

**ADOPTION OF DRAFT BY-LAW 2022-0242 CITING THE POINTE-LEGGATT HERITAGE SITE**

**REGULATION  
N  
# 2022-0242**

**WHEREAS**, under the Cultural Heritage Act! (LRQ, c. P-9.002), a municipality may cite a heritage property located on its territory whose knowledge, protection or enhancement are of public interest;

**WHEREAS** Leggatt's Point, including the church, the the presbytery and its outbuildings, the archaeological site and the cemetery, represents a heritage site of importance because of its interest both for its archaeological, historical, cultural and landscape ;

**WHEREAS** the site consists of land with a church built in 1883, *Leggatt's Point Presbyterian Church*, a presbytery built in 1949, a cemetery in use since at least 1845, possibly from 1818, as well as an archaeological site **with** great potential, all on an area of 43 395.2 square metres ;

**CONSIDERING THAT** the site is listed in the inventory of **archeological** sites in Quebec (DdEa-7) and that the church is listed **in** the inventory of places of worship in Quebec (DdEa-7) Quebec (2003-01-109) ;

**CONSIDERING THAT** Point Leggatt, apart from its buildings, is emblematic of local **history** and bears **cultural** memory as the home of the colony Scottish established from 1818;

**WHEREAS** the church is still attended by the residents of Grand Metis and bears witness to the **social history of the Protestant community of Scottish origin**

**WHEREAS** the Point Leggatt Cemetery underlines the continuity of this local occupation from its earliest settlers and recalls the **maritime character** of the site through the presence of a monument to the victims of two shipwrecks and other sailors;

**WHEREAS** the Presbyterian Church, its construction, its pastors and congregation are well documented by historians and community members and constitute a unique and important documentary heritage;

**CONSIDERING THAT** Point Leggatt represents a remarkable element of the **the landscape** of the municipality both by its location near the river Saint-Laurent offering unique views and by the wooded setting protecting the buildings from road noise;

**CONSIDERING THAT** the urban plan of the Municipality of Grand-Metis identifies Point Leggatt as a site of archaeological, historical, cultural and landscape interest, which is included in the areas **to be** protected;

**CONSIDERING THAT** the municipality of Grand-Metis wishes to introduce measures to protect and enhance this site;

**WHEREAS** a notice of motion was given on 5 May 2022;

**CONSIDERING THAT** a special notice will be sent to the owners concerned, in accordance **with** Article 129 of the Cultural Heritage Act;

**CONSIDERING THAT** a public meeting/consultation of the Urban Planning Advisory Committee will soon be held on the heritage site project;

**CONSIDERING THAT** the municipal council will request a recommendation from the Comité consultatif d'urbanisme for the citation of this heritage site;

**AS A RESULT ;**

It was proposed by Mr. Philippe Carroll and unanimously resolved **by** the councillors present to adopt the draft by-law 2020-0242, and to rule by this by-law as follows

## **ARTICLE 1: PREAMBLE**

The preamble is an integral part of these rules.

## **ARTICLE 2: TITLE**

This regulation is entitled "Leggatt Point Heritage Site Citation Regulation" and is identified by the number 2022-0242

## **ARTICLE 3: PURPOSE AND CONTEXT**

The purpose of these regulations is to safeguard and enhance the heritage and natural potential of the site, including the buildings and land on Point Leggatt.

## **ARTICLE 4: TERMINOLOGY**

Unless the context specifically gives them a different meaning, the words and expressions contained in these rules and defined in article 2.4 of the rules zoning by-law number 2011-0145 shall have the meaning and significance given to it by this article.

## **ARTICLE 5: LAWS AND OTHER REGULATIONS**

Nothing in this Regulation shall have the effect of exempting any natural or legal person from the application of any law duly adopted by the Government of Canada or the Government of Quebec.

No article of this by-law shall have the effect of exempting any individual or legal entity from the application of any other by-law of the Municipality of Grand-Duchy of Metis.

## **ARTICLE 6: SUBJECT TERRITORY**

The area in question corresponds to a piece of land comprising lots 5 765 961, 5 765 811 and 5 764 260 of the Grand-Metis parish cadastre, corresponding to the land owned by bearing the number **6291-69-4732-0-000-0000**, on the property assessment roll of the Municipality of Grand-Metis on January 1, 2022, as shown in the schedule forming an integral part of this by-law. The owner of the land is the Presbyterian Church. However, an old road, still visible today as a path in the forest, belongs to the public domain, under the responsibility of the Municipality of Grand-Metis.

## **ARTICLE 7: REASONS FOR CITING THE POINTE LEGGATT HERITAGE SITE**

Leggatt's Point Heritage Site is cited for the following reasons:

- 1° a place emblematic of the distinct character of the colonisation of the territory;
- 2° a landscape to be protected and enhanced;
- 3° a witness to the history of the occupation of the territory and coastline of the St. Lawrence River;
- 4° architectural buildings and a place of worship since 1883 5° funerary and commemorative monuments of interest;
- 6° a remarkable archaeological potential to be preserved;
- 7° access to the St. Lawrence River;

## **ARTICLE 8: ACTS AND TRANSACTIONS SUBJECT TO THE LAW**

Any person shall comply with such conditions relating to the conservation of the heritage values of the site as the Council may impose, in addition to the

(1) erect a new building in a heritage site;

2° modifies the landscaping of the land, with the exception of the planting of shrubs and of floral design;

3° modifies the layout of a building;

4° repairs or modifies in any way the external appearance of a construction;

5° proceeds, even inside a building, to ~~the~~ excavation of the ground, except if excavation is for the purpose of digging for a burial or exhumation without any of the acts mentioned in the preceding paragraphs being performed;

6° makes a new sign or modifies, replaces or demolishes a sign or billboard.

Furthermore, no one may, without the permission of the Council :

1° to demolish all or part of a construction located within the heritage site;

2° to divide, subdivide, re-divide or parcel out land.

Not subject to tax :

The following uses, constructions, works or undertakings are not subject to this regulation:

1° for the use of the cemetery, for burial or exhumation as well as regular maintenance and improvement work;

2° for the use of the cemetery, enlargement works, provided that a tree border is maintained;

3° vegetable gardens and landscaping with no fill or cut.

#### **ARTICLE 9: PROCEDURE FOR ANALYSING APPLICATIONS**

No person may perform any of the acts provided for ~~in~~ Article 7 without giving the municipality at least 45 days' notice. In the case where a permit or certificate is required under the bylaw on permits and certificates number 2011-0149, the application for the permit or certificate shall take the place of the notice.

In addition to the documents required by the Regulation on permits and certificates number 2011-0149, the municipality may require from the applicant any document necessary ~~for~~ a proper understanding of an application.

All requests are analysed by the Consultative Committee for Urbanism (CCU) which makes a recommendation to the Council.

Before deciding on an application for permission or imposing conditions, the Council shall seek the advice of the Planning Advisory Committee.

The Council shall issue its decision or conditions of acceptance by resolution.

A copy of the resolution of authorisation, or authorisation with conditions, shall accompany, where applicable, the permit or municipal certificate issued.

#### **ARTICLE 10: VALIDITY OF A PERMIT**

Any person who performs any of the acts provided for ~~in~~ Article 7 shall comply with ~~the~~ decision or conditions determined by the Council.

The Council's authorisation shall be withdrawn if the project covered by an application is not undertaken within one year of the issue of the permit or certificate or if it is interrupted for more than one year.

In the case of the discontinuation of a project, the withdrawal of the authorisation shall not have the effect of depriving the municipality of the possibility of obtaining an order under section 203 of the Cultural Heritage Act.

## **ARTICLE 11: GROUNDS FOR REFUSAL**

The Council must, if it is the wish of the applicant who receives a refusal of his application, send him a reasoned notice of the reason for the refusal and a copy of the opinion of the planning advisory committee

## **ARTICLE 12: OBJECTIVES AND CRITERIA FOR ANALYSIS**

With regard to the acts and operations subject to this Regulation, the objectives promoted by the Council are as follows:

- 1° To encourage the maintenance, restoration or renovation and enhancement of the site and existing heritage buildings in order to preserve the historic interest of the site and its attractiveness;
- 2° Respect and enhance the natural setting of the area and the countryside of the river's coastline;
- 2° To avoid destructuring the heritage site by harmonising interventions with the architectural and landscape character of the site.

The following criteria should be taken into account when analysing an application:

- 1° Any action should avoid the destruction, removal or replacement of significant elements of historical or cultural interest.
- 2° Every act should maintain the architectural character.
- 3° Any act should ensure the conservation of the natural environment and the landscape.

In addition to the objectives and criteria of this article, the Council may base its analysis on a conservation plan drawn up in accordance with Article 143 of the Cultural Heritage Act.

## **ARTICLE 13: APPEALS AND SANCTIONS**

Any interested party, including the municipality, may obtain an order from the Supreme Court to stop any act or operation which is undertaken or continued without the required authorisation, the required notice or the conditions set out in this by-law.

Any interested party, including the municipality, may obtain an order from the Supreme Court to carry out the necessary works to ensure the preservation of the heritage value of the site when the owner does not take appropriate measures to ensure the preservation of its heritage value.

In the case of any act or operation which is undertaken or continued without the required permission, the required notice or the conditions imposed by this by-law, any interested party, including the municipality, may obtain an order from the Superior Court to carry out the work required to bring the property into conformity with the conditions imposed, the conditions which the municipality could have imposed if notice had been given to it or an application for permission had been made to it in accordance with this by-law, to restore the property or to demolish a structure.

The work is the responsibility of the owner.

If the owner or the person who has custody of the property fails to carry out

In the event of failure to carry out the work or demolition within the time limit set by the Court, the Court may authorise the municipality to proceed with it. The cost of the work or demolition incurred

by the municipality constitutes a priority claim on the property, in the same way and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code; this claim is guaranteed by a legal hypothec on the property.

A division, subdivision, redivision or fragmentation of a plot of land makes a

Any action against this regulation may be annulled. Any interested party, including the municipality, may apply to the Superior Court for a declaration of invalidity.

Any person who by his act or omission aids another in ~~the~~ commission of an offence is guilty of that offence as if he had committed it himself, if he knew or ought to have known that his act or omission would have as a likely consequence of assisting ~~in~~ the commission of the offence.

Any person who, by encouragement, advice or instruction, causes another to commit an offence is guilty of that offence as well as of the following  
(b) the other party is responsible for the commission of any other offence committed by the other party as a result of encouragement, advice or orders, if he knew or ought to have known that these would probably result in the commission of the offence.

Any natural person who contravenes any of the provisions of these rules shall be liable, in addition to the payment of costs, ~~to~~ a fine of at least 2000 and not more than \$190,000.

Any legal person who contravenes any of the provisions of these regulations shall be liable, in addition to the payment of costs, ~~to~~ a fine of at least 6,000 and not more than \$1,140,000.

#### **ARTICLE 14: ENTRY INTO FORCE**

This Regulation shall enter into force in accordance with the provisions of the Law.

*a. Ac..., /...*

Marc-Andre Larrivee  
Mayor

  
Chantal Tremblay  
Director General  
and clerk-treasurer

Notice of motion: 5 May 2022  
Adoption of the draft regulation: 5 May 2022  
Adoption of the regulation :  
Publication:

APPENDIX 1: Proposed boundary of the Leggatt Point Heritage Site: area in blue.

