the special Council meeting of the Municipality of Pontiac held on Wednesday, May 27, 2020, at 6:00 p.m. by teleconference, in which participated:

Mrs. Joanne Labadie, Mayor, Mrs. Leslie-Anne Barber, Pro-Mayor and Councillors, Mrs. Susan McKay, Mrs. Nancy Draper-Maxsom Mr. Thomas Howard, Mr. Scott McDonald and Mrs. Isabelle Patry.

Also present, Mr. Pierre Said, Director General and a few citizens.

1. OPENING OF MEETING / NOTICE OF MEETING

The meeting was convened by the Director General in accordance with the provisions of sections 152 and 156 of the Quebec Municipal Code.

Mrs. Joanne Labadie, President, declared a quorum present and called the meeting to order. The meeting begins at 6:01 p.m.

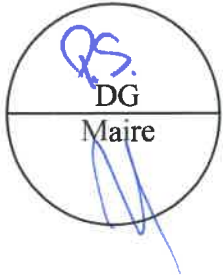
2. FLOOR TO THE PUBLIC AND QUESTIONS

Councillor, Mrs. Leslie-Anne Barber reads the questions from the public that were received by e-mail, due to the Covid-19 situation. Mayor, Mrs. Joanne Labadie answers all questions.

3. ADOPTION OF THE AGENDA

- 1. Opening of the meeting / Notice of meeting**
- 2. Floor to the public and questions**
- 3. Adoption of the agenda**
- 4. Awarding of mandate for a new plan and specifications – Montagne Road phase 2 lot 2**
- 5. Awarding of mandate for work monitoring on Saint-Andrew and Saint-John Streets**
- 6. Notice of motion**
- 7. Adoption of the 1st draft of bylaw 04-20 concerning laying hens**
- 8. Modifications – application for minor variance**
- 9. Closing of the meeting**

20-05-4076



IT IS MOVED BY Councillor, Mr. Thomas Howard and seconded by Councillor, Mrs. Susan McKay.

AND RESOLVED TO adopt the agenda as prepared and read.

Carried

20-05-4077

4. AWARDING OF MANDATE FOR A NEW PLAN AND SPECIFICATIONS – MONTAGNE ROAD PHASE 2 LOT 2

WHEREAS Cima was mandated to prepare plans and specifications for the rehabilitation of Montagne Road phase 2 lot 2;

WHEREAS the initial design by Cima and the Municipality was too costly to carry out;

WHEREAS, according to Cima, the modification to the road profile of the initial design resulted in savings of close to \$1.4 million;

WHEREAS the plans and specifications must be modified and rechecked to carry out the work;

WHEREAS the Municipality wishes to carry out the work in 2020;

WHEREAS Cima has submitted an offer of service for the modifications;

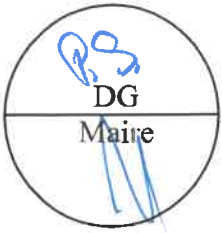
WHEREAS Cima has submitted a service offer for the modifications;

THEREFORE, it is moved by Councillor, Mr. Scott McDonald and seconded by Councillor, Mrs. Leslie-Anne Barber.

AND RESOLVED THAT the mandate to modify the plans and specifications be granted to Cima for an amount of \$32,000.00 plus taxes.

IT IS ALSO RESOLVED THAT the expense be financed by the TECQ 2019-2023 program.

Carried



20-05-4078

5. AWARDING OF MANDATE FOR WORK MONITORING ON SAINT-ANDREW AND SAINT-JOHN STREETS

WHEREAS TGC Inc. was awarded the mandate for the construction of sewer rehabilitation project on Saint-Andrew and Saint-John Streets;

WHEREAS this project requires quality control of materials to ensure the durability of the work and a warranty;

WHEREAS the Municipality does not have the necessary equipment or knowledge to carry out laboratory tests on the various materials;

WHEREAS the Municipality has requested two prices for the laboratory mandate;

WHEREAS the Municipality obtained two prices for the laboratory mandate;

Laboratory	Price
Groupe ABS	\$43, 501.37
EXP	\$52, 721.79

THEREFORE, it is moved by Councillor, Mrs. Susan McKay and seconded by Councillor, Mr. Thomas Howard.

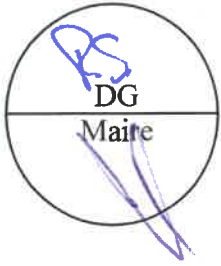
AND RESOLVED THAT the mandate for quality control of materials for the Saint-Andrew and Saint-John project be awarded to ABS Group for a total amount of \$43,501.37.

IT IS ALSO RESOLVED that this amount be allocated to the TECQ 2019-2023 program.

Carried

6. NOTICE OF MOTION

Notice of motion is given by Councillor, Mrs. Isabelle Patry of District 5 of the Municipality of Pontiac that there will be adoption of the first draft of bylaw #04-



20 concerning the implementation of a pilot project to allow the maintenance of laying hens.

20-05-4079

7. **ADOPTION OF THE 1ST DRAFT OF THE PILOT PROJECT BYLAW 04-20 CONCERNING LAYING HENS**

WHEREAS during this health crisis, there was a craze for food independence;

WHEREAS it is presently prohibited to have laying hens in certain areas of the Municipality;

WHEREAS, under certain conditions, the Council intends to allow the presence of laying hens on its territory;

WHEREAS the Council also wishes to analyze the impact of this usage before considering the possibility of amending its regulations;

WHEREAS, in order to do so, certain rules and conditions must be established to minimize inconveniences to residents;

WHEREAS the Municipality of Pontiac wishes to authorize a pilot project for a determined period, allowing the keeping of laying hens, throughout the territory of the Municipality;

WHEREAS the Municipality of Pontiac wishes to authorize a pilot project for a specified period, allowing the keeping of laying hens throughout the territory of the municipality;

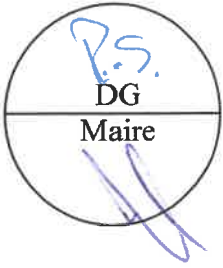
WHEREAS a notice of motion to this effect was tabled at this meeting;

THEREFORE, it is moved by Councillor, Mr. Scott McDonald and seconded by Councillor, Mrs. Leslie-Anne Barber.

AND RESOLVED THAT the Municipal Council of the Municipality of Pontiac hereby orders and regulates the following by the present draft bylaw:

SECTION 1 - PREAMBLE

The preamble is an integral part of this 1st draft bylaw.



SECTION 2 - INTERPRETATION AND APPLICATION

2.1 OBJECTIVE

The purpose of this 1st draft bylaw is to authorize, in the form of a pilot project, the keeping of laying hens for personal use in all areas of the Municipality of Pontiac where residential use is authorized. This bylaw does not apply to farms for the purpose of business as authorized in zones where agricultural use is permitted.

2.2 DEFINITIONS

In this first draft bylaw, the following definitions apply:

Cage: A protected or enclosed space that is not adjacent to a chicken coop, in which live animals are placed.

Chick: Hens, newborn birds less than 6 weeks old.

Outdoor enclosure: An outdoor space, adjacent to a chicken coop, surrounded by a mesh on each side and above, in which hens can be outdoors while being prevented from leaving it.

Chicken coop: An enclosed building where hens are kept.

Hen or laying hen: Female bird of the Gallinaceous family, raised for the purpose of producing eggs for human consumption.

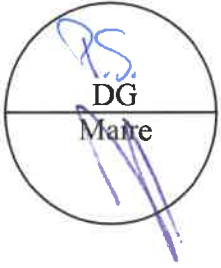
SECTION 3 - ADMINISTRATIVE PROVISIONS

3.1 DURATION OF THE PILOT PROJECT

3.1.1 - The pilot project aimed at authorizing the keeping of hens throughout the territory of the Municipality of Pontiac is valid for a period of two (2) years following the coming into force of the present bylaw.

3.1.2 - The Municipality of Pontiac, at any time, may suspend in whole or in part the application of the pilot project for the duration it determines.

3.1.3 - In the event of a definitive suspension of the pilot project, any owner, tenant or occupant of a property located on the Municipality's territory, who keeps hens



as per the present bylaw, must dispose of them and proceed with the dismantling of the hen house and enclosure, within a maximum of 30 days following receipt of a written notice sent by the Municipality.

3.2 APPLICATION OF THIS REGULATION

3.2.1 - The individuals designated by the Municipal Council for the application of the bylaws shall be responsible for its enforcement.

SECTION 4 - SPECIFIC PROVISIONS FOR THE REARING OF HENS

4.1 AUTHORIZATION

4.1.1 - It is permitted to keep a maximum of five (5) hens per residential property (per unit of evaluation) (it is suggested to keep a minimum of 3 hens for animal conditions) The following conditions are met:

- 1 - The lot of the residential property must have a minimum area of 2,000 m²;
- 2 - A main building for single-family residential use is erected on the property that is the subject of the application. The rearing of hens may also be authorized on a vacant lot adjacent to a lot with a main building for residential use and belonging to the same owner.

4.2 REARING OF HENS

4.2.1-Hens must be kept at all times inside the chicken coop or outside the fenced enclosure so that they cannot run free. Chicken coops and their enclosures must be installed in the backyard or side yard of the property. In addition, in all cases, the chicken coop and enclosure must respect the setbacks prescribed by the zoning bylaw and respect, at all times, a fixed setback of 30 metres from any lake, watercourse or wetland, and from any well.

4.2.2 - The hens must be kept inside the chicken coop from sunset to sunrise. Once the hens have entered the chicken coop, it must be secured so that no predators can access it.

4.2.3 It is prohibited to:

1. Keep one or more hens inside a dwelling;



2. Keep hens in cages ;
3. Install the chicken coop and enclosure within 2 metres of a lot line;
4. Keep or own a rooster;
5. Keep one or more chicks.

4.3 THE POULTRY AND THE OUTER HOUSING

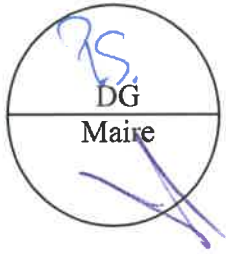
4.3.1. The installation of a chicken coop and an outdoor enclosure shall be compulsory for all chicken farms. Only one poultry house and one pen shall be allowed per residential property, under the following conditions:

1. The design of the chicken coop should provide good ventilation and adequate living space ;
2. The chicken coop and enclosure shall not exceed an area of 10.0 m² each ;
3. The maximum height measured from the floor to the highest level of the chicken coop roof or outer enclosure shall not exceed 2.5 metres ;
4. Hens must be given water inside the chicken coop or through protected feeds and water troughs so that no predators can access or contaminate them ;
6. The layout of the chicken coop and/or the outside enclosure should provide shade in hot weather and a source of heat in winter (dry and insulated place) ;
6. When farming activity ceases permanently, the chicken coop and the outdoor enclosure must be dismantled, and the premises must be repaired within 60 days.

4.4. MAINTENANCE, HYGIENE, NUISANCES

4.4.1 The chicken coop and its outside enclosure must be kept in a good condition of cleanliness and excreta must be removed from the chicken coop on a daily basis;

4.4.2 The hen keeper must dispose of excrement in a hygienic manner. It is forbidden to dispose of this material in the municipal garbage.



4.4.3 Cleaning water from the chicken coop or the outside enclosure may not be spilled onto neighbouring property.

4.4.4 Odours associated with this activity should be minimized in the vicinity.

4.4.5 The hen keeper should make regular visits to the chicken coop (at least 3 visits per day) to ensure the health and well-being of the hens and to check that there is enough fresh water and feed.

4.5. INSPECTION

4.5.1 In addition to the powers and responsibilities assigned to him under the bylaw in force in the Municipality, the authority having jurisdiction may, at any time after issuance of the certificate of authorization, verify the compliance of all properties that have been granted a certificate of authorization.

4.6. DISEASE AND SLAUGHTER

4.6.1 To avoid the risk of an outbreak, any serious illness must be reported to a veterinarian. It is forbidden to euthanize a hen on a property where it is being kept. The slaughter of hens must only be carried out by an approved slaughterhouse or by a veterinarian, whether or not the meat of the hens is consumed by the owner. A dead hen must be removed from the property within 24 hours of the death of the animal.

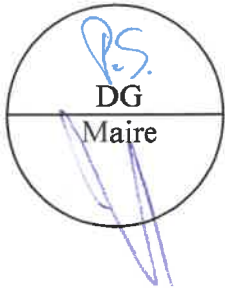
4.7 PRODUCT SALES AND DISPLAY

4.7.1 It is prohibited to sell eggs, meat, manure or other substances from hens.

4.7.2 All forms of signs referring in any way to the sale, donation or presence of hens are prohibited.

SECTION 5 - CERTIFICATE OF AUTHORIZATION

5.1 CERTIFICATE OF AUTHORIZATION, CONDITIONS FOR OBTAINING AND KEEPING A CERTIFICATE OF AUTHORIZATION PURSUANT TO SECTION 5 OF THIS 1ST DRAFT BYLAW AND APPLICABLE FEES



5.1.1. Any owner, tenant or occupant of a property located on the Municipality's territory who wishes to keep hens must first obtain a certificate of authorization to this effect from the Municipality.

- a) Fill out the application form for a permit and certificate prepared by the Urban Planning Department;
- b) The applicant has paid the cost of the licence in the amount of \$25;
- c) The applicant has provided a photo as well as a plan up to scale describing the location of the chicken coop and its dimensions. The chicken coop, its location and dimensions must comply with this bylaw;
- d) No permit to keep laying hens has been issued for this municipal address for which the permit is requested;
- e) If the applicant is not the owner of the immovable covered by the application.

5.1.2 The certificate of authorization shall be valid for the duration of the pilot project, i.e., two years from the adoption of this bylaw.

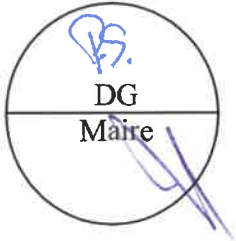
5.1.3 Any request for a permit referred to in section 5 of this 1st draft bylaw must be addressed to the competent authority, i.e., the Urban Planning Department, and meet the requirements of this bylaw.

5.2 ACQUIRED RIGHTS

5.2.1 No acquired right will be recognized to an owner, tenant or occupant having kept hens before the coming into force of the present bylaw establishing a pilot project.

SECTION 6 - END OF THE PILOT PROJECT

6.1 Towards the end of the pilot project, a report shall be submitted to Council to provide an update on the situation. Council will make the decision to withdraw the pilot project, to continue it or to see to the modification of its urbanism bylaws.



SECTION 7 - PENAL PROVISIONS

7.1 INFRINGEMENT

7.1.1 Anyone who contravenes any of the provisions of the present bylaw commits an offence and is liable to a fine of between \$300 and \$1,000. In the event of a repeat offence, minimum fines are doubled, ranging from \$600 to \$2,000.

7.1.2 In all cases, the costs of prosecution are extra.

SECTION 8 - FINAL PROVISIONS

This 1st draft bylaw will come into force in accordance with the law and will be published on the Municipality's website.

Carried

20-05-4080

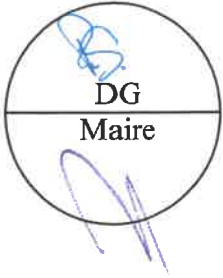
8. MODIFICATIONS – APPLICATIONS FOR MINOR VARIANCE

WHEREAS the Municipality's Urban Planning Department has informed Council that the current period is favourable for the submission of applications for minor variances;

WHEREAS the state of health emergency currently in effect which was decreed in accordance with the public health act;

WHEREAS in the context of this declaration of a state of health emergency, the Minister of Health and Social Services issued an order dated may 7, 2020 (2020-033) suspending any procedure, other than a referendum, forming part of the decision-making process of a municipal body and involving the movement or gathering of citizens, unless the Council decides otherwise;

WHEREAS waiting until the end of the declaration of health emergency to process applications for minor variances would significantly and adversely delay the realization of the projects of concerned citizens;



WHEREAS the current (summer) period is conducive to the carrying out of work and that the Council wishes to encourage the construction of such work in accordance with municipal bylaws (and any exemption to be submitted);

WHEREAS, at this time, it is difficult to predict the end of the declaration of a state of health emergency but, in the current context, it may be extended for several weeks;

WHEREAS, in the public interest, the Council deems it advisable not to deprive citizens of the opportunity to have their requests for minor variances processed as the Council also obtains citizens' comments, the latter being thus not deprived of the opportunity to express their views and submit their comments for consideration by the Council;

WHEREAS the Council wishes to replace the procedure stipulated in the Land Use Planning and Development Act with respect to minor variances by a 15-day written consultation, announced in advance by public notice, as permitted under Ministerial Order 2020-033, and this, for all applications for minor variances to be processed during the declaration of a state of health emergency, unless additional measures or other measures are taken by government authorities;

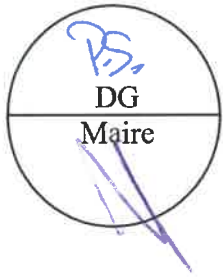
THEREFORE, it is moved by Councillor, Mrs. Leslie-Anne Barber and seconded by Councillor, Mr. Thomas Howard.

AND RESOLVED THAT the preamble be an integral part of this resolution.

IT IS ALSO RESOLVED THAT Council decides that applications for minor variances filed or processed during the declaration of a state of health emergency may be processed once the procedure set out in Ministerial Bylaw 2020-033 has been followed (written consultation).

IT IS ALSO RESOLVED THAT a notice will be published, in accordance with the usual way of publishing municipal notices, as well as on the Municipality's website and Facebook page, explaining the nature and scope of the minor variance application and inviting people to submit their written comments regarding this minor variance application.

IT IS ALSO RESOLVED THAT written comments regarding these applications may be forwarded by mail to the municipal office located at 2024 Route 148,



Pontiac, Qc, J0X 2G0, Attention: Urbanism Department or by e-mail to urbanisme@municipalitepontiac.ca no later than 15 days following the publication of this notice.

FINALLY, IT IS RESOLVED THAT once the deadline for submitting comments has expired and that the Municipal Council has been made aware of these comments, a new resolution will be adopted to rule on the request for minor variance.

Carried


20-05-4081

9. CLOSING OF THE MEETING


IT IS MOVED BY Councillor, Mrs. Susan McKay and seconded by Councillor, Mrs. Nancy Draper-Maxsom.

AND RESOLVED to close the meeting at 6:01 p.m. having gone through the agenda.

Carried



Mr. Pierre Said
DIRECTOR GENERAL



Mrs. Joanne Labadie
MAYOR

« I, Mayor Joanne Labadie, hereby certify that the signature on the present minutes is equivalent to my signature on each and every resolution herein, as specified in section 142 (2) of the Municipal Code».