

**PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC**

MINUTES of the special municipal council meeting held on Tuesday, August 16, 2016 at 7:30 p.m. at the Luskville Community Center, situated at 2024 route 148, Pontiac. Those who were present:

Roger Larose, Mayor, Brian Middlemiss, pro-mayor and councillors Nancy Draper-Maxsom and Inès Pontiroli.

Also present: Mr. Benedikt Kuhn, Director General.

Excused absences: Councillors Mr. Edward McCann (Judgement from the Superior Court), Dr. Jean Amyotte and Mr. Thomas Howard, Councillors.

Mr. Larose, President, notes that there is quorum and declares the meeting open. The meeting began at 7:30 p.m.

FLOOR TO THE PUBLIC AND QUESTION PERIOD

James Eggleton - Posting of the agenda on the Internet
- No Quorum

16-08-2855

ADOPTION OF THE AGENDA

- 1. Opening of the meeting**
- 2. Floor open to public and questions**
- 3. Adoption of the agenda**
- 4. Adoption of the minutes of previous meetings**
 - 4.1 Minutes of the regular meeting held on July 12, 2016 and of the special meetings of July 5 and 26, 2016
- 5. Administration**
 - 5.1 Budgetary transfers
 - 5.2 List of invoices to pay
 - 5.3 List of fixed expenses
 - 5.4 List of incurred expenses for the month of August
 - 5.5 Report regarding the delegation of authorized expenditures
 - 5.6 Bylaw 11-16 to amend bylaw 03-14
 - 5.7 List of the properties for sale for non-payment of taxes
 - 5.8 Borrowing bylaw 12-16 for Lusk Project
 - 5.9 Signature- Bank bills
 - 5.10 Disposal of surplus assets
 - 5.11 Transfer of violation cases to RPGL law firm
- 6. Public security**
 - 6.1 Breathing apparatus – Fire Department
- 7. Public works**
 - 7.1 Resignation – Employee # 02-0072
 - 7.2 Hiring – Day labourers
 - 7.3 Hiring – Equipment operator
 - 7.4 Road repairs
- 8. Public hygiene**
 - 8.1 Adoption of the intervention plan for the renewal of the drinking water and sewer conduits
- 9. Urban renewal and zoning**
 - 9.1 Price setting bylaw 02-15-04-2016
 - 9.2 Bylaw 608-2016 with respect to the occupation and maintenance of buildings
 - 9.3 Second draft bylaw 177-01-03-2016 to modify the zoning bylaw 177-01 aiming the integration of a new regulatory framework for the excavation, fill and backfill operations on private land
 - 9.4 Appointment of residents, members of the PAC
- 10. Recreation and culture**
- 11. Miscellaneous**
 - 11.1 Ferry – Request to the MTQ
- 12. Various reports and correspondence**
 - 12.1 Tabling of various municipal reports:
 - a) animals

- b) Minutes of correction
- c) Letter from the Pontiac Equestrian Association

13. Tabling of the register of correspondence

13.1 Register of the correspondence received in July 2016

14. Public question period

15. Closing of meeting

It is

Moved by : Brian Middlemiss

Seconded by : Inès Pontiroli

AND RESOLVED to adopt the agenda as prepared and read.

Carried

16-08-2856

ADOPTION OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 12, 2016 AND OF THE SPECIAL MEETINGS HELD ON JULY 5 AND 26, 2016

It is

Moved by: Brian Middlemiss

Seconded by: Inès Pontiroli

AND RESOLVED TO adopt the minutes of the regular meeting held on July 12, 2016 and of the specials meetings held on July 5 and 26, 2016.

Carried

16-08-2857

BUDGETARY TRANSFERS (AUGUST 2016)

It is

Moved by: Nancy Draper-Maxsom

Seconded by: Inès Pontiroli

AND RESOLVED THAT the Municipality carry out the budgetary transfers as described on the attached list in the amount of **\$14, 840.10**

Carried

16-08-2858

LIST OF INVOICES TO PAY

It is

Moved by: Brian Middlemiss

Seconded by: Inès Pontiroli

AND RESOLVED THAT this Council authorizes the payment of invoices amounting to **\$46 511.78** (see appendix) for the period ending on July 30, 2016 and to debit budget posts related to the expenses mentioned on said list.

Carried

16-08-2859

LIST OF FIXED AND PRE-APPROVED EXPENSES

It is

Moved by: Inès Pontiroli

Seconded by: Nancy Draper-Maxsom

AND RESOLVED THAT this Council approves the list of disbursements and withdrawals done from June 28, 2016 to July 26, 2016, all for a total amount of **\$ 862, 339.27**(see appendix).

Carried

16-08-2860

LIST OF INCURRED EXPENSES FOR THE MONTH OF AUGUST 2016

It is

Moved by: Brian Middlemiss
Seconded by: Inès Pontiroli

AND UNANIMOUSLY RESOLVED to accept the incurring expenses that appear in appendix A, for a total amount of \$ **41, 636.58** taxes included.

Carried

The Director General tables report regarding the delegation of authorized expenditures from June 28 to July 28, 2016.

16-08-2861

BYLAW NO 11-16 TO AMEND THE STANDARDS APPLICABLE TO THE MEMBERS OF THE PONTIAC MUNICIPAL COUNCIL – CODE OF ETHICS AND PROFESSIONAL CONDUCT ON A MUNICIPAL LEVEL

WHEREAS in June 2016, the Quebec government adopted Bill 83 modifying several legislative provisions on a municipal level, in particular concerning political financing (2016, Chapter 17);

WHEREAS the said Act provides that the code of ethics and professional conduct must prohibit any elected representative to announce, during a political financing activity, the implementation of a project, the conclusion of a contract or the award of a grant by the Municipality, unless a final decision with respect to the project, contract or grant has already been taken by the competent authority of the Municipality;

WHEREAS a notice of motion of the present bylaw was given at the regular Municipal Council meeting held on July 12, 2016;

FOR THIS REASON, it is

Moved by: Nancy Draper-Maxsom
Seconded by: Inès Pontiroli

AND RESOLVED to amend bylaw 03-14 with the following:

SECTION 1 – PREAMBLE

The preamble is an integral part of the present bylaw.

SECTION 2 – OBJECT – GENERAL PRINCIPLE

- 2.1 The object of the present bylaw is to set a code of ethics and professional conduct for the Council members of the Municipality of Pontiac, particularly by subscribing to values based on the integrity, the honour related to the duties of a member of a municipal Council, caution in the pursuit of public interest, respect, loyalty, equity, honesty, objectivity, impartiality, and sound management in a perspective of public interest to govern the Municipality of Pontiac.
- 2.2 The members of the municipal Council must hold office and organize their personal affairs so as to preserve and maintain public trust with integrity, objectivity and impartiality in the Municipality of Pontiac's decisions. Furthermore, the members of municipal Council must act with integrity, objectivity and impartiality but must also preserve appearances and promote transparency by adopting a behaviour that will preserve and maintain public confidence with the integrity, objectivity and impartiality of the municipal corporation.

SECTION 3 – RANGE OF APPLICATION

Unless otherwise specified, the present bylaw applies to all Council members of the Municipality of Pontiac.

SECTION 4 – DEFINITIONS

For interpretation purposes of the present bylaw, unless the context specifies otherwise, the words and expressions mean the following, without limitation:

- 4.1 Advantages :** Any gift, donation, favour, reward, service, commission, pay, retribution, indemnity, compensation, benefit, profit, advance, loan, discount or anything else of the same nature that is useful or profitable, or any promise of such advantages.
- 4.2 Code of ethics:** In an extensive way, the code of ethics is first and foremost an educational tool, a group of rules of conduct, a code of honour, which could lead to the imposition of a sanction of the law, foreseen in sections 31 and 32, section III, of the *Act with respect to ethics and professional conduct on a municipal level*, and have consequences of a political nature for whomever does not comply to its precept.
- 4.3 Committee:** A committee consisting of the Municipality of Pontiac municipal Council, as constituted by municipal bylaw and in virtue of section 82 of the Municipal Code.
- 4.4 Council:** The municipal Council of the Municipality of Pontiac.
- 4.5 Professional conduct:** The Professional conduct concerns rules of conduct which are expected under the sense of duty and obligation that come with values and ethical principles.
- It exerts authority to guide the conduct and aims at codifying that which is prohibited and what is permitted. Its application is often quasi-judicial and founded on judicial principles. Its principles are binding and enforceable.
- 4.6 Employee** Any officer or salaried personnel working for the Municipality.
- 4.7 Associated entity:** Society, company, cooperative, association or corporation which has a business relation, or other, with a Council member of the Municipality of Pontiac.
- 4.8 Ethics:** The sense of ethics is a concept that attempts to guide a person in a choice of behaviour to be adopted in a given situation. It's a group of regulations which outlines the human conduct; its application is founded on a subject's self-discipline.
- It is good practice to use one's judgement on the basis of values, standards and issues at hand in order to direct self-conduct and make well informed decisions in a given situation. For practical purposes, it refers to a group of values, rules and judgements which will direct an individual's and a group's behaviour.
- It should not be seen as a control system, but rather as the exercise which is responsible for the use of judgement and discretion in difficult situations.
- 4.9 Honour associated with the duties of a member of the municipal Council:** Every member of the municipal Council protects the honour associated to their duties, which presupposes the constant practical use of values: integrity, prudence, respect, loyalty and equity.
- 4.10 Integrity:** The members of the municipal Council shall promote honesty, strictness and justice.
- 4.11 Personal interest:** Interest shown by the person concerned, be it a direct or indirect interest, financial or not, real, apparent or a potential interest. It is distinct, without necessarily being exclusive of that of the public in general, or may be perceived as such by a reasonably informed person. Excluded from this notion is the case where personal interest consists of payment, allocations, reimbursement of expenses, of fringe benefits, or other conditions related to the duties

of the person concerned, within the Municipality or a municipal body.

4.12 Interest of close relations :

Interest from the spouse of the person concerned, from his/her children, from people in his/her ascending line or interest from a public corporation, a company, a co-op or association with whom he/she has any business relations. It may be of direct or indirect interest, financial or not, real, apparent or a potential interest. It is distinct, without necessarily being exclusive of that of the public in general, or may be perceived as such by a reasonably informed person.

4.13 Loyalty towards the Municipality:

The members of the municipal Council shall seek the interest of the Municipality of Pontiac.

4.14 Member:

A committee member, be it a municipal Council member or not.

4.15 Member of the immediate family :

The spouse, in the sense of the *Act respecting labour standards*, as well as people in his/her ascending line, brothers or sisters and their spouses or associated entity.

4.16 Member of Council:

The mayor and councillors forming the members of Council of the Municipality of Pontiac.

4.17 Municipality:

The Municipality of Pontiac.

4.18 Municipal Organization:

1. An organization which the government declares as being an authorized or a municipal agent;
2. An organization whose council consists in majority of council members of a municipality;
3. An organization whose budget is adopted by the Municipality or whose funding is assured for more than half its worth by the Municipality;
4. A council, a commission or a committee formed by the Municipality, which is in charge of examining and studying a question that is submitted to it by council ;
5. A business, corporation, company or association in which a person is designated or recommended by the Municipality, in order to represent its interests.

4.19 Resource person:

Person appointed by the municipal Council to participate in the activities of the Planning Advisory Committee, or other committees, but who is not a member and has no right to vote. The resource person is subjected to the same duties and obligations of a member, but may have a contract with the Municipality. The fact that a resource person is an employee of the Municipality or that he/she has a professional mandate as a consultant for the Municipality, is not reputed as being a conflict of interest. Holding an interest, in the sense of section 305 of the *Act respecting elections and referendums in municipalities* is not the intent of the present document.

4.20 Prudence in pursuit of public interest :

The members of the municipal Council assume their responsibilities in view of the public's interest, that is incumbent upon them to do. In accomplishing this mission, they shall act with professionalism as well as vigilance and discretion.

4.21 Searching for equity:

The members of the municipal Council shall treat everyone with justice and, as to the extent possible, by interpreting the laws and regulations, in accordance with their ethics.

4.22 Respect towards other members, the employees of the Municipality

and all citizens : The members promote respect in the aspect of human relations. He/she has the right to this and acts with respect towards all people that they deal with, as part of their employment.

SECTION 5 – CONFLICT OF INTEREST

- 5.1 For the purpose of the present document, a conflict of interest exists when a personal interest may potentially, or apparently, prevent a member of Council to act objectively, in his/her executive capacity and in the sole interest of the Municipality of Pontiac.
- 5.2 The members of the municipal Council must perform their duties in the interest of the public and take all necessary measures to value the public's interest. To that effect, and without limiting its range, he/she must pay particular attention to each file submitted to committees or others, so as to evaluate their merit, keeping in mind the advantages, inconveniences and impact on the community as a whole.
- 5.3 The members of the municipal Council must faithfully assume their duties in conformity with the applicable legislations, including the current municipal bylaws. He/she subscribes to and accepts the principles of a sound municipal administration and must fulfill his/her duties and responsibilities with integrity, dignity and impartiality.
- 5.4 The members of the municipal Council must not place themselves in a situation where their personal interest or that of a member of their immediate family could influence them in their executive capacity.
- 5.5 The members of the municipal Council must refrain from soliciting or possessing for themselves, for a close relative or a corporation in which he/she has a personal interest, a contract with the Municipality.
- 5.6 In order to prevent any real or potential situation of conflict of interest, none of the members of the municipal Council may directly or indirectly participate in any invitation to tender, and cannot have a direct or indirect interest in a contract with the municipality or a municipal organization, with the exclusion of the exceptions foreseen in sections 305 of the *Act respecting elections and referendums in municipalities* (L.R.Q. c. E-2.2 and 269 of the Quebec municipal code L.R.Q. c. -27.1).
- 5.7 None of the members of the municipal Council may solicit, accept, or receive, any payment, profit or advantage whatsoever, other than those provided for by Law, in exchange for taking a position on a bylaw, a resolution or any question submitted or that shall be submitted to the municipal Council or to any of their committees.
- 5.8 Any member of Council, upon their election or during their mandate or employment, who is placed in a situation where there is a conflict of interest, following the implementation of a law, a marriage, common-law marriage or the acceptance of a donation or legacy, must put an end to the situation as soon as possible following the election or the occurrence of an event that will generate the conflict of interest.
- 5.9 The members of Council must make it publicly known on their annual declaration of financial interests, the facts and situations that are directly or indirectly susceptible to create a conflict with the public's interest, or their duties and personal interests or that of their immediate family, in a way that the citizens may establish that he/she is acting within their duties with integrity, impartiality and objectivity or, where appropriate, to observe that he/she is derogating to the correct way of acting by keeping the said declaration to date, as soon as he/she is aware of any fact or situation of this nature, by submitting an amended declaration to the Secretary-treasurer or Director General.
- 5.10 **Communication**
 - (i) The members of Council will transmit the Councils decisions with precision and in an adequate fashion even if he/she is in disagreement with a majority decision.
 - (ii) The members must respect the Council's decision-making process.
 - (iii) The members must lead and transmit Council's business in an open and public fashion so that interveners may understand the process, logic and justification used to draw conclusions and make decisions.
 - (iv) The municipal Council will regularly take advantage of official or unofficial occasions to obtain the tax payers' ideas as part of the decision-making process regarding questions that have major repercussions on the community.

- (v) The members of Council will show respect during discussions concerning their peers, the personnel, the Municipality and all of the Council's decisions.
- (vi) The members of Council will refrain from giving comments that could denigrate their peers or the personnel's professional competence or credibility.

SECTION 6 – GIFTS – DONATIONS

- 6.1 The members of the municipal Council must refuse all gifts, offers of hospitality or other advantages, whatever its value may be, that would risk having an influence on their judgement or their duties, or that may give rise to the perception of such risk.
- 6.2 Notwithstanding section 6.1, a member of the municipal Council may receive certain advantages when these advantages:
- a) are in compliance with the rules of courtesy, of protocol, hospitality or usage;
 - b) are not from an anonymous source;
 - c) do not represent a sum of money, an action, an obligation, a commercial paper or any financial title;
 - d) are not of a nature that would leave any doubt on their integrity, their independence, or their impartiality, that of the Municipality or a municipal organization.
- 6.3 Any donation, act of hospitality or any other advantage received by a member of the municipal Council and that which is not purely of a private nature or aimed at what is applicable to section 6.1, if its value is greater than \$200, the said member of Council must make a written declaration within 30 days of its reception and submit it to the Secretary-treasurer and Director General of the Municipality of Pontiac. This declaration must include an adequate description of the donation, of the act of hospitality or the advantage received, and specify the name of the donor as well as the date and the circumstances of its reception. The Secretary-Treasurer and Director General keeps a public register of these declarations.
- 6.4 The present rule does not apply:
- a) When the act of hospitality or the advantage comes from a government or a municipality, from a government or municipal agency or any of their official representatives ;
 - b) If the member of the municipal Council hands over the said advantage that was received, to the Municipality ;
 - c) If it consists of a meal enjoyed in the presence of the person who has offered it and is less than \$200.
- 6.5 When a member of the municipal Council directly or indirectly receives an act of hospitality or another advantage as part of a training activity or professional development, in accordance with section 6.2, he/she must inform the Director General. The declaration of the member of the municipal Council must be the object of a description by the Director General specifying the circumstances. The present section does not apply to an act of hospitality or any other advantage when the member of the municipal Council has received them in his/her executive capacity, on behalf of a representative or a government agency, or a professional association to which he/she is a member of.
- 6.6 Each donor receives a copy of the present bylaw regarding ethics, so that he/she knows that the gift or donation cannot be accepted. Professionals and businesses who do business with the Municipality will receive a copy of the present bylaw.

SECTION 7 – DUTY OF DISCRETION

- 7.1 The members of the municipal Council may not use information which he/she receives in their executive capacity and which is not generally passed on to the public, to their personal advantage or benefit.
- 7.2 The members of the municipal Council may not transmit to a third party, information which he/she receives in their executive capacity and which is not generally passed on to the public.
- 7.3 The members of the municipal Council may not transmit to a third party, information which is nominative in the sense of the *Act with respect to access to documents held by*

public organizations and on the protection of personal information. The Director General is the person responsible, designated in virtue of the said Act, and exclusively possesses the delegated authority to decide on the nominative nature of the information.

- 7.4 The members of the municipal Council, with the exception of the mayor, may not transmit information that is not nominative and is not generally passed on to or known by the public, without the municipal Council's authorization.
- 7.5 In order to protect the secret with respect to information of a confidential nature, the members of Council must:
- a) refrain from using such information at the Municipality's prejudice or in view of directly or indirectly obtaining an advantage for him/herself or for others;
 - b) take the necessary measures to ensure that his/her colleagues and entourage do not use or relay such information that has come to their knowledge in their executive capacity.

SECTION 8 – USE OF MUNICIPAL RESOURCES – THE NAME – THE TRADEMARK – COAT OF ARMS OR LOGO

- 8.1 The members of the municipal Council must refrain from using or allowing the use of municipal resources, goods or services for other purposes than those intended, or those of municipal organizations, or to use the authority in their executive capacity for their personal interest or that of a member of their immediate family.
- 8.2 Despite section 8.1, a taxpayer may use certain Municipality's goods or services for personal purposes, if it is a service that is offered on a general basis by the Municipality or a municipal organization.
- 8.3 The members of the municipal Council must refrain from using the municipality's name or logo when concluding contracts and agreements in a personal capacity with a third party, so that the other party is not led to believe that the contract or agreement was concluded with the Municipality or that the Municipality becomes surety for them or is implicated in any way whatsoever.
- 8.4 The members of the municipal Council must refrain from using municipal letterhead for their personal activities.
- 8.5 The members of the municipal Council, who have or acquire interests in a company or business, must avoid using their position at the Municipality for publicity purposes or promotional support to the business in question.

SECTION 9 – BUSINESS WITH THE MUNICIPALITY

The members of the municipal Council must refrain from directly or indirectly having an interest in a contract with the Municipality or a municipal organization, subject to the exceptions provided by the Law.

SECTION 10 – RESPECT FOR THE DECISION-MAKING PROCESS – EMPLOYEE RELATIONS – HIRING PROCESS

- 10.1 The members of the municipal Council must respect the legislative and administrative regulations governing the Municipality's and municipal organizations' decision-making process.
- 10.2 The members of the municipal Council must maintain respectful relations with other members of the municipal Council, with the municipal employees and the citizens of the Municipality of Pontiac.
- 10.3 The members of the municipal Council must refrain from participating or influencing anyone when hiring, supervising, promoting or evaluating an employee's performance when the employee is a member of his/her immediate family or a person to which he/she legally or personally is indebted to.
- 10.4 The members of the municipal Council must disclose all family ties or social affiliation via a candidate's possessions that may affect his /her credibility and must withdraw from any selection committee.

SECTION 11 –ANNOUNCEMENT DURING FINANCING ACTIVITIES

It is prohibited to any Council member to announce, during a political financing activity, the implementation of a project, the conclusion of a contract or the award of a grant by the Municipality, unless a final decision with respect to the project, contract or grant has already been taken by the competent authority of the Municipality.

SECTION 12 – PARTICIPATION IN TRAINING SESSIONS – DECLARATION OF OATH OF THE ELECTED REPRESENTATIVE

- 12.1 The members of the municipal Council shall participate, within four (4) months of assuming his/her duties, to a training session on ethics and professional conduct that is specially created for the municipal sector and to additional information sessions offered periodically for the duration of the mandate.
- 12.2 The members of the municipal Council must take the oath, according the *Act respecting elections and referendums in municipalities*, in keeping with the rules of the Code of ethics and professional conduct.

SECTION 13 – PROCESS OF APPLICATION AND CONTROL – SANCTIONS

- 13.1 Any person who has reasonable motive to believe that a member of the municipal Council has committed a violation of a rule provided for in the code of ethics and professional conduct, which is applicable to him/her, may contact the Ministry of Municipal Affairs within three years following the end of this member's mandate, in accordance with sections 20 to 30 of the *Act respecting ethics and professional conduct* on a municipal level.
- 13.2 In order for any complaint, with respect to the present bylaw to be complete, it must be written, witnessed on oath, justifiable and accompanied by any supporting document, if necessary.
- 13.3 According to sections 7 and 31 of the *Act respecting ethics and professional conduct* on a municipal level: A breach of the *Code of ethics and professional conduct* by a member of Council of the Municipality of Pontiac may lead to the imposition of the following sanctions:
1. A reprimand.
 2. Handing over to the Municipality, within 30 days of the Quebec Municipal Commission's decision :
 - a. The donation received as a hospitality or advantage, or their value ;
 - b. Any profit made in breach of a rule, stated in the municipal Code.

The reimbursement of any payment, allocation or other sums received as a member of the municipal Council, of a committee or a commission of the Municipality or an organization, for the period during which there was breach of a rule, provided for in the municipal Code.

3. The suspension of the member of Council for no more than 90 days, which cannot have effect beyond the day of his/her term expires.
- 13.4 When a member of the municipal Council is suspended, he/she may not attend any council meeting, committee or Municipal commission or, in his/her capacity as member of the Municipality of Pontiac Council, or another organization, and may not receive neither payment, allocation or any other sum from the Municipality or a such organization.

SECTION 14 – POST-MANDATE

- 14.1 The members of the municipal Council who ceased to perform his/her duties must behave in such a way as to avoid gaining undue advantage from his/her former position.
- 14.2 The members of the municipal Council shall refrain from disclosing confidential information that is not available to the public, or from using it to their own advantage or that of a third party, which was obtained in the performance of their duties.
- 14.3 The members of the municipal Council shall refrain, within the twelve (12) months following the end of their mandate, to occupy an administrative or executive position for

a corporation, an employment or any other function that could make them or anyone take an undue advantage from their previous functions as Municipal Council member.

SECTION 15 – REVISION OF THE RULES ENACTED – CODE OF ETHICS AND PROFESSIONAL CONDUCT

The members of the municipal Council agree to revise and adopt, at the beginning of each new four (4) year mandate, the rules governing the code of ethics and professional conduct in order to reiterate their commitment regarding the respect and promotion of the rules therein and that it reflects the evolution of local concerns as well as the elected representatives' directions and priorities.

SECTION 16 – DECLARATORY PROVISIONS

The masculine and the singular are used in the present bylaw without discrimination in order to reduce the size of the document, and includes the feminine and the plural.

SECTION 17 – COMING INTO EFFECT

The present bylaw will come into effect after the accomplishment of formalities enacted by Law.

Carried

16-08-2862

LIST OF THE PROPERTIES FOR SALE FOR NON-PAYMENT OF TAXES

WHEREAS the Director General is submitting to the Council a statement of taxes owing to the Municipality for review and consideration, in order to comply with the requirements of section 1022 of the Quebec Municipal Code;

It is

Moved by: Brian Middlemiss
Seconded by: Nancy Draper-Maxsom

AND RESOLVED THAT the said statement be, and is approved by Council and that the Director General take the required procedures in order to have the MRC des Collines-de-l'Outaouais sell all properties burdened by taxes that have not been paid.

Carried

16-08-2863

BYLAW NO. 12-16 « BYLAW WHICH DECREES A LOAN AND EXPENSE FOR THE REPAIRS AND RESURFACING OF ROADS IN THE LUSK PROJECT (BRADY AND KERR ROADS AND IVAN AND LUSK CRESCENTS) »

WHEREAS the notice of motion of the present bylaw has been duly given during a regular council meeting held on July 12, 2016.

It is

Moved by: Brian Middlemiss
Seconded by: Nancy Draper-Maxsom

AND RESOLVED THAT:

ARTICLE 1 : Council is authorized to do the work or to have it done, pertaining to the repairs and resurfacing of roads in the Lusk Project (Brady and Kerr roads and Ivan and Lusk crescents), according to estimates submitted by the Director General for the sum of \$372,300.00 including fees, taxes and contingencies.

ARTICLE 2 : Council is authorized to spend a sum not exceeding \$372,300.00 for the purpose of the present bylaw. This sum includes the work mentioned in article 1, as well as incidentals, contingencies and taxes.

ARTICLE 3 : Council is hereby authorized to borrow a sum not exceeding \$372,300.00 on a 20-year term, in order to pay for the expenses provided for by the present bylaw.

ARTICLE 4 : Council allocates any subsidy or contribution that could be paid towards part or the total of the expense mentioned in article 2, to the reduction of the loan decreed by the present bylaw.

ARTICLE 5 : To provide for 50% of the committed expenses for interests and the reimbursement of the capital of annual payments, it is required and each year, during the term of the loan on all the taxable real properties, a special tax at a sufficient rate according to the value of each taxable real property in the Lusk project (see appendix) will be deducted, as it appears on the municipality's current assessment role.

ARTICLE 6 : To provide for the other 50% of the committed expenses for interests and the reimbursement of the capital of annual payments, it is required and each year, during the term of the loan on all the taxable real properties, a special tax at a sufficient rate according to the value of each taxable real property in the Municipality of Pontiac will be deducted, as it appears on the municipality's current assessment role.

ARTICLE 7: If the amount of an appropriation authorized by the present bylaw is higher than the amount actually spent in relation to this appropriation, Council is authorized to use the excess to pay any other expense decreed by the present bylaw and to which the appropriation would prove to be insufficient.

ARTICLE 8: The present bylaw will come into force in accordance with the law.

Carried on a divided vote

Councillor Inès Pontiroli votes against the resolution.

16-08-2864

SIGNATURE-BANK BILLS

WHEREAS the Municipality wishes to change the signatories for the bank bills;

WHEREAS the Municipality requires two signatories for the bank bills;

It is

Moved by : Inès Pontiroli
Seconded by : Nancy Draper-Maxsom

AND RESOLVED that the following individuals be authorized as signatories for the bank bills, that is : Roger Larose OR Brian Middlemiss AND Benedikt Kuhn OR Dominic Labrie.

IT IS ALSO RESOLVED that resolution 14-06-2008 be abrogated.

Carried

16-08-2865

DISPOSAL OF SURPLUS ASSETS

WHEREAS the Municipality of Pontiac wishes to dispose of some surplus furniture of little value;

WHEREAS it is necessary to offer these assets to the highest bidders in order to maximize value for the ratepayers of the Municipality;

It is

Moved by: Brian Middlemiss
Seconded by : Inès Pontiroli

AND RESOLVED that the Municipal Council authorizes the Director General to sell the following surplus assets by tenders, to the highest bidders, following a public posting of a minimum of 2 weeks:

- 2 melamine workstations

Carried

16-08-2866

TRANSFER OF VIOLATION CASES TO RPGL LAW FIRM

WHEREAS the alleged facts against the owners constitute a violation of several urban planning bylaws in force and to other provincial bylaws;

WHEREAS the attempts from the Municipal Administration to convince the owners to comply;

WHEREAS the disregard for the set standards generally only reinforces the negative effect on the neighbourhood and the built environment of the Municipality;

It is

Moved by : Brian Middlemiss
Seconded by : Nancy Draper-Maxsom

AND RESOLVED to transfer the following case files to the RPGL law firm in order to start the procedures prescribed by the municipal bylaw and/or provincial law:

- 1- The property at 101 Hurdman road for violation of the regulations with respect to insalubrity, maintenance and occupation of a building and the Q2.r22 bylaw.
- 2- The property at 2101 Beaudoin road for violation of the regulations with respect to insalubrity, maintenance and occupation of a building.
- 3- The property at 1494 Route 148 for violation of the zoning bylaw for storage and parking of heavy vehicles.
- 4- The property at 146 Girofle for violation of the regulations with respect to insalubrity, maintenance and occupation of a building.

Carried on a divided vote

Councillor Inès Pontiroli votes against the resolution.

16-08-2867

BREATHING APPARATUS – FIRE DEPARTMENT

WHEREAS the breathing apparatus (APRIA) currently used by the Fire Department are getting old;

WHEREAS it is foreseeable that a certain number of units will be removed during the coming annual inspections;

WHEREAS the Fire Safety Cover Plan of the MRC des Collines-de-l'Outaouais requires a minimum of 4 APRIA per fire hall;

WHEREAS the Municipality has 3 fire halls and it is good practice to foresee a greater number of APRIA to remedy various scenarios (training, repairs, major fires);

WHEREAS AÉRO-FEU's offer, who obtained some APRIA from the Fire Department of the City of Gatineau following a replacement contract, is very interesting;

WHEREAS the models on sale by AERO-FEU are lighter than the ones currently used by the Pontiac Fire Department, which eases the firefighters' work, reducing fatigue and risks of injuries;

It is

Moved by : Brian Middlemiss
Seconded by : Inès Pontiroli

AND RESOLVED to purchase 24 APRIA Scott refurbished units (including the harnesses, 2 easy parts and 2 cylinders) at the price of \$1, 290.00 each, plus taxes.

IT IS ALSO RESOLVED that the necessary amount, that is, \$30, 960.00 plus taxes for this purchase, will be taken from the affected surplus, reserved for the Fire Department.

Carried

16-08-2868

RESIGNATION – EMPLOYEE # 02-0072

WHEREAS the resignation letter handed by employee # 02-0072 on July 20, 2016;

It is

Moved by : Nancy Draper-Maxsom
Seconded by: Inès Pontiroli

AND RESOLVED that the Municipal Council accepts the resignation of employee # 02-0072 as of August 3, 2016.

IT IS ALSO RESOLVED that the Municipality uses an employment agency to staff the position of Head of Division, Public Works, on a temporary basis.

IT IS ALSO RESOLVED that the Council mandates the Director General, the Director of Infrastructures and Public Works and the Human Resources Director, to staff the Head of Division, Public Works' position.

FINALLY, IT IS RESOLVED that the Municipality wishes to thank Mr. Michel Trudel for his dedicated service.

Carried

16-08-2869

HIRING – DAY LABOURERS

WHEREAS resolution 16-07-2826 giving the mandate to the Director General and the Director of Infrastructures and Public Works to hire (2) part-time day labourers for the summer season, for a maximum of 15 weeks, according to the provisions of the collective agreement;

WHEREAS the job posting was open to the public;

It is

Moved by : Inès Pontiroli
Seconded by : Brian Middlemiss

AND RESOLVED that the Council approves hiring Mr. Adam Arnold and Mr. Robert Proulx as day labourers for the summer season for a maximum of 15 weeks, according to the provisions of the collective agreement.

Carried

16-08-2870

HIRING AN EQUIPMENT OPERATOR

WHEREAS resolution 16-07-2822 giving the mandate to the Director General and the Director of Infrastructures and Public Works to hire an equipment operator, according to the provisions of the employees' collective agreement;

WHEREAS the job offer was posted both internally and externally;

It is

Moved by : Nancy Draper-Maxsom
Seconded by : Inès Pontiroli

AND RESOLVED that the Council approves hiring Mr. Étienne Proulx as an equipment operator.

Carried

16-08-2871
ROAD REPAIRS

WHEREAS an amount of \$ 350, 000.00 has been allocated for the year 2016 in the three-year program of capital expenditures for the upgrade of unpaved roads (vegetation management, re-profiling ditches, reloading and replacing culverts);

WHEREAS it was decided to take this amount from the non-appropriated surplus;

WHEREAS the available balance in the non-appropriated surplus is sufficient to cover such an investment;

WHEREAS an analysis has been performed from the available data and the site verifications;

WHEREAS following the Director of Infrastructures and Public Works' presentation, the municipal Council has prioritized the repair of River, Elm North, Steele, Terry-Fox North, Kennedy North and Sapinière roads;

It is

Moved by : Inès Pontiroli
Seconded by : Nancy Draper-Maxsom

AND RESOLVED to mandate the Director General and the Director of the Infrastructures and Public Works to grant, through a call for tenders, mandates for:

- The rental of an excavator and a dump truck with operators;
- Brush cutting ;
- The purchase and installation of culverts ;
- The purchase of aggregate ;
- And the purchase of calcium as a dust-suppressant

IT IS ALSO RESOLVED to authorize a maximum expenditure of \$350, 000.00 to this end, to be taken from the non-appropriated surplus; all according with the procurement policy and the rules governing the tendering process in Québec.

Carried

16-08-2872
ADOPTION OF THE INTERVENTION PLAN FOR THE RENEWAL OF THE DRINKING WATER AND SEWER CONDUITS

WHEREAS the Director of Infrastructures and Public Works Department has prepared an intervention plan for the drinking water and sewer conduits and that this plan has been presented to the elected members on August 2, 2016 during a caucus meeting;

WHEREAS the plan was prepared by an engineer according to the Guide for developing an intervention plan for the renewal of the drinking water and sewer conduits and the roadways of the Minister of Municipal Affairs and Land Occupancy (MAMOT);

It is

Moved by : Brian Middlemiss
Seconded by : Nancy Draper-Maxsom

AND RESOLVED that the Council accepts the intervention plan for the drinking water and sewer conduits as tabled on August 2, 2016.

Carried

16-08-2873
BYLAW NUMBER 02-15-04-2016 TO MODIFY BYLAW 02-15 WITH RESPECT TO PRICE SETTING OF MUNICIPAL PERMITS AND CERTIFICATES

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

WHEREAS the Municipality has the legal capacity to govern cases where a permit is required, to stipulate the cost, the conditions and methods for issuing the permit, as well as the rules for suspending or revoking it;

WHEREAS permit requests for septic installations require more and more analysis and research;

WHEREAS a certificate of conformity is mandatory after any septic system installation work, and a security deposit seems to be the best incentive to obtain it;

WHEREAS a notice of motion for the present bylaw was duly given at a regular Council meeting held on July 12, 2016;

It is

Moved by: Brian Middlemiss
 Seconded by: Inès Pontiroli

AND RESOLVED THAT THE COUNCIL DECREES AND ORDERS THE FOLLOWING:

SECTION 1

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

SECTION 2

Section 4 of bylaw 02-15 is modified in order to insert new fees for the analysis of a request for waste water treatment, as shown in the chart reproduced in its entirety below. (The amendments are highlighted in gray)

“ **SECTION 4 FEES FOR ISSUING PERMITS AND CERTIFICATES**

The fees for issuing municipal permits and certificates are described in the following chart:

Type	Cost	Remarks
Wastewater treatment		
wastewater treatment system	\$250	Refund of \$100 upon reception of the certificate of compliance
sealed tank	\$250	
replacement/repairs of septic tank	\$250	Refund of \$100 upon reception of the certificate of compliance
wastewater treatment system	\$200	
Security deposit	\$400	Refundable upon reception of the certificate of conformity
Tapping of ground water	\$250	Refund of \$100 upon reception of the drill log
Subdivision – first and second lot	\$100 ea.	
Additional lots	\$50 ea.	
Main building – residential, commercial, industrial, community	\$0.35/sq.ft. or \$3.77/sq.m.	
extension of liveable space / addition of a unit	\$100	
Accessory building (gazebo, garage, shed, etc.)	\$25 if less than 10’X10’	\$50 if larger than 10’X10’
agricultural building (hay, farming equipment, vehicle)	\$50	
agricultural building (winter shelter for animals)	\$150	
renovation, modification, extension, etc.	\$50	

Certificates of authorization		
change of usage	\$50	
Celebration/ Event	<i>Free of charge</i>	<i>Valid for 72 hours</i>
Access to parks after 11:00 p.m.	<i>Free of charge</i>	<i>Valid for 72 hours</i>
Fire /Fireworks-Public places	<i>Free of charge</i>	<i>Valid for 72 hours</i>
Peddling/canvassing O.S.B.L.	<i>Free of charge</i>	<i>For the duration of campaign</i>
work within riverfront areas	\$100	
commercial tree cutting	\$150	
Permits		
Daycare	<i>Free of charge</i>	<i>Annually from Jan.1st to Dec.31st</i>
Auction sales	<i>Free of charge</i>	<i>24 hours</i>
Sign	\$50	
fence	\$25	
minor variance	\$400	including publication fees
demolition / moving	\$50	
balcony, patio, terrace	\$25	
pool (including the fence and deck)	\$50	
dock	\$25	
veranda / solarium	\$50	
Mobile canteen		
	\$400	annual
	\$200	seasonal (6 months)
	\$25	daily
Renewal of permit for new construction, main building	\$0.20/sq.ft. or \$2.15/sq.m.	
Cancellation of a request for a permit or certificate	\$25	non-refundable – in the event of a cancellation
ANALYSIS/ CERTIFICATE OF COMPLIANCE		
	\$ 300.00	SPREADING OF FRM
	\$ 300.00	CPTAQ
Use of the map of the flood zone	\$50 + permit fees	
New construction in a SPAI sector	\$750 + permit fees	
Renovation or modification of an existing building in the SPAI sector	\$300 + permit fees	

(a.2, R. 02-15-01-2016) ; (a.2, R. 02-15-02-2016); (a.2, R. 02-15-03-2016)

»

SECTION 3 COMING INTO EFFECT

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

Carried

16-08-2874

BYLAW 608-2016 PERTAINING TO THE OCCUPATION AND MAINTENANCE OF BUILDINGS

WHEREAS according to section 145.41 of the Act respecting Land Use Planning and Development (*RLRQ c A-19.1*), the Municipality is authorized to establish standards and provisions pertaining to the occupation and maintenance of buildings;

WHEREAS a notice of motion of the present bylaw has duly been given at a regular Council meeting held on July 12, 2016;

It is

Moved by : Inès Pontiroli
Seconded by : Brian Middlemiss

CONSEQUENTLY, IT IS RESOLVED THAT THE COUNCIL DECREES AND RULES THE FOLLOWING:

CHAPTER 1
DECLARATORY AND INTERPRETATIVE PROVISIONS

1. TITLE OF THE BYLAW

The bylaw is entitled «Bylaw 608-2016 pertaining to the occupation and maintenance of buildings».

2. SUBJECTED TERRITORY

The bylaw applies to the entire territory of the Municipality of Pontiac.

3. PRECEDENCE RULES

In case of incompatibility between two regulatory provisions, the specific provision prevails over the general provision.

In case of divergence between two provisions, the more restrictive one shall apply.

None of the provisions in the present by-law shall have the effect of exempting an individual from the enforcement of a federal or provincial Act.

4. TERMINOLOGY

For the interpretation of the by-law, unless the context indicates otherwise, all terms have the meanings assigned to them in *bylaw number 176-01 pertaining to the Administration and interpretation of planning regulations*.

If a word or a term is not specifically defined, it must be interpreted in its common usage as defined in the dictionary.

CHAPTER 2
ADMINISTRATIVE PROVISIONS

5. IMPLEMENTATION OF THE BYLAW

The designated civil servant is responsible for the implementation of the by-law.

6. POWERS AND DUTIES OF THE DESIGNATED CIVIL SERVANT

The powers and duties of the designated civil servant are defined in *bylaw number 176-01 pertaining to the Administration and interpretation of planning regulations*.

7. DUTIES OF THE OWNER OR THE OCCUPANT

The owner or occupant of a building must:

- 1° Ensure its maintenance and its good condition;
- 2° Respect the standards, the measures and requirements in the present bylaw pertaining to the occupation and the maintenance of a building;
- 3° Allow the designated civil servant to enter a building without impeding on the execution of his duties ;
- 4° To provide any information pertaining to the implementation of the present bylaw and any related documents;

- 5° To conduct a test, an analysis or a verification of a material, an equipment or an installation or have them done, and to provide a certificate attesting to the compliance of the security and the proper function, issued by a competent authority within 21 days in order to ensure compliance to the present bylaw.

CHAPTER 3

STANDARDS AND MEASURES PERTAINING TO THE OCCUPATION AND THE MAINTENANCE OF A BUILDING

8. GENERAL PROVISION

It is prohibited to deteriorate or to allow the deterioration of a building because of a lack of maintenance or an abusive or inappropriate use of any kind.

9. SPECIFIC PROVISIONS

Without restraining the scope of section 8, the following are considered as affecting the integrity of the building:

- 1° a crack in a foundation threatening the solidity of the building;
- 2° any twisted beam, collapsed joists, mildew and rot, or tilted wall ;
- 3° any part of a staircase, including the stairs, damaged or affected by rot ;
- 4° any damaged frame or balcony or porch structure consisting of peeling paint or a railing that does not adequately protect the occupants ;
- 5° broken window panes or rotten window frames;
- 6° any rain gutter causing soil erosion or affected by rust or corrosion ;
- 7° any roof partly or totally lacking roofing material, or that is damaged;
- 8° any exterior wall of a main or secondary building that does not have compliant exterior cladding or with exterior cladding that is damaged, rotten or affected by corrosion, any non-permeable building envelop;
- 9° in general, the presence of vermin, rodents, insects or visible mildew as well as conditions that promote their proliferation ;
- 10° filthiness, deterioration or the clutter of a main building, an accommodation, a balcony or a secondary building ;
- 11° the presence of dead animals or animal or human excrements;
- 12° the condition of a building affecting the health or the security of the residents or the public because of its use or its condition ;
- 13° excessive accumulation of old material, newspapers, clothes, litter, etc. (Diogenes Syndrome) ;
- 14° no means of heating;
- 15° the presence of stagnant water, humidity in the building causing mildew;
- 16° toxic fumes, in a building located on contaminated land, leakage of gas, fuel, carbon monoxide, radon or other chemical products such as formaldehyde, VOC ;
- 17° ventilation problems (dirty ventilation system).

CHAPTER 4

SANCTIONS, RECOURSES AND INTERVENTIONS

10. SANCTIONS AND RECOURSES

Anyone violating provisions of sections 7, 8 and 9 of the present bylaw commits an offence and is liable to a fine:

- 1° for a natural person, from \$ 200 to \$ 500 for a first offence and from \$ 1, 000 to \$ 2, 000 for a repeated offence, ;
- 2° for a legal person, from \$ 400 to \$ 1, 000 for a first offence and from \$ 2, 000 to \$ 4, 000 for a repeated offence;

11. INTERVENTIONS FROM THE MUNICIPALITY

The Municipality can:

- 1° If an offender does not collaborate, request the necessary expertise and do the appropriated remedial actions on the faulty buildings in order to comply with the present bylaw.
- 2° Recover the cost incurred for the work which constitutes a prior claim on the building, in the same way and equal to the debts mentioned in paragraph 5° of section 2651 of the Quebec Civil Code.
- 3° When necessary, contact the Superior Court to remedy all derogatory situations with the present bylaw.

CHAPTER 5
FINAL PROVISIONS

12. ENTRY INTO EFFECT

The present by-law will enter into effect following the procedures provided by the Law.

Carried

16-08-2875

SECOND DRAFT BYLAW 177-01-03-2016 TO MODIFY THE ZONING BYLAW 177-01 AIMING THE INTEGRATION OF A NEW REGULATORY FRAMEWORK FOR THE EXCAVATION, FILL AND BACKFILL OPERATIONS ON PRIVATE LAND

WHEREAS the increasing need for municipal supervision regarding the fill, backfill and excavation operations on the municipal territory;

WHEREAS the Municipality of Pontiac is authorized to govern such operations under the Act respecting land use planning and development (RLRQ c A-19.1) paragraph 12, sect. 113;

WHEREAS the modifications that were suggested during the public consultation meeting held on July 11, 2016, on the draft bylaw 177-01-03-2016;

It is

Moved by: Inès Pontiroli
Seconded by: Nancy Draper-Maxsom

AND RESOLVED THAT the council of the Municipality of Pontiac decrees the following:

SECTION 1

AMENDMENT TO THE TEXT OF THE BYLAW

1. The bylaw is amended by the addition after section 4.13.10, of section 4.14 which read as follows:

«

4.14 REGULATORY STANDARDS WITH RESPECT TO THE CONTROL OF THE EXCAVATION, FILL AND BACKFILL OPERATIONS ON PRIVATE LAND

4.14.1 PRECEDENCE RULES

Any provision more restrictive provision on the subject prevails on the present section.

4.14.2 STANDARDS AND TYPES OF WORK SUBJECTED

1. Excavation, fill and backfill work is authorized with the exception of the shorelines, littoral, flood plains and in the listed landslide zones.
2. The work must be performed as part of the preparations of a lot intended for building for which a building permit was given
3. No vegetation, including tree stumps, nor construction residues (including concrete, asphalt, metal and lumber) can serve as fill for a lot, except if it is mentioned on the permit;
4. Despite the preceding paragraph, the following are prohibited, unless a geotechnical expertise approved by the Municipality is provided:
 - a) Excavation, fill and backfill work on a lot or part of a lot with a slope equal or greater than 30%;
 - b) Work which will result in creating an uneven slope equal or greater than 30%;
5. Work that will impact the drainage of surface water onto public land or on another neighbouring property is also prohibited.

4.14.3 EXCEPTIONS

It is not necessary to obtain a certificate of approval for certain work, including:

- Quarries and sandpits and extraction of material for which a government authorization has been issued;
- Fill, backfill and excavation in an decreed agricultural zone that has previously been authorized by the CPTAQ

»

SECTION II **FINAL PROVISIONS**

2. ENTRY INTO EFFECT

The present by-law will enter into effect following the procedures provided by the Law.

Carried

16-08-2876

APPOINTMENT OF RESIDENTS AS MEMBERS OF THE MUNICIPALITY OF PONTIAC'S PLANNING ADVISORY COMMITTEE

WHEREAS under the Act respecting Land use Planning and Development (L.R.Q., chapter A-19.1), the members of the Planning Advisory Committee (PAC) must be appointed by a resolution adopted by Council;

WHEREAS under bylaw 03-13, forming and governing the Planning Advisory Committee, the Council can review the constitution of the PAC, especially under the terms of its members;

WHEREAS a notice asking the residents of the Municipality of Pontiac to show their intent and interest in joining the PAC has been sent in the July 2016 edition of the municipal bulletin;

CONSEQUENTLY, it is

Moved by: Nancy Draper-Maxsom

Seconded by : Brian Middlemiss

AND RESOLVED to appoint the following individuals as members of the Planning Advisory Committee (PAC):

- **Mr. Alain Goulet ;**
- **Mr. Kenney Daley;**
- **Mr. Jean-Claude Beaucher ;**
- **Mr. Kirk Finken;**
- **Mr. Daniel Desjardins.**

Carried

16-08-2877

FERRY – REQUEST TO THE MTQ

WHEREAS the ferry located in the Quyon sector is an important economic and social development tool for the Municipality;

WHEREAS the ferry is now able to accommodate larger vehicles and it is necessary to publicize that fact to ensure its continuity;

WHEREAS the ferry's operator intends to ask the Quebec Ministry of Transportation for authorization to install signs along route 148 announcing the new ferry's carrying capacity;

It is

Moved by : Nancy Draper-Maxsom

Seconded by : Inès Pontiroli

AND RESOLVED that the municipal Council supports the request from the ferry's operator to place new signs along route 148 as a way of promoting awareness regarding the ferry's carrying capacity.

Carried

PUBLIC QUESTION PERIOD

Mo Laidlaw

- Questions regarding item 8.1
- Item 7.4 - Question regarding Elm North road

James Eggleton

- Posting regulations – Public meetings
- Report regarding the number of people attending public meetings
- Asks Councillor Inès Pontiroli the reason for her absence at Council meetings

At 8:25 p.m., Councillor Inès Pontiroli leaves the meeting.

The President of the meeting, Mr. Roger Larose notes at this moment that there is no longer quorum. Therefore, the meeting is adjourned.

MAYOR

DIRECTOR GENERAL

« I, Mayor Roger Larose, 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».