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Chapter 1

DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

1.1 TITLE AND COMING INTO FORCE

- a) The present by-law is entitled "BUILDING BY-LAW OF VILLE DE BAIE-D'URFÉ".
- b) The present by-law will come into force according to Law.

1.2 ADOPTION BY PART

If any part of the present by-law was declared illegal and of no effect by a court of justice, such decision would not affect the other parts of the by-law; Council declares by the presents that it adopts this by-law part by part, notwithstanding the fact that one or many parts of it could be declared illegal and of no effect by a court of justice.

1.3 REPEALS

The present by-law repeals by-law no. 319, "Concerning the Use and Occupancy of Land and Buildings (Zoning) and Concerning the Construction of Buildings (Building)", and all its amendments; however, these by-laws remain in force and are to be fully applied in any case where a person or a party is infringing, at the date of coming into force of the present by-law, one or many provisions of these by-laws; moreover, the repeals do not affect the permits that were legally issued under these by-laws nor rights acquired before the coming into force of the present by-law.

1.4 AREA OF APPLICATION AND OPERATIONS AFFECTED

- a) The present by-law applies to any person or party and to the entire Town of Baie-D'Urfé.
- b) In the whole territory of the Town, one can erect, move, renovate, transform, enlarge or demolish a structure, use a structure or change the use of a structure, subdivide a dwelling, only in conformity with the present by-law.

1.5 VIOLATION, PENALTIES AND OTHER RECOURSES

(Amendt 877-5)

- a) Without prejudice to other recourses of the Town, anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to a fine of one hundred dollars (\$100) in the case of a first violation, three hundred dollars (\$300) in the case of a second violation and six hundred dollars (600\$) in the case of any subsequent violation, and it shall not exceed two thousand dollars (\$2000) in any case, and the term of imprisonment shall not be for more than two (2) months in any case, such imprisonment, however, to cease at any time before the expiry of the term fixed by the said judge, upon payment of such fine or fine and cost, as the case may be; if the

infringement continues, it constitutes a separate offence for each day and the fine fixed for such infringement can be imposed for each day during which the infringement continues.

- b) The provision of paragraph a) limiting to \$300 the fine for an infringement to the present by-law does not apply in the case of the demolition of an immovable appropriate to constitute cultural property or situated in a territory identified as appropriate to constitute a historic or natural district if such immovable is subject to a prohibition of demolition according to paragraph 4 of article 412 of the Cities and Town Act; in such a case, the maximum fine is twenty-five thousand dollars (\$25 000).
- c) In addition to penal recourses, the Town can take legal action before the appropriate court of justice against any owner, lessee or occupant to obtain compliance to the present by-law, among other things to prevent or to stop the use of land or structures or the erection of structures not conforming to the present by-law, or to obtain, if necessary, the demolition of any structure erected in contravention of the present by-law.

1.6 INTERPRETATION

- a) Unless expressly declared to the contrary or unless the context indicates a different meaning, the expressions, terms and words of which a definition is given in Appendix "1" of the present by-law, shall be held to have the meaning given to them in Appendix "1".
- b) Whatever the tense used in any provision of the present by-law, such provision shall be considered in force at all times and in all circumstances possible.
- c) In the present by-law, unless the context indicates the contrary, the masculine includes the feminine.
- d) In the present by-law, the singular extends to all persons or things of the same kind, whenever the context lends to that extension.
- e) All dimensions and measurements used in the present by-law are international (metric) with, sometimes, the equivalent English dimension or measurement between brackets; in case of non-conformity between the metric and the English value, the metric value shall prevail.
- f) All plans, annexes, tables, diagrams, graphics, symbols and other forms of expression other than the text proper, contained in the present by-law, except the table of contents, form an integral part of the present by-law.
- g) In case of a contradiction between the French and the English version of the present by-law, the French version shall prevail.

1.7 BUILDING INSPECTOR

The Town Council of Ville de Baie-D'Urfé is represented in the application of the present by-law by a municipal officer known as the Building Inspector; the rights and duties of the

Building Inspector are defined in the PERMITS AND CERTIFICATES BY-LAW of Ville de Baie-D'Urfé.

1.8 REQUIREMENTS OF PERMITS OR CERTIFICATES AND CONDITIONS OF ISSUE

For some of the operations listed in article 1.4 above, permits or certificates of authorization must be issued by the Building Inspector; the conditions of issuance of these permits and certificates are defined in the PERMITS AND CERTIFICATES BY-LAW of Ville de Baie-D'Urfé.

Chapter 2

TECHNICAL PROVISIONS

2.1 NATIONAL BUILDING CODE AND NATIONAL FIRE PREVENTION CODE

(Amendmt 877-6)

- a) No building permit required in accordance with the present by-law may be issued unless the application is in conformity with the provisions of the current edition of the *National Building Code of Canada*, the *National Fire Prevention Code* and the *Quebec Residential Swimming Pool Safety Act*.

(Amendmt 877-6)

- b) The use of a building may be changed only if the new use conforms to the provisions of the current edition of the *National Building Code of Canada*, the *National Fire Prevention Code* and the *Quebec Residential Swimming Pool Safety Act*.

(Amendmt 877-6)

- c) The *National Building Code of Canada*, the *National Fire Prevention Code* and the *Quebec Residential Swimming Pool Safety Act* form an integral part of the present by-law.

(Amendmt 877-6)

- d) The amendments to come to the *National Building Code of Canada*, the *National Fire Prevention Code* and the *Quebec Residential Swimming Pool Safety Act* form an integral part of the present by-law without it being necessary to adopt a new by-law for each amendment brought about in this way; however, each of these amendments comes into force only on the date determined each time by a resolution of Council.

2.2 CONSTRUCTION SITE INSTALLATIONS

- a) A building permit gives the right to the contractor to install and maintain on the site, during the undertaking of the work, cranes, service elevators, offices, hangars, workshops and any other tools and devices necessary for the undertaking of the work. These tools and devices must be removed within thirty (30) days following the end of work. When work is undertaken less than 2 m (6.6') from the street line, or when the Inspector sees fit, the construction site must be enclosed on the side of the street and all measures must be taken to ensure the protection of the public. The property owner is responsible for any accident or damage to person or public or private property resulting from the work.

- (Amendt 877-7) (Amendt 877-8)*
- b) Any excavation of more than 1.2 m (4') in depth must be enclosed by a fence of at least 1.83 m (6') in height of a rigid and sturdy construction in order to ensure the protection of the public at all times. This provision prohibits the use of all forms of snow fences. Any gate in the fence must kept securely closed when the site is unattended. No security fence may be installed on Town property without prior explicit Town approval.
 - c) The Town of Baie-D'Urfé may require from any holder of a building permit, at the expense of the latter, a protective cage around certain trees for the entire duration of the work.

2.3 PRIVATE DRIVEWAYS AND OBSTRUCTION OF DITCHES

- a) Prior to construction of a building, the owner requiring entry to a public road shall submit to the Building Inspector for approval a sketch in duplicate showing the location and width of such an entry.
- b) If a culvert is required, it shall be furnished and installed by the owner to the specified diameter (min. 300 mm), and at the elevation set by the Building Inspector.
- c) During the construction no building materials or debris may be deposited in a ditch and it shall be the responsibility of the owner to maintain existing drainage facilities during construction.
- d) Should the owner of an existing building require any alteration to the existing access to the public road, or a second access, he shall similarly submit to the Building Inspector a sketch in duplicate and follow the procedure outlined above.

2.4 UNOCCUPIED, UNFINISHED OR UNUSED CONSTRUCTIONS AND BURNT BUILDINGS

- a) Any unoccupied, unfinished or unused construction must be suitably closed or barricaded in order to prevent any accident.
- (Amendt 877-8)*
- b) All excavations and all foundations of an unfinished, demolished or moved construction must be surrounded with a fence, of a solid type, of at least 1.83 m (6') in height in order to prevent any danger.
 - c) Any burnt construction must be demolished, the foundations demolished or filled entirely, and the site must be cleared within six (6) months following the fire, unless the property owner has decided to restore the construction; in this case, the renovation work must be started within six (6) months following the fire; furthermore, during the period between the fire or the demolition and the beginning of the restoration work, the construction must be suitably closed or barricaded, or if it is necessary, surrounded with a fence, conforming to the provisions of paragraph b).

- d) If, in the forty-eight (48) hours from notification, a property owner does not conform to a notice given by the Building Inspector relating to the provisions of paragraph a), b) or c), the protective work required will be done by the Town at the expense of the property owner and even so the Town does not give up its recourses as allowed in Article 1.5 of the present by-law.

2.5 QUEBEC PLUMBING CODE

The construction, installation, expansion, upkeep or modification of any plumbing system may only be carried-out in conformity with the dictates of the QUEBEC PLUMBING CODE (A.C. 4028-72) and its modifications.

2.6 DRAIN CONNECTION

- a) Any connection of a subsoil drain to the drainage system must be done by means of an appropriate fitting with a material approved for building drains.
- b) When the water can flow by gravity, this connection to the drainage system must be made inside the building with the help of a trap with a deep trap-seal with a minimum diameter of 100mm (4") and equipped with a clean-out localized to the uphill slope.
- c) When the water cannot flow by gravity, the drainage system must be made inside the building with the help of a catch basin constructed in accordance with Article 4.8.6 of the QUEBEC PLUMBING CODE; in this case, the water must be drained by means of an automatic pump and poured out in a drainage pipe, connected to the plumbing system and installed above the level of the road, on which one must provide a backwater valve. This pipe must go up the ceiling. When there is no piped storm drainage, the pumped water must then be drained either on the land or in a ditch parallel to the road or the line whichever the case.
- d) All materials, products or accessories used must be in conformity with the standards prescribed by the QUEBEC PLUMBING CODE (A.C. 4028-72) and its modifications.
- e) The storm waters of a roof must be drained by gutters or leaders connected to the building drain, but only when the use of rain conductors is impossible. The storm waters coming from a sloped roof must:
 - be drained by infiltration in the subsoil drain;
 - drip out a paved and drained surface, adjacent to the building.
- f) No storm water may overflow into the sanitary sewage system of the Town without written permission from the Building Inspector.

2.7 PROTECTION AGAINST BACKFLOW

- a) Any drain connecting into a municipal sanitary sewage system, storm or combined, must be equipped with a backwater valve, conforming to the provisions of the QUEBEC PLUMBING CODE in order to prevent any backflow of sewage water.

- b) The backwater valve must be installed on the main horizontal drain branch, between the last fixture and the connection to the sewer; if not, valves must be installed on all the horizontal branches receiving waste water from fixtures installed at a level lower than that of the street; in the case of storm water, the valve must be installed between the catch basin and the connection to the sewer.
- c) All backwater valves must be easily accessible for purposes of cleaning, maintenance and, if necessary, replacement.
- d) All backwater valves must be at all times maintained in a good working state.
- e) One must not install backwater valves of any type on a building drain.
- f) In the case of failure, by the owner of the building, to install the said valves or to maintain them in a good working order the Town cannot be held responsible for the damages caused to the immoveables or their contents following flooding caused by the backflow of waste water.
- g) The use of a treaded plug to close the opening of a floor drain is permitted but does not dispense with the obligation to install a backwater valve.

2.8 PUBLIC SEWAGE CONNECTION

In a system of separate public sewers, the sewage and storm water must be channelled into separate systems connected respectively to the sanitary sewer and the storm water sewer. The storm water sewer must be situated to the left of the sanitary sewer in looking toward the street from the site of the building.

2.9 POOLS - ALL OUTDOOR POOLS INCLUDING SWIMMING POOLS AND WADING POOLS

(Amendt 877-1)

2.9.1 *Distance between the pool and the main building*

No outdoor pool shall be built closer to any building than the measurement of the depth below grade of the foundations of such building immediately adjacent to the swimming pool. However, a pool may be built closer if the stability of the two structures is not impaired. In any event, the building inspector may require a report prepared by an engineer in order to ensure the stability of the two structures.

2.9.2 *Distance between the pool and any part of a septic system*

The distance between the pool and any part of the septic system must be at least 3 metres (9.84').

2.9.3 *Slope of floor*

The slope of the floor on the shallow side of the shallow water transition line shall not exceed 0.30 metres (1.0') vertical to 2.13 metres (7.0') horizontal. The difference in depth between the shallow and deep water transition lines shall not exceed 1.52 metres (5.0').

2.9.4 *Diving board*

Diving boards may be installed in private pools in accordance with provincial regulations governing diving boards in public pools (ref. L.R.Q., C.S-3, a. 39). However, in no case may the depth of water in the pool in the diving area be less than 3.4 metres (11.0') and in no case may the length of the pool be less than 10.5 metres (34.4').

2.9.5 *Water supply*

The water supply and all plumbing fixtures including drinking fountains, lavatories and showers shall meet Guidelines for Canadian Drinking Water Quality. No water supply line shall be directly connected to the pool system and, in no event, shall there be a direct piping connection between the swimming pool water system and either the Town water supply or the well water supply in order to prevent possible contamination. A water line may be installed to supply water from above the level of the pool or above the level of the makeup tank. For purposes of supplying water the end of a hose shall not be immersed in the pool or in the makeup tank.

2.9.6 *Water filtration and chemical treatment*

In order to keep the pool clean, a water filtration and chemical treatment system shall be included and details of the size, capacity and operation of the equipment, including the piping arrangement, the location of the equipment and the location of the waste water discharge piping shall be submitted for approval.

2.9.7 *Drainage*

Drainage from all pools must be discharged to a dry well or drainage ditch in such a fashion that backflow cannot occur. In no case will the drainage or running-off of water from a pool onto the property of others be permitted. No solid waste, such as dead leaves, shall be discharged from a pool into a drainage ditch.

2.9.8 *Lighting*

Pool areas shall be properly lighted and lighting arrangements shall be such that no direct light will fall on adjacent properties. All circuits supplying underwater fixtures shall be isolated. On all circuits supplying electricity in the immediate vicinity of the pool, if the circuit voltage is greater than 30 volts, an approved ground-fault interrupt device shall be used.

2.9.9 *Repealed*
(Amendt 877-6)

2.9.10 *Public pools*

In addition to the minimum standards regarding area, depth and location of swimming pools as stated above, in the case of public pools, all Provincial regulations shall also apply.

2.10 RETENTION OF STORM WATER ON PRIVATE PROPERTIES

(Amendt 877-3)

(Amendt 877-4)

2.10.1 For all zones of the Town, rain water shall not drain into the municipal storm drainage system (pipe or ditch) at a rate greater than:

- i) 6 litres per hectare-second for any new building,
- ii) 50 litres per hectare-second for any extension to a building existing as of July 1st, 2000.

2.10.2 The drainage rate calculations shall be based upon the 50 year rainfall intensities as shown on the Rainfall Intensity/Duration curves in Appendix 2 of this By-Law.

2.10.3 When a new structure is erected, when an existing structure is enlarged, or when an area of land is paved or otherwise built upon, an acceptable storm water control system which prevents the outflow from the lot exceeding the values given in section 2.10.1 shall be installed unless it can be shown that the uncontrolled outflow from the lot does not exceed the limits given in Section 2.10.1.

2.10.4 An acceptable storm water control system is a system designed by a member of the Ordre des Ingénieurs du Québec and his design brief for the project shall have been submitted to and accepted by the Town's Director of Technical Services.

Likewise, if the owner wishes to demonstrate that the natural uncontrolled run-off from his lot does not exceed the rate given in section 2.10.1, then his submission shall have been prepared by a member of the Ordre des Ingénieurs du Québec and his design brief shall have been submitted to and accepted by the Town's Director of Technical Services.

2.10.5 No calculations need be submitted for any lot with less than 30% of its total surface area being impervious; for the purposes of this By-Law, the net area of a swimming pool may be considered to be pervious.

2.11 FLOOD-PROOFING STANDARDS IN FLOOD PLAINS

(Amendt 877-9)

Where permitted, subject to flood-proofing measures, authorized structures, undertakings and works in flood plains must comply with the following flood-proofing measures, adapted to the specifics of the work concerned:

- a) no opening (window, basement window, door, garage, etc.) may be lower than the 100-year recurring flood level;
- b) no ground floor may be lower than the 100-year recurring flood level;
- c) drains must have check valves;
- d) for any structure or part of a structure built below the 100-year recurring flood level, a study must be produced showing the structure's ability to resist flooding and must include calculations relating to:
 - i) waterproofing;
 - ii) structural stability;
 - iii) necessary reinforcement;
 - iv) seepage water pumping capacity;
 - v) resistance of the concrete to compression and tension;
- e) the filling of land should be restricted to protecting the area immediately around the structure or undertaking concerned and should not extend to the entire landsite; the average slope from the top of the fill next to the protected structure or undertaking to its foot should not be less than 33.33% (vertical to horizontal ratio of 1:3)

Chapter 3

NON-CONFORMING BUILDINGS AND ACQUIRED RIGHTS

3.1 NON-CONFORMING BUILDING

Considered non-conforming is any building constructed or used in contravention of one or several of the provisions of the present by-law but existing at the moment of the coming into force of the present by-law, or whose construction is not completed at the moment of the coming into force of the present by-law but whose building permit conforms to the provisions of by-laws whose abrogation was ordered earlier and had been issued before the coming into force of the present by-law, on the condition that this permit is still valid.

3.2 ACQUIRED RIGHTS

A non-conforming building enjoys acquired rights inasmuch as it predates the coming into force of any building by-law for the Town of Baie-D'Urfé or if it has already been subject

to a permit legally issued in accordance with a construction by-law previous to the present by-law.

3.3 RENOVATION, IMPROVEMENT OR EXPANSION OF A NON-CONFORMING BUILDING

- a) A non-conforming building may be renovated, improved or expanded, but not to conform even less, to the present by-law.
- b) A non-conforming building may be expanded but only if this expansion is in conformity with the present by-law.
- c) A non-conforming building which would have been modified to make it conform may not be rendered non-conforming again.

3.4 REPLACEMENT OF THE USE OF A NON-CONFORMING BUILDING

One may only replace the use of a building used in a way non-conforming to the present by-law with a use conforming to the present by-law.

3.5 END OF ACQUIRED RIGHTS

- a) If a building not in conformity with the present by-law is burnt down, demolished or experiences any other disaster whereby it loses more than 50% of its value shown on the valuation roll, it may only be reconstructed, restored or revised in conformity with the present by-law.
- b) If a non-conforming use of a building has been abandoned, stopped or interrupted during a period of twelve (12) consecutive months, or if it has been replaced by a conforming use, any subsequent use of the same building will have to be in conformity with the present by-law.

Appendix 1

DEFINITIONS

The words or expressions for which a definition is given below have the meaning that is attributed to them in the aforementioned definition, unless the context imposes upon them a different meaning.

ABOVE GROUND POOL: *(Amendt 877-1)*

A pool, the sides of which are at an elevation equal to 0.5m or higher than the average elevation of the adjacent ground.

BUILDING:

Construction, erected or not in place, having a roof resting on walls or columns and intended to shelter people, animals or objects; for the purposes of the present by-law, mobile homes and trailers are buildings.

CONSTRUCTION: *(Amendt 877-3)*

Ordered assembly of materials and comprising, in the unlimited sense, buildings, public notices, signs, billboards, reservoirs, gas pumps, fences, pools, paved areas, etc.

FLOODPROOFING: *(Amendt 877-9)*

Floodproofing a structure, undertaking or development consists in the implementation of various measures listed in Section 2.11 of this bylaw, which should provide the protection necessary for preventing any flood damage.

INGROUND POOL: *(Amendt 877-1)*

Any pool that is not as above ground pool.

INSPECTOR OR BUILDING INSPECTOR:

Officer named by the Town Council of Ville de Baie-D'Urfé to represent it in the application of the present by-law, or his authorized representative.

LANDSITE:

Lot or group of lots constituting a single spatial entity intended to receive a single principal use;

LODGING:

Housing unit, occupied by one person or more living as a single household, where one may have access to the outside directly or by passing through a vestibule but without having to pass through in whole or in part another lodging, and having a bathroom, as well as facilities for preparing meals, to eat and to sleep.

LOT:

Parcel of land identified and demarcated on a subdivision plan made and filed in accordance with the Civil Code. When the text allows this extension, the word "lot" may be interpreted as "landsite".

PAVED AREA: *(Amendt 877-3)*

Any area covered with pavement, asphalt, concrete or any other impervious or almost impervious surfacing material.

POOL: *(Amendt 877-1 and 877-2)*

Any outdoor artificial pool, including wading pools, swimming pools, whirlpools and hot-tubs, with a depth at any point of 60cm (24") or more.

PRIVATE POOL: *(Amendt 877-1)*

An artificial pool built in connection with a residence, the use of which shall be confined to the family of each householder and his guests.

PUBLIC POOL: *(Amendt 877-1)*

Any pool that is not a private pool.

STREET RIGHT-OF-WAY:

Area of land which is, except in the case of a private road, the property of the Town or of another public body and intended for the passage of a road or other public thoroughfare; meaning also the boundaries or the perimeter of the land.

STREET WIDTH:

Width of the right-of-way of the street.

TOWN:

Ville de Baie-D'Urfé.

USE:

Purpose for which a building, a structure, a construction, a sign, premises, a lot, a landsite or one of their parts is used, occupied or intended or treated to be used or occupied, and by extension, the said building, structure, construction, premises, lot, landsite or part of.