

# Municipality of Bristol

## Subdivision By-law

No. 313



P.U.R.E

P<sub>lanning</sub> .U<sub>rbanism</sub>. R<sub>ural</sub>. E<sub>nvironment</sub>.  
Planning Consultant

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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 265 » Municipality of Bristol

The By-law called : « Rules of Interpretation and Administration applicable to the Planning By-laws number 263 » 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 in an optimal and rational manner.

Plan for the construction of safe and functional roadways.

### **1.3 TERRITORY IS LIABLE TO**

The By-law dispositions are imposed on ordinary individuals under private and public law and applies to the whole territory under the jurisdiction of the Municipality of Bristol.

### **1.4 SUPERSEDED BY-LAW**

The following By-laws, amendments and attached plans are abrogated and superseded by the current By-law: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 Bristol, By-law number 205 and its amendments;

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

These abrogations do not however, legally affect previous procedures instituted under the authority of superseded By-laws.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 Also, these changes do not affect issued permits under the authority of the superseded By-laws.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 LOTS STANDARDS

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

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

**Minimal area and dimensions of lots to be subdivided**

	Within zone permitting these categories of use	
	RESIDENTIAL AND/OR COMMERCIAL	INDUSTRIAL AND/OR INSTITUTIONAL
<b>1. Unserved lot</b> <u>Less than 100 metres from a watercourse or less than 300 metres from a lake</u>  A. Width and <i>frontage</i> B. Depth C. Area  <u>More than 100 metres from a watercourse or less than 300 metres from a lake</u>  A. Width and <i>frontage</i> B. Depth C. Area  <u>For exclusively Forestry land use designation on the zoning plan</u>  A. Width and <i>frontage</i> B. Depth C. Area	45.72 metres ( 150 f.) 61 metres ( 200.2 f.) 3,716 sq. m. ( 39 999 s.f.)   45.72 metres ( 150 f.) - 2,787 sq. m. ( 29 999 s.f.)   61 metres( 200.2 f.) 152 metres ( 498.7 f.) 5,905 sq. m. ( 63 561 s.f.)	50 metres ( 164.1f.) 61 metres ( 200.2 f.) 3,716 sq. m. ( 39 999 s.f.)   50 metres ( 164.1f.) - 3,700 sq. m. ( 39 827 s.f.)   - - -
<b>2. Unserved lot bordering a road of the higher network</b>  A. Width and <i>frontage</i> B. Depth C. Area	45.72 metres ( 150 f.) - 2,787 sq. m. ( 29 999 s.f.)	50 metres( 164.1f.) - 3,700 sq. m. ( 39 827 s.f.)

## **2.2 LOT FRONTAGE IN A DEAD END AND ON AN EXTERIOR SIDE OF A CURB**

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, (49.2 ft.) under the condition that the area and the minimum width, as specified in the previous article of this By-law, be obtained at least in one point within the lot.

## **2.3 LOT LINES ORIENTATIONS**

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

However, in the case 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.

## **2.4 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.

## **2.5 NON CONFORMING LOTS**

Only existing lots and properties 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 dispositions concerning property exceptions found in By-law called: Zoning By-law number 264.

## **2.6 FRONTAGE OF LOTS ADJACENT TO A PUBLIC OR PRIVATE ROAD AND RIGHT OF WAY**

All new created lots, must have a minimum frontage that is in conformity with those indicated at [Article 2.1](#). That frontage needs to be on a proposed or on an existing public or private road. This minimal frontage is not required for those lots or properties satisfying the elements indicated at [Article 2.5](#)

In the case of an enclosed lot or property, that is to say, not adjacent to a public or private road wherein this situation existed 01 February 1984 and proven such as, a subdivision permit can be issued for the purposes of subdividing this one lot in question; however, no additional subdivision permit can be issued for this same lot – the result of this subdivision can not be the creation of more than one lot.

## **CHAPTER 3**

## **DISPOSITIONS RELATIVE TO ROADS**

### **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 262 ».

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 between the allowance of the road and the natural waterline of the watercourse, lake or river, of fifteen (15) metres(49.2 ft.) or ten (10) meters (32.8 ft.) The fifteen (15) metres(49.2 ft.) or ten (10) meters (32.8 ft.) setback has to be in respect to Article 4.12 in the Zoning By-Law No. 264 concerning protection of watercourse, lake or river.

In the case wherein, a road is located less than sixty (60) metres (196.8ft.) from a watercourse, lake or river, and is running along a watercourse, lake or river on a distance of more than three hundred (300) metres (984.3 ft.), the applicant must obtain a « Certificate of Authorization » as stipulated under the Provincial Environmental Act.

NOTE : That minimal distance to be respected between the allowance of the road and the natural waterline of the watercourse, lake or river is a requirement from the "*Ministère de l'environnement du Québec*", that Municipalities need to apply into Municipal By-laws.

### **3.3 LINKING OF ROADS TO HIGHWAY 148**

All subdivision proposal must limit, as much as possible, the number of access means to Highway 148.



### **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 and high speed traffic flow. It mainly serves transit circulation linking major attraction points. Its predominant use is for fast moving and uninterrupted traffic flow from one sector to another. In the case of Bristol, only Highway 148 is classified under this definition.

#### **3.4.2 Collector road**

A collector road within a neighborhood. 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 Elmside road, Aylmer, River.

#### **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 (allowance) for private road purposes must be at a minimal width of fifteen (15) metres (49.2 ft.) and, if the case arises, have a dead end radius of 20 metres (65.6 ft.) is applicable.

### 3.4.5 Allowance width of roads

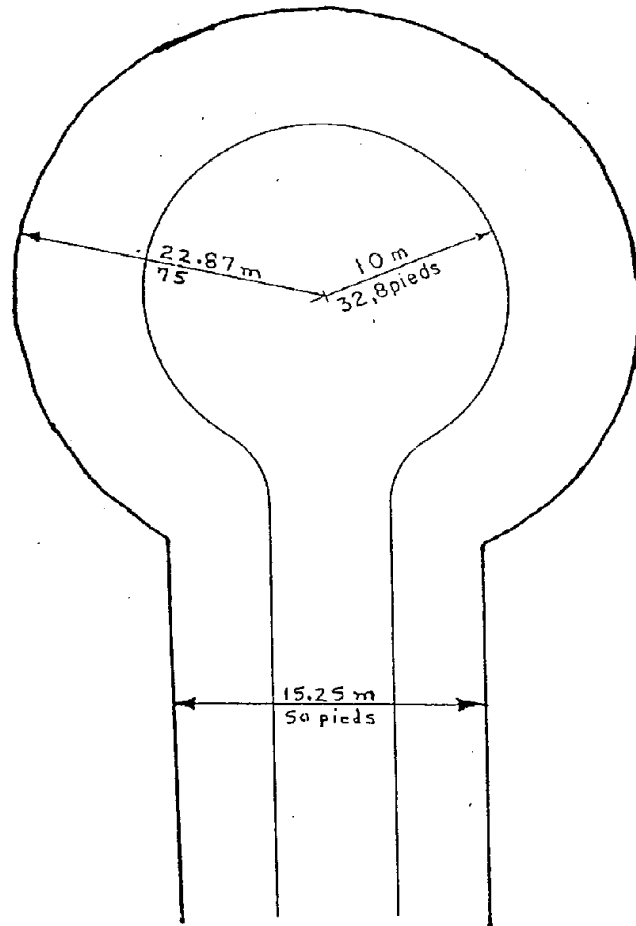
All road systems falling under the classification identified in articles [3.4.1](#), [3.4.2](#), [3.4.3](#) and [3.4.4](#) must adhere to the following characteristics:

a) Allowance width

Type of road	Minimum	Maximum	Radius Cul-de-sac min.
Private road	15 m (50 f.)	20 m (65.6 f.)	18.2 m ( 60 f.)
Neighborhood road	15 m (50 f.)	20 m (65.6 f.)	18.2 m ( 60 f.)
Collector road	15 m (50 f.)	20 m (65.6 f.)	18.2 m ( 60 f.)
Main road	20 m (65.6 f.)	none	25 m (82 f.)

b) Roadway width -A roadway is the granular surface on which vehicles travel.-

Type of road	Minimum	Maximum	Radius Cul-de-sac min.
Private road	7 m ( 23 f.)	20 m (65.6 f.)	12.1 m (40 f.)
Neighborhood road	7 m ( 23 f.)	20 m (65.6 f.)	15 m (50 f.)
Collector road	7 m ( 23 f.)	20 m (65.6 f.)	15 m (50 f.)
Main road	15 m (50 f.)	None	25 m (82 f.)



### 3.4.6 Right of passage and servitude

A right of passage or servitude identified in a notarized deed prior to the adoption of this By-law will be recognized and/or accepted the 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.  
The alignment must be maintained at a distance of thirty (30) metres (98.4 ft.).  
Intersections with right angles are desirable.

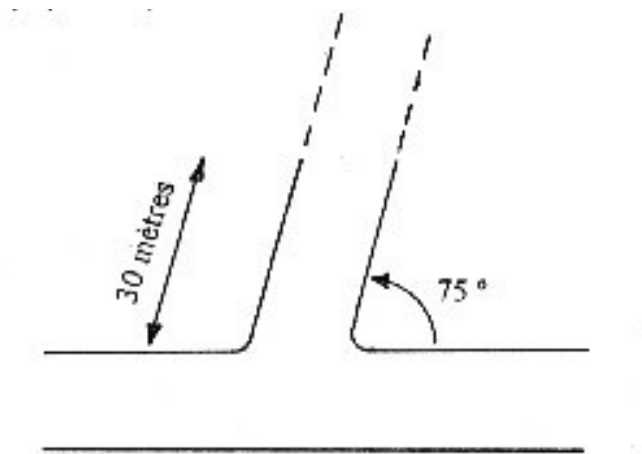
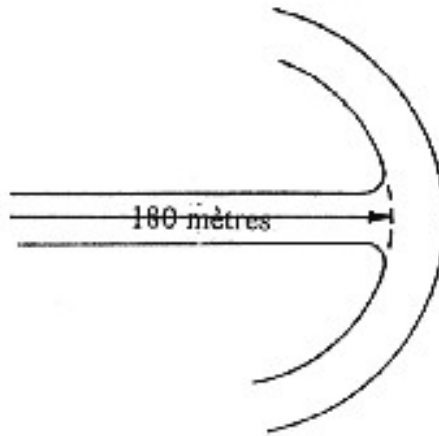


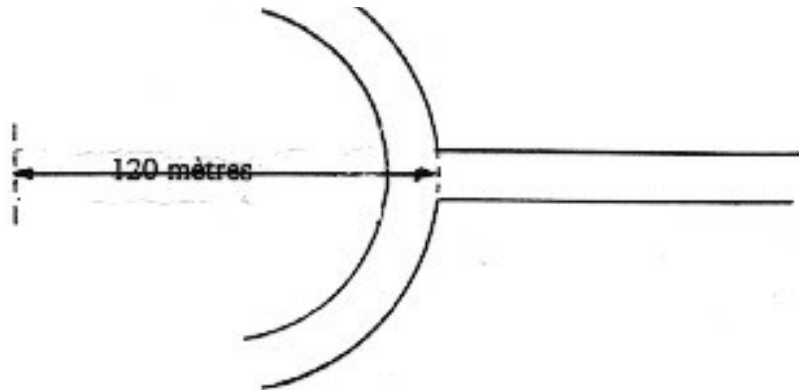
Figure 1 : Angle intersection

2. An intersection must not be located in the interior side of the curb when the radius is inferior to one hundred and eighty (180) metres (590.5 ft.).



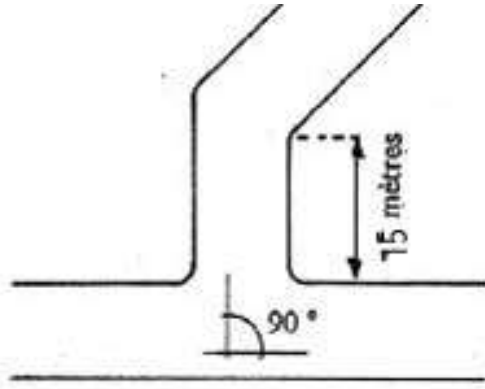
**Figure 2 : Interior intersection**

3. An intersection must not be located on the exterior side of the curb when the radius is inferior to one hundred and twenty (120) metres (393.7 ft.);



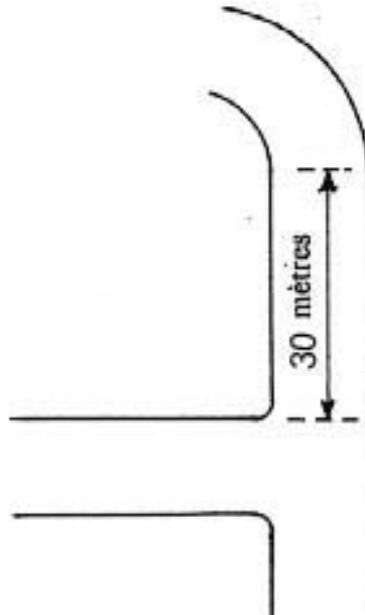
**Figure 3 : Exterior intersection**

4. No curb is authorized within the first fifteen (15) metres(49.2 ft.) from a road which splices an existing or planned road and angle intersection, as seen herein, must be ninety (90°).



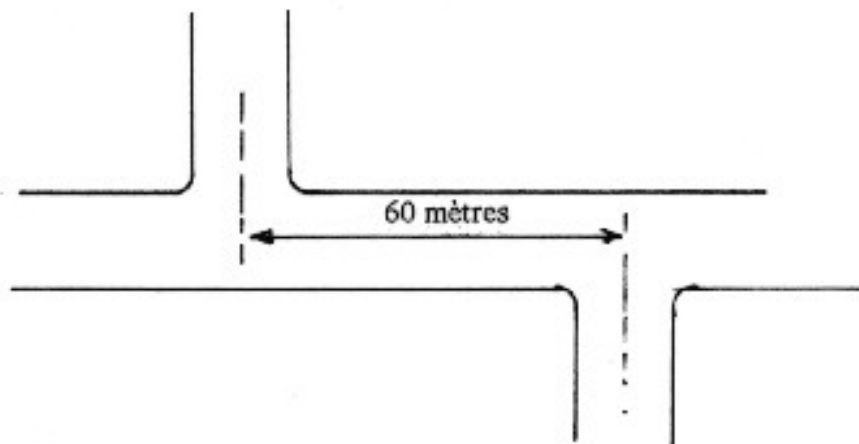
**Figure 4 : curbed intersection**

5. All intersections on a fifteen (15) metres(49.2 ft.) or more allowance road must require an angle visibility of thirty (30) metres (98.4 ft.).



**Figure 5 : Intersection on a fifteen (15) metres(49.2 ft.) or more allowance road.**

6. On a same road, the centre of two (2) intersections must be distanced at a minimum of sixty (60) metres (196.8 ft.).



**Figure 6 : Intersections on the same road**

7. On roads having a slope superior to eight percent (8%), no intersection is authorized. Also the angle visibility of thirty (30) metres (98.4 ft.) 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 practical or economical for the development of a lot when its shape, depth or location does not allow for a continuous road. The allowance width, roadway width and the other subdivision standards identified in [Article 3.4.5](#) must be respected.



## **CHAPTER 4                      DISPOSITIONS RELATIVE TO SUBDIVISION PLANS AND SUBDIVISION PERMITS**

### **4.1 DRAFT SUBDIVISION PROJECT**

For subdivision projects with **one or more lots**, resulting in the creation of an additional lot under the disposition of the current By-law, the subdivision permit request must be preceded by a presentation of a draft subdivision project.

#### **4.1.1 Draft Subdivision Project Presentation**

A draft subdivision project is a plan showing all required elements 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 that the designated municipal official deems acceptable must be provided. These documents need to illustrate 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 contour lines at an interval of five (5) metres (16.4 ft.) or any other interval judged to be acceptable by the 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) Indicate if this property is located within the boundaries of the agricultural zone and regulated by the LPTAQ. In the affirmative, indicate if this request will require any form of authorization from the CPTAQ.

- 9) The proposed and existing public infrastructure and services.
  - 10) Servitudes and right of passage.
  - 11) Areas reserved for different usage such as : residential, commercial, etc.
  - 12) The date, scale plan, 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.

## **4.2 MODIFICATIONS TO THE DRAFT SUBDIVISION PROJECT**

The designated official is responsible to identify possible modifications required to the draft subdivision project, so it can become in conformity with the current municipal Planning By-laws. The designated official must also inform the applicant that the subdivision permit request will be delayed until all modifications to the draft subdivision project have been made.

## **4.3 DRAFT SUBDIVISION PROJECT APPROVAL**

The designated officer is the person responsible for authorizing the applicant to present his request for a subdivision permit when the draft subdivision project is conforming to all the provisions of the planning by-laws. Whenever subdivision projects are considered to be more complex by the designated officer, the designated officer can decide to present this request to the Planning Commission. After having obtained the recommendation from the Planning Commission, the designated officer, may then if necessary, present the request to the Municipal Council.

The purpose of presenting the draft subdivision project to the Planning Commission is to promote discussions with the members of the Commission on the diverse possibilities regarding the proposed lot dispositions. It is also to sensitize the members of the Commission before the promoter proceeds to hire professionals, to transfer his draft subdivision project into a subdivision plan, which can after be presented as a request for a subdivision permit.

## **4.4 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 signed by a designated officer confirming that each of the lots identified on the subdivision plan can receive a septic installation and a well in conformity with the minimum standards of the municipal by-laws and those of the " *Ministère de l'Environnement et de la Faune du Québec*". Whenever the

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***The French version is the official and legal document***

designated officer considers the study of a request too complex, the designated officer can decide to require from the applicant that an expert prepare this attestation.

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. Watercourses locations.
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 .

#### **4.5 SUBDIVISION PERMIT ISSUE CONDITIONS**

The designated official issues a subdivision permit when:

- a) The subdivision plan is prepared in accordance with the propositions indicated in the Master Plan number 262.
- b) 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 264.
- c) 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.
- d) The right to obtain a permit has been paid.
- e) 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.
- f) The draft subdivision project has been previously presented to the Planning Commission, if required by the designated officer.
- g) All municipal taxes for properties included in the subdivision plan have been paid.
- h) When adjacent property to the subdivision plan subject to the subdivision permit request is owned by or under the responsibility of the applicant, the designated official can demand that this adjacent property be presented in the form of a draft subdivision project as described in the current By-law.

## **4.6 SUBDIVISION PERMIT**

### **4.6.1 Obligation to get a Subdivision Permit**

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.

## **4.7 SUBDIVISION PERMIT ISSUE TIMEFRAME**

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

## **4.8 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.

#### **4.9 SUBDIVISION PERMIT NULL AND VOID**

A subdivision permit is null and void if it has not been approved by "Ministère de la justice, division du cadastre du Québec" within two (2) years from the issue date of the afore mentioned permit issued by the municipality.

Once the two (2) years has elapsed, a new subdivision permit request must be made. The original permit cost is not refundable.

## **CHAPTER 5**

## **DISPOSITIONS RELATIVE TO PARKS, PLAYGROUNDS AND NATURAL AREAS**

### **5.1 LAND TRANSFERS FOR THE DEVELOPMENT OF PARKS, PLAYGROUNDS AND NATURAL AREAS**

As a condition for the approval of a cadastral plan, the Provincial Act « [Provincial Planning Act](#) » allow 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 Bristol, 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 6**

## **ABROGATIVE DISPOSITIONS**

The current By-law abrogates all relative regulatory descriptions as well as By-law number 205 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 BRISTOL, QUEBEC this 14<sup>th</sup> day of September, 2004.

.....  
Jack Graham  
Mayor

.....  
Keith Emmerson,  
Secretary-Treasurer

Adoption date of the Draft By-law: March 1, 2004

Adoption date of the By-law: September 14, 2004

Reception date of conformity certificate : February 9, 2005