

**BY-LAW 2009-07
CONCERNING PERMITS AND CERTIFICATES**

**VILLAGE
OF AYER'S CLIFF**



**l'Esprit des Cantons
the Spirit of the Townships**

**Including amending by-law:
Bylaw respecting Safety for Residential Swimming Pools
(MJ1 – August 2010)**

September 2009

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**PROVINCE DE QUÉBEC
M.R.C. MEMPHRÉMAGOG
VILLAGE D'AYER'S CLIFF**

PERMITS AND CERTIFICATES BY LAW

At a special meeting of the council of the Municipality held at École Saint-Barthélemy on September 8, 2009, in accordance with the law, at which are present councillors Patrick Proulx, Roger Dumouchel, Isabel Marcotte and France Coulombe-Goodsell, forming a quorum under the chairmanship of the mayor, Mr. Vincent Gérin.

BY-LAW 2009-07

WHEREAS the Municipality has the power, by virtue of the law, to adopt, modify or repeal the by-law concerning construction on its territory;

WHEREAS the regional land use planning and development plan is being revised and a document dealing with the objectives has been produced;

WHEREAS it is timely to redraft the by-law regulating permits and certificates under the revision of the planning program;

WHEREAS the applicable adoption procedure has been duly followed;

FOR THESE REASONS, the council decrees as follows:

CHAPTER I

DECLARATORY AND INTERPRETIVE PROVISIONS

Section I: Declaratory provisions

	TITLE	1
This by-law is entitled the “Permits and Certificates” By-law.		
	TERRITORY COVERED	2
This by-law applies to the entire territory of the village of Ayer’s Cliff.		
	REPEAL OF EARLIER BY-LAWS	3
Any provision incompatible with this by-law that is contained in all earlier municipal by-laws is hereby repealed by this by-law.		
Without restricting the generality of the foregoing, this by-law repeals and replaces by-law 98-011 and its amendments.		

Section II: Interpretive provisions

MEASUREMENT SYSTEM 4

The dimensions in this by-law are shown in International System (IS) units.

TERMINOLOGY 5

The words and expressions used in this by-law have the meaning given to them in the following order of precedence:

- (1) This by-law;
- (2) The Zoning By-law;
- (3) The Subdivision By-law;
- (4) The Building By-law;
- (5) The By-law respecting Conditions for Issuing Building Permits.

INTERPRETING THE TABLES 6

The tables, graphic elements, diagrams, symbols and all forms of expression other than the text itself, contained in this by-law or to which it refers, are an integral part of it, for all legal purposes. Should there be a contradiction between the text and the tables, diagrams, graphics, symbols and any other form of expression, the text prevails.

SPECIFIC DEFINITIONS 7

Unless the context suggests a different meaning, the following terms are understood to mean:

« *Caducité* » - *Lapsed*: Period of time after which a permit or certificate becomes outdated or invalid because the works for which the permit or certificate was issued have not been undertaken.

« *Plan agronomique* » - *Farm production plan*: A notice written and signed by an agronomist who is a member of the Ordre des agronomes du Québec related to the relevance and soundness of putting land into

cultivation.

«Plan de renaturalisation» - Renaturalization plan:
Plan to scale indicating the nature and siting of various works to return to their natural state degraded or artificialized shorelines.

Plan projet d'implantation» - Proposed siting plan:
Plan to scale prepared by a land surveyor showing the proposed position of the building on the land for which the application for a permit is made.

«Prescription sylvicole» - Requirements for forestry work: Document prepared and signed by a forestry engineer who is a member of the Ordre des ingénieurs du Québec.

«Réparation d'une construction» - Repair of a building:
Signifies the replacement of certain building elements that have deteriorated by the identical elements, or by elements of the same kind or the equivalent, the effect of which is the preservation or maintenance of said construction.

«Superficie brute totale des planchers» - Gross floor area: The total floor area of all above-ground floors, calculated between the external facades of external walls.

CHAPTER II

ADMINISTRATIVE PROVISIONS

**Section I: Administration and application
of the by-law**

**ADMINISTRATION OF
THE BY-LAW 8**

The secretary-treasurer and director general of the municipality is charged with the administration of the by-law.

**APPLICATION OF THE
BY-LAW 9**

The inspector is charged with applying this by-law. He is specifically authorized to give a notice of contravention for any contravention of this by-law.

The council may, by resolution or by-law, authorize any other person to issue a report of contravention related to any contravention of this by-law.

**POWERS OF THE
PERSON CHARGED
WITH APPLICATION OF
THE BY-LAW 10**

The person responsible for applying this by-law exercises the powers conferred on him by this by-law. Specifically, he may:

- (1) He may, between the hours of 7 am and 7 pm, visit and inspect a movable or immovable property as well as the interior or exterior of any house or building, to verify that the by-laws and other municipal regulations are being respected, check any information or ascertain any fact needed for the exercise by the municipality of the power conferred on it by the law or a by-law, deliver a permit, issue a notice of compliance for an application give an authorization or any other form of permission. In this context, the person charged with applying the by-law may take measurements, photograph the premises and collect any samples as needed. In a territory decreed a permanent agricultural zone by the *Act respecting the preservation of agricultural lands and activities* (the

LPTAAQ), to gather any information or to ascertain any fact necessary for the application of the norms for distances separating incompatible activities, the inspector may be assisted by an agronomist, a veterinarian, a professional technologist or a land surveyor;

(2) give notice for the temporary evacuation of any building the condition of which could endanger the lives of any person;

(3) give notice to carry out any work or repairs that he deems necessary to ensure the safety of the construction, and recommend to the council any emergency measure;

(4) give notice to rectify any situation constituting a contravention of this by-law;

(5) recommend that the council take any measure necessary to halt construction, or the use of a part of a lot, a parcel of land, a building or a construction that is not compatible with this by-law.

**OBLIGATION TO
ALLOW ENTRY 11**

The owner, tenant or occupant of a movable or immovable property, a house or a building must allow the inspector or his assistant, as the case might be, to enter to ascertain or verify, between the hours of 7 am and 7 pm, that this by-law, other by-laws or resolutions of the council are being carried out or respected,.

**OBLIGATIONS
RELATED TO PERMITS
OR CERTIFICATES OF
AUTHORIZATION 12**

The holder of the permit or certificate of authorization, the property owner or occupant shall comply with the following:

(1) When a site project plan is required to apply for a building permit for a building, the land surveyor shall locate the building on the property according to the directions in the site project plan accompanying the building permit issued, before putting up the foundations;

(2) When a building permit for a building has been issued, including for projects to enlarge or convert the building, or a certificate of authorization to make repairs, a refuse bin with a minimum capacity of 5.6 m³ shall be

placed on the site. All the construction scrap and old materials shall be disposed of in this container. Notwithstanding the foregoing, it is possible to be exempted from this requirement if the ground is kept free of any construction debris as the work progresses so the property is free of debris at the end of each day;

(3) Ensure that no excavation or other work is being undertaken and that there is no occupation of any part of the public domain unless a specific authorization is obtained from the municipality or government concerned;

(4) Respect the permit or certificate conditions within the time limit imposed by the by-law to complete the work;

(5) In no case change or depart from the conditions for the permit or certificate without having first obtained the written authorization of the inspector;

(6) Inform the inspector when the permit is transferred from one owner to another;

(7) Make available the plans and specifications approved by the inspector for the building permit or certificate of authorization at any time during the hours of work at the worksite;

(8) Post the permit or certificate in an area of the worksite that is clearly visible from the road for the entire time that the work is being carried out;

(9) Provide the "as built" plans to the inspector at the end of the work when major changes to the original plans and specifications have been made after the issuing of the permit or certificate;

(10) When the duly authorized cutting of trees for commercial purposes has ended, the forestry engineer who signed the forest management plan or the forestry development plan, when required in the application for a certificate of authorization for tree-cutting, shall send the inspector, within 30 days of the end of work, a signed attestation indicating that the finished work is in compliance with the work authorized, and should that be the case, in what way it differed.

Section II: Contraventions and sanctions

INFRACTIONS AND PENALTIES 13

Whoever contravenes a provision of this by-law commits an infraction and is liable:

(1) For a first infraction, to a fine of \$500 to \$1,000, in the case of a physical person (i.e. an individual) or a fine of \$1,000 to \$2,000 in the case of a moral person (i.e. a company);

(2) In the case of a repeated offense, to a fine of \$1,000 to \$2,000 in the case of a physical person or a fine of \$2,000 to \$4,000 in the case of a moral person.

ONGOING INFRACTION 14

When an infraction has continued for more than one day, the penalty is applied for each of the days or fraction of a day that the infraction continues.

REPEATED OFFENSES 15

When the by-law contemplates a more severe penalty in the case of repeated offenses, it may only be applied if the repeated offense has taken place within two years of the declaration of the offender's guilt for an infraction against the same provision for which a more severe fine is being sought.

CIVIL RECOURSE 16

In addition to penal recourse, the municipality may exercise any other recourse before the courts that is needed to ensure that the provisions of this by-law are observed.

COSTS 17

Costs are added to the penalties provided in this by-law. They include the costs attached to the execution of the judgement.

CHAPTER III

PERMITS AND CERTIFICATES

Section I: Terms and conditions related to permits and certificates

GENERAL PROVISIONS AND RULES OF INTERPRETATION (TABLE I)

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Table I entitled “Terms and conditions related to different permits and certificates of authorization”, which follows, lists the various projects or works for which a permit or certificate of authorization must be issued and the related terms and conditions, specifically the fees, timeframe for issuing the permits or certificate, when a permit may lapse and the timeframe for carrying out the work. The table also indicates for each type of project or work contemplated, the article describing the documents required with the application.

Anyone who wishes to carry out projects or work listed in Table I shall first obtain from the inspector, a permit or certificate of authorization to this effect. Notwithstanding the foregoing, for certain minor types of work and some signs, listed in articles 19 and 20, a certificate of authorization is not required.

The application for a permit or a certificate of authorization shall be made in writing on forms provided by the municipality and shall be accompanied by the documents ordered in Section II of this chapter.

Table I concerning the terms and conditions related to various permits and certificate of authorization, is interpreted as follows:

(1) Column 1 entitled “Requirement for a permit or certificate of authorization” lists the projects or works that first require a permit or certificate of authorization with certain exceptions;

(2) Column 2 concerns the documents that must accompany the application. The table refers to various articles that describe specifically the documents required

and the relevant information that must be provided for the work in question;

(3) Column 3 concerns fees. The cost indicated in this column varies in relation to the different types of projects or work. The assessment of the works that is used to set the cost, as the case might be, does not include the applicable taxes;

(4) Column 4 indicates the timeline in issuing the permit or certificate of authorization. The inspector shall issue or refuse, as the case might be, the permit or certificate of authorization within this period. This period begins on the date the duly completed application is received;

(5) Column 5 indicates when the permit or certificate of authorization lapses. The permit or certificate of authorization which has been issued lapses if the projects or work for which they were issued does not start within the period set out in this column. However, in the case of a subdivision permit, this permit lapses if the cadastral operation plan was not deposited with the registry office of the Ministère des Ressources naturelles. This period starts on the date the permit or certificate of authorization is issued;

(6) Column 6 indicates the delays in carrying out the projects or works. These vary depending on the type of projects or works. Once the work has begun, the holder of the permit or certificate of authorization shall complete the projects or work planned within this time frame. This period begins on the date the permit or certificate of authorization is issued.

TABLE I: TERMS AND CONDITIONS RELATED TO VARIOUS PERMITS AND CERTIFICATES OF AUTHORIZATION

Obligation to obtain a permit or certificate of authorization	Documents required	Fees	Timeline to issue permit	Time lapse	Completion time
<p>SUBDIVISION PERMIT (for all cadastral operations)</p>	Article 23	\$25 / lot	30 days	9 months	N/A
<p>BUILDING PERMIT (for all construction, conversion, enlargement projects or for the addition of buildings) * These amounts represent the estimated value of the work.</p>	Article 24	<p>Free *(\$0 to \$ 2,999)</p> <p>\$25 *(\$3,000 to 49, 999)</p> <p>\$50 *(\$50,000 to \$99,999)</p> <p>150\$ *(\$100,000 and over)</p>	<p>30 days (60 days if subject to the PIIA, minor exemption or conditional use by-law)</p>	<p>6 months (beginning of work)</p>	<p>18 months (24 months for a public building)</p>
<p>PARTIAL OCCUPATION CERTIFICATE (by request of the owner only)</p>	Article 26	\$25	30 days	N/A	N/A
<p>CHANGE OF USE OR PLANNED USE OF AN IMMOVABLE (which does not require a building permit or certificate of authorization for the purpose of repair) (including home-based businesses, including those carried on in a dwelling unit, rooming house of fewer than nine persons, foster homes of fewer than nine persons, residences</p>	<p>Article 27 (general)</p> <p>Article 28 (home-based businesses)</p> <p>Article 29 (rooming houses and</p>	\$25	30 days	6 months	18 months

Obligation to obtain a permit or certificate of authorization	Documents required	Fees	Timeline to issue permit	Time lapse	Completion time
(guest houses) for fewer than nine persons and home-based daycare)	guest houses)				
DEMOLITION OF A CONSTRUCTION	Article 30	\$15 (free for accessory buildings)	30 days	6 mnths	18 months
MOVING A CONSTRUCTION TO ANOTHER SITE REQUIRING TRANSPORTATION BY ROAD (exception : mobile, modular or prefabricated homes)	Article 31	\$100	30 days	6 months	18 months
RPAIR OF A CONSTRUCTION (or painting of the exterior wall cladding by a different colour for buildings governed by the PIIA by-law) Certain minor work does not require a certificate of authorization. See article 19 for a listing of such works. * These amounts represent the estimated value of the work	Article 32	Free *(\$0 to \$2,999) \$25 *(\$3,000 to \$49,999) \$50 *(\$50,000 to \$99,999) \$150 *(\$100,000 and over)	30 days	6 months	18 months
WORK ON THE SHORELINE, THE LITTORAL OR IN A FLOOD RISK ZONE (which does not require a building permit) (work carried out on the shore or in the littoral of a watercourse or a lake, and including, among other works,	Article 33	\$15 Free (renaturalization of the shoreline)	30 days	6 months	18 months

Obligation to obtain a permit or certificate of authorization	Documents required	Fees	Timeline to issue permit	Time lapse	Completion time
floating docks, private docks, multiple-berth docks and renaturalization work)					

Obligation to obtain a permit or certificate of authorization	Documents required	Fees	Time to issue permit	Time lapse	Completion time
<p>CONSTRUCTION, INSTALLATION AND MODIFICATION OF A SIGN</p> <p>INSTALLATION OF A MURAL (fresco)</p> <p>For certain signs it is not necessary to obtain a certificate of authorization. See article 20 for a listing of such signs.</p>	<p>Article 34</p>	<p>\$15</p> <p>Free (installation of a mural (fresco))</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>
<p>INSTALLATION, CONSTRUCTION AND REPLACEMENT OF A SWIMMING POOL (and putting up a construction giving or impeding access to a swimming pool) Swimming pool safety by-law</p> <p>CONSTRUCTION OF A RETAINING WALL (pertains only to retaining walls higher than 1.2 m in height)</p>	<p>Article 35</p>	<p>\$15</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>
<p>TREE CUTTING FOR COMMERCIAL PURPOSES (cutting more than 10% on an area of 5,000 m² or more per year)</p> <p>(solely for cutting trees with a diameter of at least 10 cm at the DBH (diameter at breast height) or 1.3 m above ground)</p>	<p>Article 36</p>	<p>\$50</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>

Obligation to obtain a permit or certificate of authorization	Documents required	Fees	Time to issue permit	Time lapse	Completion time
<p>TREE CUTTING FOR OTHER PURPOSES (cutting outside the agricultural zone)</p> <p>(solely for cutting of trees having a diameter of at least 10 cm at DBH (diameter at breast height) or 1.3 m above ground and cutting branches or a trunk that is more than 5 cm in diameter)</p>	<p>Article 37</p>	<p>Free</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>
<p>INSTALLATION OF A SEPTIC SYSTEM</p>	<p>Article 38</p>	<p>\$50</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>
<p>WATER CATCHMENT (WELL)</p>	<p>Article 38</p>	<p>\$25</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>
<p>AGRICULTURAL ACTIVITIES</p> <p>(includes laying out, enlarging or modifying a livestock enclosure, increasing the number of animal units without this increase requiring that construction in terms of buildings for livestock or storage buildings be built, a change in the category of animals, a change in the management of manure, a change in the animal husbandry unit to modify a mitigation or spreading technology for farm wastes resulting from management of solid or liquid wastes)</p>	<p>Article 39</p>	<p>\$25</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>
<p>BACKFILLING OR EXCAVATION WORK</p>	<p>Article 40</p>	<p>\$15</p>	<p>30 days</p>	<p>6 months</p>	<p>18 months</p>

Obligation to obtain a permit or certificate of authorization	Documents required	Fees	Time to issue permit	Time lapse	Completion time
INSTALLATION OF A FENCE (inside the village limits and the industrial zone)	Article 41	Free	30 days	6 months	18 months

**WORK FOR WHICH IT IS
NOT NECESSARY TO
OBTAIN A
CERTIFICATE OF
AUTHORIZATION**

19

Certain maintenance and renovation work on an immovable is not subject to the obligation to obtain a certificate of authorization, provided that the foundations, the wall divisions and the structure are not changed and the floor area and volume are not increased.

This exemption applies to minor work carried out once a year. A certificate of authorization is required for a group of minor works (2 or more).

All minor works exempted from obtaining a certificate of authorization are still required to comply with the various regulatory provisions that apply.

Work not subject to the obligation to obtain a certificate of authorization includes the following:

- (1) Painting, unless there is a change of exterior colour or the work is subject to approval of a site planning and architectural integration program (PIIA);
- (2) Repairing of mortar joints (pointing);
- (3) The repair or replacement of small electrical equipment (radiator, thermostat, etc.);
- (4) The replacement or partial repair (less than 25%) of a heating system;
- (5) The addition or replacement of a mechanical ventilation system for residential use (bathroom fan, kitchen stove fan), provided that it is at least equivalent to the existing one.

[Return to table](#)

**SIGNS FOR WHICH IT IS
NOT REQUIRED THAT A
CERTIFICATE OF
AUTHORIZATION BE**

OBTAINED**20**

Certain signs are not subject to the obligation to obtain a certificate of authorization.

These signs that benefit from an exemption to obtain a certificate of authorization are still subject to the obligation to conform to the different regulatory provisions that apply.

The following signs are not subject to the obligation to obtain a certificate of authorization:

- (1) Barber pole;
- (2) Signs from a public authority dealing with car, pedestrian, bicycle, railway or nautical traffic or signs that inform the population (e.g.: tourist information, signs classifying establishments (stars, forks, suns, etc.) ;
- (3) Identification signs;
- (4) Commemorative plaques or historic inscriptions with the name of a building or the year of construction;
- (5) Professional and business signs or plaques placed flat against the building;
- (6) Signs indicating recognition of an organization recognized for the quality of its production or its production methods (e.g. : ISO9000);
- (7) Signs announcing that an immovable or premises within the immovable is for rent or for sale;
- (8) Signs on a post announcing the sale or rental of a property, an immovable or premises within the immovable;
- (9) Flags, streamers or insignia of a political, civic, philanthropic, educational or religious organization;
- (10) Signs identifying a public service (telephone, post office);
- (11) Advertising posters and any banner or pennant;

(12) Panel signs identifying the establishment or premises, which occupy less than 20% of the area of the panel;

(13) Signs placed inside a building other than those in a window or posted on the glass surface;

(14) Noticeboards placed on the inside of openings (display cases, doors windows) ;

(15) Banner- or poster-type signs or cardboard posters announcing an event or activity. An event or activity is understood to mean festivals of all kinds such as the Ayer's Cliff Agricultural Fair, fundraising campaigns or others of the same kind;

(16) Banner or stream-type or cardboard signs or signs for temporary businesses.

[Return to table](#)

**CONDITIONS FOR
ISSUING A PERMIT OR
CERTIFICATE OF
AUTHORIZATION**

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The inspector will issue the permit or certificate of authorization if:

(1) The application is in compliance with the applicable norms contained in the relevant planning by-laws (Zoning, Subdivision, Building, [Conditions for issuing building permits \(Table D\)](#), Conditional uses, Site planning and architectural integration and Special projects to construct, modify or occupy an immovable (PPCMOI), or if this is not the case, the permit or certificate of authorization that has been the subject of a minor exemption given by the council or benefitting from a privilege under the *Land Use Planning and Development Act* (the LAU) (subdivision art. 256.1, 256.2 and 256.3);

(2) The application is accompanied by all the plans and documents required by the by-law or the Act;

(3) The Planning Advisory Committee (the CCU) has made a recommendation concerning the application, as the case might be, and is accompanied by a resolution of the municipal council;

(4) The fee for obtaining the permit has been paid.

Section II: Accompanying documents

GENERAL PROVISIONS 22

All permits and certificates shall be accompanied by the specific documents listed in the following articles, depending on the type of structure, work or activities.

All the required accompanying documents shall be provided, unless there is a contrary indication, in 2 copies.

When the applicant is not the owner of the immovable, he shall present a power of attorney from the proprietor authorizing him to carry out these works on the immovable.

SUBDIVISION PERMIT 23

The application for a subdivision permit shall be accompanied by the following documents:

- (1) Three paper copies of the project plan for the cadastral operation and a compatible electronic version, prepared by a land surveyor, at a scale of least 1:1,000;
- (2) Two copies of an overall project plan, prepared by a land surveyor at a scale to show:
 - a) The existing lot lines;
 - b) The lines of proposed lots, their approximate dimensions, the area of each lot and the angles of intersection with the roads;
 - c) The area of land allocated for each function (roads, dwelling units, institution, etc.) and the percentage that this area represents in relation to the total area of the property for which the subdivision is proposed;
 - d) The topography, expressed by contour line at 2.5 m intervals or less;
 - e) The location of all watercourses and lakes on the property or on contiguous lots or parcels of land;

- f) The flood risk codes and the wetlands, as the case might be;
 - g) The existing constructions situated on or on the periphery (less than 100 m) from the parcel or parcels of land in the proposed subdivision;
 - h) The parcel or parcels of land adjoining the land which is the subject of the project and belonging to the same property owner, whether or not this or these parcels are part of the project;
 - i) The route and right of way of proposed roads as well as their slope and the existing roads;
 - j) The approximate locations of existing public services;
 - k) The right of way of servitudes required for the installation of public services such as electricity, cable, telephone, water and sewer systems;
 - l) Existing servitudes against the immovable covered by the application for a subdivision;
 - m) The space reserved for parks, playgrounds or natural green spaces, the area of this space and the percentage that this percentage represents of the total area of the land for which the subdivision is proposed;
 - n) The date, compass north and signature of the applicant;
 - o) The use for which the lot or lots is /are intended;
 - p) The natural changes in the land, such as marshes, rocky outcrops at the surface, the delineation of wooded areas;
 - q) All other information needed to verify that the application is in compliance with the municipal norms that apply.
- (3) A simple promise to freely cede outright to the municipality the roadbed for roads laid out in the

plan and intended as public roads, when the municipality deems it to be appropriate;

(4) The owner of the property situated in a zone other than the agricultural zone shown in the decree adopted by virtue of the *Act respecting the preservation of agricultural lands and activities*, shall present a proposed parcelling plan covering an area larger than the parcel of land contemplated in the plan, specifically including lands he owns that are contiguous to the land on which a cadastral operation is planned;

(5) A document showing, as the case might be, that the parcel of land benefits from a privilege under the *Land Use Planning and Development Act* (LAU) (art. 256.1, 256.2, 256.3), depending on the situation.

[Return to table](#)

BUILDING PERMIT

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The application for a permit shall be accompanied by the following documents:

(1) The cadastral plan for the property on which it is planned that the building will be erected, except for applications for a building permit that does not require that it be made up of one more several separate lots according to the By-law respecting the conditions for issuing building permits, in which case a plan to scale of at least 1:1,000 showing the delineation of the land on which the proposed construction shall be built;

(2) When the proposed building is situated within the village limits and is less than 1 m from any minimum required setback, a draft siting plan at a scale of at least 1:200 is required.

In all the cases not covered by the preceding paragraph, a draft siting plan at a scale of at least 1:1,000 or a sketch to scale of at least 1:1,000 indicating the site, the dimensions, the shape area and levels of the lot and the buildings to be erected, is required.

In all these cases, the applicant shall also indicate on the plan presented the proposed location of the wells, septic tank and weeping field, the accessory constructions and the location of any watercourse situated on the property or on contiguous properties situated up to 100 m from the

property lines and all lakes situated at less than 300 m from the boundaries of the property, as well as the natural high water line and the line that determines the applicable shoreline buffer zone or riparian area, as the case might be.

In the case of a parcel of land situated on a lake or watercourse, the location of existing wooded areas on the property and the natural topography shall be indicated on the plan;

(3) For buildings subject to the Architects Act (R.S.Q, c.A-21), plans sealed and signed by a member of the order in accordance with this law. For other buildings, the plans, elevations, sections, sketches and specifications required for a clear understanding of the project.

In both cases, the plans and specifications shall indicate all the details required by the municipal by-laws and the proposed usage of the building and that of the parcel of land. Among other things, they shall indicate the floor level of the cellar or half-basement;

(4) The shape, location and number of parking spaces;

(5) A layout plan to a scale of at least 1:200 of the parking lot for commercial or industrial uses and multi-family residences, with the following information:

- a) The number of spaces and the information needed to verify that the norms are being followed;
- b) The shape and dimensions of the spaces of the parking slots or stalls and the access driveways;
- c) The location of entrances and exits;
- d) The surface drainage system;
- e) The design and siting of directional signs, fences and curbs, if required;

(6) When a loading bay is planned, a layout plan at a scale of at least 1:200 of the ground showing the loading and unloading bay, access roads and showing the radius of curves and the manoeuvres of delivery vehicles;

(7) In addition to the documents required in the preceding paragraphs, a person who wishes to apply for a permit for agricultural buildings in a permanent agricultural zone decreed under the *Act respecting the preservation of agricultural lands and activities (LPTAA)*, shall submit the following information and documents:

- a) A document describing each agricultural operation in the vicinity of the building for which the application for this permit is made, prepared by an agronomist, veterinarian, professional technologist or land surveyor that indicates:
 - i) Their surname, first name and address;
 - ii) The group or category of animals in question;
 - iii) The number of animals;
 - iv) The type and management of farm manures (management of solids or slurry);
 - v) The type of roof or storage area (absent, rigid or permanent or temporary);
 - vi) The type of ventilation;
 - vii) Any usage of new technology;
 - viii) Storage capacity (m³);
 - ix) The spreading method (slurry: sprinkler, nozzle, air-spraying, spraying, simultaneous incorporation; fresh manure left on the surface for at least 24 hours, fresh manure incorporated in less than 24 hours, deodorized compost);
- b) A plan to scale prepared by an agronomist, veterinarian, professional technologist or land surveyor, showing:

- i) The points of the compass;
 - ii) the siting of the proposed agricultural or non-agricultural building for which the application for a permit is made;
 - iii) the location of individual wells or sources of water, as the case might be;
 - iv) the location of neighbouring agricultural operations, namely: livestock rearing facility, the place for storing farm manures, the site where farm manures are spread;
 - v) the distance between the planned non-agricultural building and any neighbouring facility for raising animals, the place where farm fertilizers are stored and the sites where they are spread;
 - vi) the distance between the animal raising facility and its storage area;
 - vii) the distance between the places where animals wastes, farm compost or mineral fertilizers for the agricultural operations and the individual well or water source, depending on the situation, for a non-agricultural building, existing or proposed;
- c) To install a livestock operation with 600 animal units or more, an impact study as defined in the *Environmental Quality Act*;

(8) In addition to the required documents listed in the preceding paragraphs, the person applying for a building permit for a use other than agricultural in a permanent agricultural zone decreed by the *LPTAA* shall provide the information and documents needed to allow the municipality to make recommendations under Chapter II, Section IV § 3 of the *LPTAA*;

(9) In addition to the documents required in the preceding section and paragraphs, when an application for a building permit is prepared for the green zone decreed under the *Act respecting the preservation of agricultural land and activities (LPTAA)*, the municipality requires that the agricultural operator as defined in the *LPTAA* (article 79.2.4) situated in the vicinity of the immovable for which this application for a permit is made, forward all necessary information for the application of

subsections 1.1 and 1.2 of section II of Chapter III of the *LPTAA* and the application of the norms related to distances of separation set out in the Zoning By-law of the municipality, in writing and within 20 days of notification. Should the operator fail to forward this information within the time set, the municipality may, at the operator's expense, gather all information necessary to apply the provisions of the *LPTAA* and the Zoning By-law. The inspector may ask a professional or technologist to join him, as contemplated in this by-law;

(10) For a Comprehensive Development Project, in addition to the information and documents required above, as the case might be, a plan to scale, prepared by a planning professional (architect, engineer, town planner, geographer, forest manager, etc.), shall be presented showing the entire project and including the following information:

- a) The topography of the land with the contour lines at 3-m intervals;
- b) The location of existing watercourses and a characterization of the wetlands;
- c) The location of existing wooded areas and the identification of areas that will be preserved and those that will be cleared. A description of the proposed planting (species, numbers, size);
- d) The route of traffic lanes or vehicular, pedestrian and cyclable roads or paths;
- e) The location and area of green spaces intended for parks or playgrounds;
- f) The siting of public utility services;
- g) A study of the water and sewage infrastructure;
- h) A characterization study of the physical environment;
- i) A study of the principles of the division of land uses (residential, commercial, industrial, etc.);
- j) An indication of the various phases of construction

with an indication of the timeframe for carrying out the various phases;

k) The landscaping plan shall show all the principal buildings planned for the entire project;

11. When construction is situated in a flood risk zone, the application shall be accompanied by the information and documents required in the Zoning By-law in the article concerning flood risk zones;

12. In the case of buildings that are built on backfill from a watercourse or a lake, on ground that contains gypsum or other similar materials, on a wetland or marsh or on any other soil the type of which differs from soil types that are in compliance, a document shall be provided by a recognized specialist in soil studies. This document shall describe the nature of the soil at the specific location of the construction and the method of construction related to the load-bearing capacity of the soil there;

(13) When a construction is on an escarpment, a study shall be undertaken by a professional in the field and demonstrate the stability of the proposed structures on the escarpment;

(14) Any other information needed for a proper understanding of the project as a function of the applicable provisions in the Zoning and Building By-laws.

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**ATTESTATION OF
COMPLIANCE WITH
THE CODES**

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When the architectural plans and specifications must be signed and sealed by a member of the Ordre des architectes du Québec, in accordance with the Architects Act (R.S.Q.ch.A-21), the plans shall include an attestation to the effect that they are in accordance with the applicable Codes according to the Building By-law. In all cases, this attestation shall appear on the plans and bear the required signature.

This attestation of the plans does not, however, apply to:

(1) The construction, enlargement, reconstruction, renovation or modification of one of the following buildings:

- a) A single-family detached residence;
- b) A semi-detached or terraced, single-family residence or a multi-family dwelling unit in a building of up to four units, a commercial establishment, business establishment, an industrial establishment or a combination of these dwelling units or establishments, when, after the work is completed, the building does not exceed two storeys and 300 m² of gross floor area, and contains only one half-basement level;

(2) A modification or renovation of the interior layout of any building or part of a building that does not change its use, nor affect the structural integrity, the walls, fire walls, the exits and their access, or the exterior building envelope.

**CERTIFICATE OF
PARTIAL OCCUPATION 26**

Upon proof that the foundations of the immovable have been located in compliance with the requirements of the Zoning and Building By-laws, and as the case might be, the Site planning and Architectural Integration Program (the PIIA) or the Conditional Uses By-law or the Special Building or Land Use of the Immovable (the PPCMOI) and the plans and documents duly approved with regard to one of these by-laws, the holder of a building permit may obtain a certificate of partial occupation from the inspector attesting that the location of the foundations is in compliance, upon payment of the fee set out in Table I of article 18 of this by-law.

The permit holder shall present a certificate of location prepared by a land surveyor as proof to obtain the certificate mentioned in the previous paragraph. This certificate of location shall show the exact location of the foundations in relation to the cadastral limits of the property, so the inspector can be sure that all the provisions of the applicable by-laws are respected, before the construction work continues.

The previous sections do not apply to the construction of

an accessory building with no permanent foundations, nor to the construction of a temporary building with no foundations.

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**CHANGE OF USE OR
GENERAL PURPOSE**

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The person who wishes to apply for a certificate of authorization to change the use or general purpose of an immovable shall provide the following information and documents:

- (1) Precise identification of the current use of the immovable and the proposed use after the change of use or purpose of the immovable;
- (2) A plan to scale showing:
 - a) The boundaries of the land;
 - b) The cadastral identification;
 - c) The location and relative importance of the new land use for the entire lot or lots used;
 - d) The projection on the ground of one or more existing buildings or the lot on which the new land use is proposed;
 - e) The street or road line;
 - f) The location of all watercourses situated on the parcel of land, or on the lots or contiguous parcels of land to it, for which a permit is being sought;
 - g) The location of existing wooded areas on the property and the natural topography, in the case of parcels of land situated on the shore of a lake or on the banks of a watercourse;
 - h) A plan to scale showing the parking areas related to this use;
 - i) Details required to ensure a proper understanding of the work;

(3) In addition to the required documents called for in the

preceding paragraphs, a person who applies for a certificate of authorization for a change of use for a purpose other than agricultural in a permanent agricultural zone decreed by the *LPTAA*, shall provide the information and documents necessary to allow the municipality to make recommendations by virtue of Chapter II, section IV § 3 of the *LPTAA*;

(4) In addition to the documents required in the preceding paragraphs, a person who applies for a certificate of authorization for a change of use for the purpose of operating a quarry, sand pit, gravel pit or dump site of unconsolidated material, shall provide a copy of the application for a certificate of authorization duly completed and presented to the Ministère de l'environnement, du développement durable et des parcs.

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HOME-BASED BUSINESSES

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A person who wishes to apply for a certificate of authorization for a change of use in order to operate a home-based business (secondary use) shall submit the following information and documents:

- (1) The identification of the applicant: surname, first name and address of the owners or tenant, the company name and its registration number and the names of all duly authorized representatives;
- (2) Precise identification of the present and proposed use of the immovable after the change of use or purpose of the immovable;
- (3) A plan to scale showing:
 - a) The dwelling unit and its floor area;
 - b) The location of the rooms used for the business activity in the home and their floor areas.

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BOARDING HOUSES, FOSTER FAMILIES AND GUEST HOUSES FOR FEWER THAN NINE PERSONS, DAYCARE

CENTRES IN THE HOME 29

The person who wishes to apply for a certificate of authorization for a change of use to operate a rooming house for fewer than nine persons, a foster family for fewer than nine persons, a guest house for fewer than nine persons or a home-based daycare centre, shall provide the following information and documents:

- (1) The identification of the applicant: surname, first name and address of the owner or owners or the tenant or tenants, and the name of two main representatives;
- (2) A plan to scale showing:
 - a) The dwelling unit and its floor area;
 - b) The location of the rooms in question.

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DEMOLITION OF A CONSTRUCTION 30

A person who wishes to apply for a certificate of authorization to demolish or remove a construction shall submit the following information and documents:

- (1) Specific identification of the present and proposed land use following the demolition of the construction;
- (2) A plan to scale showing:
 - a) The limit of the land contemplated;
 - b) Its cadastral identification;
 - c) The projection on the ground of the building or buildings already built on the parcel of land or lot and the identification of the one that is to be demolished or removed;
 - d) The street or road lines;
 - e) The location of all watercourses on the property or on the lots or parcels of land contiguous to the lot or property in question;
 - f) The details needed to ensure a proper understanding of the work;

(3) Identification of the person or contractor responsible for the demolition, the probable duration of the work and the destination of the dry wastes (construction debris);

(4) A declaration stating that the construction is covered by civil liability insurance;

(5) A declaration to the effect that the immovable in question is not a cultural asset and is not situated within a historic district in the sense of the Cultural Property Act.

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**MOVING A
CONSTRUCTION**

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The person who wishes to apply for a certificate of authorization to move a construction shall submit the following information and documents:

(1) The precise identification of the present and proposed land use after the construction is moved;

(2) A plan to scale showing:

- a) The boundaries of the property in question;
- b) The cadastral identification;
- c) The projection on the ground of the buildings already constructed on the property in question and the identification of the property where the building will be moved to;

(3) The date on which the move will take place;

(4) For an arrival:

- a) A building permit issued by the municipality;
- b) The proposed itinerary to be followed during the move, approved by the police department and the electricity services, with the exception of a prefabricated home or mobile home;

(5) For a departure, the proposed itinerary to be followed during the move, approved by the police department and the electricity services, with the exception of a factory-

made prefabricated home or mobile home;

(6) The supporting documents attesting that the applicant has made formal agreements with the public utility companies for the date of the move noted on the application for the certificate;

(7) Proof of civil liability insurance coverage.

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REPAIR OF A CONSTRUCTION 32

The person who wishes to apply for a certificate of authorization to repair a construction shall provide the following information and documents:

(1) A plan or a sketch indicating the site, the dimensions, the type of repairs contemplated by the application and the plans, elevations, cross-sections, sketches and specifications indicating all the details required by the Building By-law, as well as the uses of the building and the land;

(2) An estimate of the cost of the work contemplated.

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WORK CARRIED OUT ON THE SHORE OF LAKES AND THE BANKS OF WATERCOURSES, IN THE LITTORAL AND IN FLOOD RISK ZONES 33

The person who wishes to apply for a certificate of authorization to carry out work on the shore or in the littoral or in the flood risk zone that does not require a building permit shall submit the following information and documents:

(1) A plan to scale showing:

- a) The boundaries of the property in question;
- b) Its cadastral identification;
- c) The location of that part of the land that will be affected by the proposed work;

- d) The location of all watercourses, wetlands and wooded areas on the property or on contiguous lots or properties;
- e) The projection on the ground of the building or buildings already built on the land in question or on contiguous lots or properties;
- f) The street or road line(s);
- g) The profile of the land before and after the proposed work has been carried out;
- h) The natural high water mark;
- i) A description of the proposed work and the purpose for which it is planned;
- j) The flood code, as the case might be;
- k) For work contemplated in the Zoning By-law concerning works to stabilize the shore, the applicant shall present a report prepared by an engineer justifying the technique most likely to facilitate the eventual regeneration of the natural vegetation;

(2) For renaturalization of the shoreline or riparian area, in addition to the preceding information, the applicant shall provide a renaturalization plan accompanied by a timeline for completing the work.

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**CONSTRUCTION
INSTALLATION AND
MODIFICATION OF A
SIGN**

34

The person who wishes to apply for a certificate of authorization for the construction, installation or modification of a sign shall submit the following information and documents:

- (1) A plan to scale of at least 1:20 showing:
 - a) The dimensions of the sign;
 - b) The exact area of its biggest side;

- c) The height of the sign;
 - d) The net height between the bottom of the sign and ground level;
 - e) A description of the structure and method of attaching the sign;
 - f) The colours and type of lighting;
- (2) A location plan to at least 1:200 of the building, property lines and street lines;
- (3) Plans, elevations, cross-sections, sketches and specifications indicating all the details required by the Zoning and Building By-laws.

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By-law respecting Swimming pool safety

A person who wishes to apply for a certificate of authorization to install, build or replace a swimming pool and for all the constructions related to it, or for the construction of a retaining wall with a height equal to or greater than 1.2 m shall submit the following information and documents:

- (1) A plan or sketch indicating the site, dimensions of the work, the boundaries of the parcel of land, the existing buildings and all relevant information to apply the by-laws, including specifically the measures to control access to the swimming pool;
- (2) A descriptive sketch for a retaining wall 1.2 m in height or more prepared by an engineer or a professional whose competence is certified by law;
- (3) For an in-ground pool, a complete building plan.

**INSTALLATION,
CONSTRUCTION OR
REPLACEMENT OF A
SWIMMING POOL OR A
RETAINING WALL**
Swimming pool safety by-law

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Swimming pool by-law

Until the work concerning the swimming pool and the construction related to it are duly completed, the person to whom the certificate of authorization is given is responsible for ensuring the safety of the premises and to make provision, if there is reason, for temporary measures to control access to the swimming pool.

Swimming pool safety by-law

Any person who has obtained a certificate of authorization to install a removable swimming pool is not required to make a new application for the re-installation of a movable swimming pool in the same place and under the same conditions.

Swimming pool safety by-law

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CUTTING OF TREES FOR COMMERCIAL PURPOSES

36

A person who wishes to carry out a commercial wood cut of more than 10% of the standing wood in an area of 5,000 m² or more shall obtain a certificate of authorization for this purpose. The application shall include the following information:

(1) Mention of the contractor who will carry out the cut or the holder of the right to cut and the forestry engineer who has prescribed the work, as the case might be;

(2) Location of the land and a description of the tree-cutting work for which the certificate is sought and the work that has been carried out earlier;

(3) A forest management plan concerning the forestry works for which an application for a certificate of authorization is made, when available;

(4) In the case of cutting more than 20% of the commercial grade standing wood on a parcel of land, a simple management plan prepared by a forestry engineer including, specifically, the following information:

- a) Location (lots, concession roads, townships) of the parcel of land contemplated by the application and the description of the forest stands found therein;
- b) The location and description of forestry work carried out on the land in question over the previous twelve (12) years;
- c) The identification of diseased stands of trees or those that have been attacked by insects (as the case might be);
- d) The determination and location of trees that have been uprooted by the wind (windfalls);
- e) The description of the works contemplated on the property in question for the next five (5) years;

(5) Written confirmation by a forestry engineer in the case of trees in decline, diseased or dying trees that require sanitation cutting or in the case of trees that require salvage cutting;

(6) A forest working plan or forest management plan when the wood taken is situated on a property, four hectares or more of which are designated for forestry.

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**CUTTING OF TREES
FOR OTHER PURPOSES 37**

A person who wishes to carry out a cut for purposes other than commercial outside of the agricultural zones shall obtain a certificate of authorization. The application for authorization shall include the following information:

- (1) Location of the parcel of land for which the application is made and the identification of those trees to be cut for which an application for a certificate of authorization is made;
- (2) The reasons supporting the application and all the information supporting these reasons (photos, confirmation of an expert, etc.) when necessary.

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**SEPTIC INSTALLATION
OR WATER
CATCHMENT WORK****38**

A person who wishes to apply for a certificate of authorization for a septic installation or an underground water catchment structure shall submit the following information:

- (1) For the installation of a septic system:
 - a) A siting plan at a scale of at least 1:200 indicating the site of the septic system, the well, the building served, the property boundaries, the presence of watercourses nearby, the neighbouring properties (distance) and its well;
 - b) An attestation of the results of one or the methods used to establish the level of permeability of the soil prepared by an engineer or a technologist who is a member of a professional order, establishing that the soil is suitable for the installation of a septic system. This attestation is required for every new construction, for the replacement of a septic system and when one or more bedrooms are added to an existing building which existed when the by-law respecting the evacuation and treatment of waste water from isolated residences, adopted by virtue of the *Environmental Quality Act*, came into force;

- c) A building plan showing all the details of the proposed installation and any other information needed to verify the compliance with the norms set out in the municipal by-law dealing with septic system installations;
- d) All other information required by virtue of Regulation Q.-2r.8;
- e) In the 30 days following the end of the work, a certificate of conformity by the contractor which attests that the work was carried out in compliance in the Regulation Q.-2r.8;

(2) For an underground water catchment structure:

- a) A location plan indicating the site of the proposed underground water catchment structure (well), the building served, the property boundaries, the presence of watercourses nearby and the flood risk code, as the case might be, the septic system installations and the parcels of land under cultivation situated less than 30 m from the proposed structure;
- b) All other information required by virtue of the regulation on underground water catchment structure adopted by virtue of the *Environmental Quality Act*, Q.-2r.1.3;
- c) In the 30 days which follow the end of the work a drilling report, as required by article 20 of the Groundwater Catchment Regulation.

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**AGRICULTURAL
ACTIVITIES**

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A person who wishes to apply for a certificate of authorization for agricultural activities shall submit the following information and documents:

- (1) Precise identification of the present use of the land and the proposed use;
- (2) A plan to scale showing:
 - a) The boundaries of the parcel of land;

- b) The cadastral identification of the parcel of land;
 - c) The location of all components of the livestock rearing unit, that is, the animal husbandry buildings, the livestock enclosures and the storage structures and all other distances that separate the elements from each other;
- (3) The distance that separates the livestock rearing unit from a protected residence situated within a radius set in relation to the number of animal units in accordance with the Zoning By-law;
- (4) The distance that separates the livestock rearing unit from a protected immovable situated within a radius established in relation to the number of animal units in accordance with the Zoning By-law;
- (5) The distance that separates the livestock rearing unit from the limits of the village limits situated within a radius set in relation to the number of animal units, in accordance with the Zoning By-law;
- (6) The details required to ensure a proper understanding of the work(s);
- (7) A duly completed copy of the application for a certificate of authorization from the Ministère de l'Environnement and all the related appendices and documents;
- (8) A copy of the certificate of authorization or the project notice required by virtue of the by-law respecting agricultural operations ordered under the *Environmental Quality Act*;
- (9) The municipality requires, in addition, as defined in the *LPTAA* (article 79.2.4), that the operator of the agricultural operation for which the certificate is sought, provide all the necessary information for the application of sub-sections 1.1 and 1.2 of section II of Chapter III of the *LPTAA* and the application of norms related to distances of separation set out in the Zoning By-law of the municipality, in writing and within a period of 20 days of notification. Should the operator fail to transmit this information within the timeline set, the municipality

may, at the operator's expense, gather all information necessary for the application of the provisions of the LPTAA and the Zoning By-law. The municipal building officer may ask a professional or technologist to assist him, as is contemplated in this by-law;

(10) The declaration, as the case might be, presented before June 21, 2002 in accordance with article 79.2.6 of the LPTAA.

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**BACKFILL OR DIGGING
OR EXCAVATION
WORK**

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A person who wishes to apply for authorization to carry out backfilling, digging or excavation work shall submit the following information and documents:

- (1) The boundaries of the parcel of land contemplated;
- (2) The location of the part of the land that will be affected by the proposed work;
- (3) The location of all watercourses, wetlands and wooded area on the property itself or on contiguous lots;
- (4) The projection on the ground of the existing building or buildings on the property contemplated or on contiguous lots or parcels of land, the street or road line or lines;
- (5) The profile of the properties before and after the proposed work is carried out;
- (6) The high water line (as the case might be);
- (7) The identification of various measures taken to control erosion on the site and the immediate surroundings of the area of backfill or digging;
- (8) All other information needed to ensure a proper understanding of the work.

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INSTALLATION OF A **41**

FENCE


A person who wishes to apply for authorization to install a fence within the village limits and in the industrial zones shall submit the following information and documents:

- (1) The location of the proposed fence on the property and the present use of the property and all the characteristics of the fence: height, type of fence, materials, colour, etc. This shall be accompanied by a descriptive brochure from the manufacturer of the fence or a sample;
- (2) All other information needed to ensure a proper understanding of the work.


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COMING INTO FORCE

This by-law comes into force in accordance with the law.



Vincent Gérin, maire



Ghislaine Poulin-Doherty, directrice-générale et secrétaire-trésorière

Certifiée copie conforme

Avis de motion : 6 juillet 2009 et 3 août 2009

Adoption du règlement : 8 septembre 2009

Avis d'entrée en vigueur : 4 novembre 2009