

**BY-LAW 2009-08
CONCERNING THE CONDITIONS FOR ISSUING
BUILDING PERMITS**

**VILLAGE
OF AYER'S CLIFF**



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

September 2009

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

**BY-LAW CONCERNING THE CONDITIONS
FOR ISSUING BUILDING PERMITS**

At a regular meeting of the municipal council held at École Saint-Barthélemy, on September 8, 2009, in accordance with the law, and 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 2009-08

WHEREAS the municipality has the power by virtue of the law to adopt, amend or repeal a by-law concerning the conditions for issuing building permits on its territory;

WHEREAS the revised regional land use and development plan is being redrafted and a document dealing with the purpose of the revision has been produced;

WHEREAS it is timely to redraft the by-law governing the conditions for issuing building permits as part of the revision of the planning program;

WHEREAS the 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 "By-law concerning conditions for issuing building permits".		
	TERRITORY COVERED	2
This by-law applies to the entire territory of the municipality of the village of Ayer's Cliff.		
	REPEAL OF EARLIER BY-LAWS	3
Any provision that is incompatible with this by-law found in any earlier municipal by-laws is repealed by this by-law.		
Without limiting the generality of the foregoing, this by-law repeals and replaces by-law 2003-08 and its amendments.		

Section II: Interpretive provisions

TERMINOLOGY

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

- (1) This by-law;
- (2) The Zoning By-law;
- (3) The Building By-law;
- (4) The Subdivision By-law;
- (5) The Permits and Certificates By-law.

SPECIFIC DEFINITIONS

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

« *Adjacent à une rue* » - *Ajacent to a road*: Refers to a property having a front property line as defined in the Zoning By-law. Also considered as adjacent any parcel of land that serves as the site for a construction erected and used in accordance with the by-law in force on March 23, 1983 that does not have a front property line, but for which a servitude or access to a public or private road is registered against the land on that date at the land registry office.

« *Sur la rue en bordure* » - *Along the roadside*: Signifies that the entire length of the front property line runs along a road with water or sewage services or is otherwise serviced, or a road where the by-law decreeing the installation of these services is in force. For a corner lot, this expression indicates that at least one of the two front property lines shall be along the serviced road or that a by-law decreeing the installation of the network shall be in force.

CHAPTER II

ADMINISTRATIVE PROVISIONS

Section I: Administration and application of the by-law

ADMINISTRATION OF THE BY-LAW 6

The secretary-treasurer and director general of the municipality is responsible for the administration of the by-law.

APPLICATION OF THE BY-LAW 7

The inspector is responsible for applying this by-law. He is specifically authorized to issue a report of infraction for any infraction of this by-law.

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

POWERS OF THE PERSON RESPONSIBLE FOR APPLYING THE BY- LAW 8

The person responsible for the application of the by-law exercises the powers conferred on him by this by-law, specifically:

(1) He may visit and inspect a movable or immovable property as well as the interior or exterior of any house or building, between the hours of 7 am and 7 pm, to verify that the by-laws and other municipal regulations are being respected, to verify any information or to ascertain any fact needed for the exercise by the municipality of the power conferred on it by the law or a by-law, to 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 required. In a

territory decreed a permanent agricultural zone by the *Act respecting the preservation of agricultural lands and activities* (the *LPTAAQ*), he may gather any information or ascertain any fact necessary for the application of the norms for distances separating incompatible activities, and to do so may be assisted by an agronomist, a veterinarian, a professional technologist or a land surveyor;

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

(3) He may give notice to carry out any work or repairs that appear necessary to him for the safety of the construction, and recommend to the council any emergency measure(s);

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

(5) He may 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**

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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 between the hours of 7 am and 7 pm, for the purpose of verifying that this by-law, other by-laws or resolutions of the council are being followed or respected.

Section II: Contraventions and sanctions

INFRACTIONS AND PENALTIES 10

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 or a fine of \$1,000 to \$2,000 in the case of a moral person;

(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 11

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

REPEATED OFFENSES 12

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 13

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

COSTS 14

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

CHAPTER III

BUILDING PERMIT

CONDITIONS FOR ISSUING BUILDING PERMITS

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Table I, which follows, lists the conditions for issuing a building permit that covers the various zones delineated on the zoning map, which forms an integral part of the Zoning By-law.

TABLE I
ISSUING A BUILDING PERMIT

CONDITIONS FOR ISSUING BUILDING PERMITS	All zones
The parcel of land on which each proposed structure shall be built, including outbuildings, forms one or several separate lots on the official cadastral map that complies with the by-law or, if it or if they are not in compliance, are protected by acquired rights.	X^{1,2,4,5}
Water and sewer services having been authorized or for which a permit has been given by virtue of the law are installed along the road fronting on which the proposed construction will be located, or the by-law decreeing their installation is in force.	X^{3,4}
Should water and sewer services not be in place along the road on which a construction is planned or the by-law decreeing their installation is not in force, drinking water and water treatment services projects for the construction to be erected on the property are in compliance with the <i>Environmental Quality Act</i> and the regulations ordered under its purview or the municipal by-laws dealing with the same matter.	X^{3,4}
The property on which each proposed structure will be erected is adjacent to a public road or a private road in compliance with the requirements of the Subdivision By-law.	X¹

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- 1- Does not apply to constructions for agricultural purposes on cultivated land nor to forest shelters.
 - 2- Does not apply to proposed constructions where the location is identical to that of an existing construction, for which it is shown to the municipal official responsible for issuing the permit that it will not be erected on property belonging to a different owner or owners. These exemptions do not apply when the estimated cost of the cadastral operation to allow one or separate several to be created on the property on which the construction shall be erected is less than or equal to 10 % of the estimated cost of it.
 - 3- Does not apply to constructions for agricultural purposes on land under cultivation, with the exception of residences situated on these lands.
 - 4- Does not apply for buildings, constructions or works for public utility purposes such as pumping stations, booster stations, etc.
 - 5- Does not apply to residential, commercial or industrial constructions covered by the notion of acquired rights as defined in articles 101 to 105 of the Quebec Act respecting the preservation of agricultural lands and agricultural activities (LPTAAQ).

COMING INTO FORCE

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

Vincent Gérin, Mayor

Ghislaine Poulin-Doherty, Director general and secretary-treasurer

Notice of motion: July 6, 2009

Adoption of draft by-law: July 6, 2009

Public consultation meeting: July 27, 2009

Adoption of the by-law: September 8, 2009

Notice of conformity from the MRC: _____

Notice of the coming into force: _____