



Operational BY-LAW NO 529

PERMITS AND CERTIFICATES

WHEREAS in 1994 the Town of Hudson adopted Permits and Certificates By-Law number 324;

WHEREAS the Vaudreuil-Soulanges RMC revised its Schéma d'Aménagement;

WHEREAS the Town of Hudson's planning regulation must conform to the objectives of the revised Schéma d'Aménagement and with the provisions of the complementary document;

WHEREAS in accordance with article 123 of the *Loi sur l'aménagement et l'urbanisme (L.R.Q., c. A-19.1)*, the present by-law contains provisions subject to approval by way of referendum since the present by-law is more than a concordance by-law;

WHEREAS notice of motion was duly given at the special Council meeting held on April 27th, 2009 ;

WHEREAS the requirements of Article 356 of the Cities and Towns Act have been met and that Council declares having read By-Law No 529 and relinquishes its reading;

THEREFORE, it is **moved** by Councillor Gordon Drewett, **seconded** by Councillor Madeleine Hodgson and unanimously resolved that By-Law N° 529 be and is hereby adopted and decreed as follows:

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CHAPTER 1 GENERAL AND DECLARATORY PROVISIONS

SECTION A - GENERAL PROVISIONS

100 Title

This by-law may be titled **“PERMITS AND CERTIFICATES BY-LAW”**

101 Repeal of Previous By-Laws

This by-law repeals and replaces By-Law No. 324 and its amendments, as well as any by-law incompatible with this by-law.

Such repeals do not affect penal procedures instituted under the authority of these repealed by-laws, which continue under the authority of the said repealed by-laws until final & enforceable judgement.

102 Territory

This regulation shall apply to all land within the territory of the Town of Hudson as well as to individuals and corporations whether being public or private entities.

103 Annexed Documents

The following documents are an integral part of this by-law:

The Town's By-Law No. 527 concerning Subdivision, By-Law No. 526 concerning Zoning, By-Law No. 528 concerning Construction, as well as all their future amendments.

104 Validity

Council decrees this by-law in its entirety and also chapter by chapter, article by article, paragraph by paragraph, and subparagraph by subparagraph so that should a chapter, article paragraph or sub-paragraph be declared null, the other provisions of the by-law would continue to be applied.

105 Compliance with the By-Laws:

The issuance of a permit, approval of drawings and specifications and inspections done by the authority having jurisdiction do not release the owner or the applicant from complying with the requirements of this by-law or any other applicable by-law.

SECTION B - DECLARATORY PROVISIONS

106 Text interpretation

The singular includes the plural and vice-versa unless the text opposes it;

The use of the word “SHALL” is always mandatory; the verbs “CAN” or “MAY” are always optional;

The masculine includes the feminine unless the text indicates the contrary;

The authorization to do something includes all the powers needed to achieve that end.

107 Interpretation of Tables and Illustrations

Tables, diagrams and other forms of expression other than the text of this by-law are an integral part of this by-law. However, in the event of contradiction between the text and the other forms of expression, the text prevails.



108 Rules of Interpretation between General and Specific provisions

In the event of incompatibility between two provisions in this by-law, or in this by-law and another by-law, the specific provision shall prevail over the general provision.

109 Measures

All measures appearing in this by-law are given according to the international system.

110 Terminology

The definitions that appear in Appendix "D" of Zoning By-Law No. 526 apply fully to this by-law. Other words have their usual meaning.

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CHAPTER 2 ADMINISTRATIVE PROVISIONS

200 Authority having jurisdiction

The management and enforcement of this by-law are entrusted to the authority having jurisdiction. The appointment of the authority having jurisdiction is determined by a council resolution.

Council can also appoint, by resolution, one or more assistants to help or replace the authority having jurisdiction, if need be.

201 Duties and Powers of the Authority having jurisdiction

The authority having jurisdiction exercises the powers which are entrusted to him by this by-law and other municipal by-laws, more specifically:

- a) He can visit and inspect any properties to determine whether if municipal by-laws are respected;
- b) The owner, tenant, or occupant of a building shall allow the authority having jurisdiction to enter so he can determine if municipal by-laws are respected or not;
- c) He can issue a warning to the owner, tenant, occupant or representative requiring that the situation responsible for the infraction to these by-laws be corrected;
- d) He issues the permits according to the provisions of this by-law;
- e) He submits to Council a report of the permits and certificates issued;
- f) He can require that proof be provided for the conformity of the use, the title, the material, or any other element deemed appropriate from the applicant or owner requesting a permit or certificate, or request an expert investigation to validate the conformity of the request, at the applicant's expense.
- g) He can give formal notice for the execution of all work or repairs he deems necessary for construction safety and recommend any emergency measures to Council;
- h) He recommends to the Town Council to take all necessary measures to stop a construction, an occupation, the use of a portion of a lot, of land, of a building, or of a non-conforming construction when it does not comply with the municipal by-laws;
- i) He recommends to the Town Council to take all the necessary measures to stop any infraction to this by-law ;
- j) He is authorized to give tickets and start legal proceedings at the Municipal Court when he notices that an infraction to this by-law or other Town by-laws has occurred.

202 Archives

The authority having jurisdiction keeps for the Town a copy of all requests for permits and certificate received, of all permits and certificates issued, of all inspection reports and of all other documents relevant to the management of this by-law.

203 Infractions

Commits an infraction whoever:

- a) Undertakes a cadastral operation that is inconsistent with this by-law;
- b) Occupies or uses part of a lot, land, or a building contravening with one or the other provisions of this by-law or in the Town's Zoning By-Law;



- c) Authorizes the occupation or the use of part of a lot, land or a building contravening with one or the other provisions of this by-law, the Zoning or Construction By-Laws or the Town's Permits and Certificates By-Laws;
- d) Constructs or allows the construction of a building contravening with one or the other provisions of this by-law, the Zoning or Construction By-Laws or the Town's Permits and Certificates By-Law;
- e) Refuses or prevents the authority having jurisdiction from visiting or inspecting at any reasonable hour a property for which it is the owner, tenant or occupant , to determine whether this by-law or any other municipal by-laws are respected ;
- f) Does not conform to a demand issued by the authority having jurisdiction.

204 Owner's Responsibility

Neither obtaining a permit or certificate, or the approval of drawings and specifications, nor the inspections made by the authority having jurisdiction can absolve a property owner of his responsibility to ensure that all work executed on his property is in conformity with this by-law or the Town's Construction By-Law. It is prohibited to undertake any works prior to obtaining all required permits and certificates.

205 Penalties and Legal Proceedings

Any person contravening with this by-law is liable to a fine and is subject to the following penalties:

a) For a First Infraction:

A minimum of THREE HUNDRED (\$300) DOLLARS and a maximum of ONE THOUSAND (\$1,000) DOLLARS if the offender is a physical person or a minimum of six hundred (\$600) dollars and a maximum of TWO THOUSAND (\$2,000) DOLLARS if the offender is a moral person.

b) For Repeat Infraction:

A minimum of SIX HUNDRED (\$600) DOLLARS and a maximum of TWO THOUSAND (\$2,000) DOLLARS if the offender is a physical person or a minimum of ONE THOUSAND TWO HUNDRED (\$1,200) DOLLARS and a maximum of FOUR THOUSAND (\$4,000) DOLLARS if the offender is moral person.

If the infraction is continuous, the continuity constitutes a distinct day by day infraction. The fine can be retroactive to the first day a statement of offence was issued to the offender.



CHAPTER 3 SUBDIVISION PERMIT

SECTION A - ADMINISTRATIVE PROVISIONS

300 Subdivision Permit

No one shall carry out a cadastral operation before submitting for approval to the authority having jurisdiction a plan of this cadastral operation and, whether this plan provides streets or not, a subdivision permit shall be obtained from the authority having jurisdiction in conformity with the provisions of this by-law.

301 Generalities

A request for permit is submitted to the authority having jurisdiction on the form provided for this purpose by the Town, signed by the owner or his authorized agent, and shall be accompanied by the information and documents required by this by-law.

302 Request for a Subdivision Permit

The application for a subdivision permit shall contain:

- a) The names and addresses of the owner;
- b) Description of the proposed uses;
- c) The proposed cadastral operation plan (division, subdivision, re-division, cancellation, correction, addition or lot number replacements) indicating the lot boundaries, lot dimensions, watercourse locations, the streets and roads as well as the servitudes, all prepared by a land surveyor;
- d) A certificate of location of the existing buildings, if need be;
- e) In the case of a waterfront lot or of a lot located within a flood zone identified in the Town's Zoning By-Law, the applicant shall produce a plan indicating, as the case may be, the delimitation of the riverside belt, the waterfront corridor and the floodplains;
- f) When the subdivision plan involves the opening of one or several new streets, the applicant shall produce a proposed plan on a 1:1 000 scale which includes the following items:
 - 1) The layout of the existing and proposed streets, servitudes and right of ways, streams, existing public structures and services, existing and proposed green spaces;
 - 2) The shape and approximate lot dimension;
 - 3) Limits and lot numbers of neighbouring properties;
If required by the building inspector, the following information shall also be provided with the proposed plan:
 - a) The land topography shown by contour lines;
 - b) The natural elements of the land such as rock outcrops, wooded areas, trees, marsh lands, wetlands, soil;
 - c) The space reserved for the various categories of land use (dwelling, business, green spaces, etc);
 - d) All adjacent land owned or which fall under the responsibility of the developer;
 - e) A soil study establishing their bearing capacity and support capability for the projected types of construction.



The proposed plan shall be accompanied by a declaration by which the owner or his attorney commit to transferring to the Town, for a nominal sum, the lots which shall in the future form the streets and their right of ways.

- g) In the case of a lot or land on which a wetland subject to the Environment Quality Act can be found, it is necessary to obtain an autorisation from the *Ministère du Développement durable, de l'Environnement et des Parcs* before the Town can issue a subdivision permit for the said lot or land.

303 Conditions for the Issuance of a Subdivision Permit

The cadastral operation plan is approved and the permit is issued if:

- a) The request is in conformity with the provisions of this by-law and the Town's Subdivision By-Law;
- b) The required amount has been paid;
- c) The request does not have the effect of rendering a lot or existing building non-compliant with the dimension and total area requirements in accordance with the Subdivision By-Law;
- d) The request does not have the effect of creating new streets or new street sections outside of the urban perimeter.

303 Prerequisites for the approval of any Subdivision Permit Requests

No subdivision permit can be issued unless the following conditions are met:

a) **Street Transfer**

As a preliminary condition to the approval of a plan relating to a cadastral operation, the owner shall commit to ceding the property intended for public roads, free of charge, as shown on the plan;

b) **Municipal Taxes**

As a preliminary condition to the approval of a plan relating to a cadastral operation, the owner shall pay the municipal taxes which are due and unpaid with regard to the immovables included in the plan;

c) **Land Transfer for Parks or Playgrounds**

As a preliminary condition to the approval of a plan relating to a cadastral operation, other than for cancellation, correction or replacement of lot numbers not increasing the number of lots, whether streets are intended or not, the owner shall cede to the Town, for parks or playgrounds purposes, an area of land equal to 10% of the land included on the plan and located in a place that, in Council's opinion, is appropriate for the establishment of parks or playgrounds.

Despite the previous provisions, the Council and the owner can agree that the commitment concerns land within the Town's territory, which is not included in the plan relating to a cadastral operation.

The Council has the choice to require from the owner an area of 10% of the land that is 10% of the value of the said land, or part land/part money, in which case the land area to be ceded and the monetary amount should not exceed 10% of the area and of the value, respectively, of the site. For the purpose of this article, the value is established according to the applicable concepts concerning expropriation. This is established by a certified evaluator mandated by the Town, at the owner's expenses.

The Town or the owner may contest before the Quebec Court Expropriation Division, the value established by the evaluator in accordance with the preceding subparagraph. This dispute does not exempt the owner from paying the amount and, if necessary, to cede the track of land required by the Town based on the value by the evaluator.



To calculate the previously mentioned 10%, one shall subtract from the land included in the plan the residential zones within the land area to which is allotted a distinct lot number for the only purpose of respecting Article 19 of the cadastral Law, except if this parcel of land has an area less than 4500 square meters.

To calculate the previously mentioned 10%, one shall take into account, to the owner's credit, any transfer or any payment made at the time of a previous cadastral operation concerning all or part of the site.

When the 10% transfer is conducted in money, this amount shall be deposited in a special fund which can only be used for the purchase or for the development of parks or playgrounds. In the same way, the land transferred to the Town under this section can only be used for parks or playgrounds. However, the Town can dispose, by way of its governing law, of land acquired under this paragraph if it is no longer required for purposes of establishing parks or playgrounds, and the product deposited in this special fund.

However, are excluded from the land area transfer and/or from the payment of this amount:

- Land subjected to titles dating to November 30, 1982, if the cadastral operation only concerns the identification of the lot under a distinct number;
- A cadastral operation aiming at the creation of a lot according to the terms of an acquired right under the "Act respecting the preservation of agricultural land and agricultural activities" (L.R.Q., c. P-41-1);
- A cadastral operation targeting farmland registered in conformity with a by-law adopted according to Article 36.15 of the *Loi sur le ministère de l'Agriculture, des Pêcheries et de l'Alimentation* (L.R.Q., c. M-14) and which is included in an agricultural zone established according to the *Loi sur la protection du territoire et des activités agricoles* (L.R.Q., c. P-41-1);
- A cadastral operation having the effect of creating a maximum of two (2) lots from a single lot except if this cadastral operation concerns a lot created after the coming into effect of By-Law No. 491;
- Lands from which the ten percent (10%) in land area or monetary amount has already been given to the Town;
- New cadastral identification resulting from the grouping of several tracks of land identified under specific numbers, according to the provisions of the Civil Code.

305 Conformity of a Request

When the request is in conformity with the provisions of this by-law and the Town's Subdivision By-Law, the requested permit is issued within thirty (30) days of the date of reception of the application, including all plans and documents required by this by-law.

306 Pending Request

If the request or plans and documents that accompany it are incomplete or inaccurate, the study of the request is suspended until the necessary information is supplied by the applicant and then the request is considered having been received on the date of reception of the additional information.

307 Non Conformity of a Request

When the subject of the request is not in conformity with the provisions of this by-law, the authority having jurisdiction notifies the applicant in writing within thirty (30) days of the date of receipt of the request.

308 Registration of the Cadastral Operation

If the cadastral operation plan is not registered with the "*Ministère de l'Énergie et des Ressources*" within six (6) months of the delivery of the subdivision permit, it then becomes null and void. In this event, the applicant shall submit a new application for a subdivision permit to the Town.



309 Effects of the approval of a Cadastral Operation

The issuance of a subdivision permit concerning a cadastral operation cannot constitute any type of obligation from the Town.

The approval by the authority having jurisdiction of a cadastral operation project cannot constitute an obligation by the Town to accept the transfer of the suggested streets and roads appearing on the plan, nor to declare the opening of these streets or roads, nor to take responsibility for the costs of construction and maintenance, nor to take civil liability or to provide public utility services.

310 Cases when the Subdivision Permit cannot be refused

The subdivision permit cannot be refused in the following cases:

- a) The cadastral operations conducted for gas, electricity, telecommunications or cable networks as well as for municipal or public purposes that do not require drinking water supply or waste water disposal systems are not covered by the minimum land area and dimensions of this chapter.
- b) The cadastral operations aiming at enlarging a contiguous lot which is the limit of a construction built and protected by acquired rights. The land resulting from the cadastral operation shall form a single lot unless the land is located on different original lots, in which case a maximum of a single only one lot per original lot is allowed.
- c) Identification of built lots.
- d) A lot which, on April 13, 1983¹, did not form one or more distinct lots on the official cadastral plans of which the bordering and abutting lands are described in one or several registered acts at this date, for no other purpose than the area or dimension of this land does not allow it to meet the requirements of this by-law, if the following conditions are met:
 - 1) on the above mentioned date, the area and dimensions of this lot allowed it to satisfy, if need be, the pertinent requirements of a regulation pertaining to applicable cadastral operations on that date, in the territory where the lot is situated, and
 - 2) a single lot results from the cadastral operation, only if the land is included in several original lots, in which case a single lot per original lot results from the cadastral operation.
- e) A lot which, on April 13th, 1983², did not form one or several specific lots on the official cadastre plans and that this said lot was the site of a structure built and used in accordance with the by-laws in force at that time, if need be, or protected by acquired rights;

To be authorized, the cadastral operation shall result in the creation of a single lot or, when the lot is included in several original lots, of a single lot per each original lot.

The first two paragraphs apply even if the structure is destroyed by a disaster after the applicable date.

- f) A lot which constitutes the residue of a lot:
 - 1) part of which has been acquired for public utility purposes by a public body or some other person having powers of expropriation, and;
 - 2) which immediately before the purchase had sufficient area and dimensions to conform with the by-laws in force at that time or could have been the subject of a cadastral operation in accordance with paragraph a) and b) of this section.

¹ Coming into effect date of the interim control by-law of the *MRC de Vaudreuil-Soulanges*

² Coming into effect date of the interim control by-law of the *MRC de Vaudreuil-Soulanges*

**Administrative codification : only the original by-laws have a legal value*



To be authorized, the cadastral operation shall result in the creation of a single lot or, where the land is included in several original lots, of a single lot for each original lot.

CHAPTER 4 BUILDING PERMIT, CERTIFICATES OF AUTHORIZATION AND OCCUPATION

SECTION A - PERMITS AND CERTIFICATS

400 Building Permit

No one can build, install, modify, enlarge a construction or carry out major renovation works without first having obtained a building permit in conformity with the provisions of this by-law and the Town's Zoning and Construction By-Laws.

401 Certificate of Authorization

No one may:

- a) Move a construction;
- b) Erect any structures, undertake work and works liable to destroy or alter the shore's vegetation cover, expose the soil or affect the stability of the shore or encroach in the littoral;
- c) Carry out all work or works liable to alter the water system, interfere with the free flow of water during flood periods, disturb flora or fauna habitats or threaten the safety of persons or properties. Structures, undertakings and works connected with forest management activities and subject to the Forest Act and its regulations as well as agricultural activities that do not require filling or the removal of fill are not subject to a certificate of authorization from the Town;
- d) Install, modify, move or repair a sign;
- e) Install, modify, move or repair a septic installation;
- f) Install a swimming pool;
- g) Dig a groundwater catchment;
- h) Add an additional use to the dwelling unit ;
- i) Change the use of a building or part of building;
- j) Carry out works to stabilize an escarpment having a slope of 20% or more;
- k) Carry out excavation/backfilling works;
- l) Having, starting, and opening a business, a business office;
- m) Install a temporary banner;

without first obtaining a certificate of authorization in conformity with the provisions of this by-law and the Town's Zoning and Construction By-Laws. No certificate of authorization is required for minor restoration or repair or maintenance works as defined in Appendix "D" of Zoning By-Law No. 526.

SECTION B - PERMITS AND CERTIFICATES APPLICATION

402 Generalities



An application for a permit or certificate is submitted to the authority having jurisdiction on the form provided for this purpose by the Town, is signed by the owner or his authorized agent, and shall be accompanied by the information and documents required by this by-law.

403 Building Permit Application

The building permit application shall contain:

- a) The payment of the permit cost;
- b) Names and addresses of the applicant, of the owner of the property and the person or the company who shall execute the work;
- c) A cadastral plan of the land and, if need be, a plan showing the servitudes;
- d) A development plan, prepared by a land-surveyor, at scale and showing the location of the existing and proposed building(s), all watercourses, trees to be preserved, the parking space or lot, the percentage of lot occupancy, as well as the septic installation, if required. This plan must also show the actual ground levels of the land around the proposed new building as well as of the street and building elevation relative to the street;
- e) Two (2) copies of the building plans, proposed extensions and major renovations to the appropriate scale and showing:
 - i) Excavation levels compared to the street level as well as the ground floor level and the average ground level on the perimeter of the building;
 - ii) Dimensions of the building and all floor plans, including the basement;
 - iii) Wall and roof cross-sections;
 - iv) Exterior walls and roofing cladding materials;

In the case where a permit is requested for a building as defined in the Public Buildings Safety Act or as defined by the Architects Acts, the plans shall be signed and bear the official seal of an architect and/or engineer or both, when required by law;
- f) A description of the current use and intended use and all works necessitated by such use;
- g) In the case of multifamily dwellings, commercial, industrial and public buildings, a development plan presented on the scale of 1:500 showing the shape and dimension of the proposed parking lot, the number of parking spaces, the entrances and exits, the surface drainage system, the design and location of signs, of street lights, fences, borders and plantations, grass surfaces and pedestrian paths;
- h) The cost of construction or proposed works;
- i) In the case of a new main building, a one thousand dollar (\$1000) deposit which could be used for the preparation of the certificate of location, should one not have been supplied once the work is completed;
- j) If a building permit is required within the agricultural zone for a new construction or the extension of a construction intended for a non-agricultural use or for a breeding establishment, the applicant shall provide:
 - i) The separating distances to be respected. The calculations are carried out with the information relating to the situation prevailing at the time of the permit request;
 - ii) A plan to scale prepared by a land-surveyor, indicating distances between the proposed or extended construction and other agricultural or non agricultural premises (in either case) of the neighbourhood;
 - iii) The floor area of the proposed building (s).
- k) In a case where the application permit is for a waterfront property or one located within the waterfront corridor the applicant shall produce a plan prepared by a land-surveyor, clearly indicating the delimitation of the riverside belt and the limits of the waterfront corridor;



- l) In the case of a construction, the work or works included in a flood plain determined by the flood levels identified in the zoning plan annexed to the Town's Zoning By-Law, a survey plan carried-out by a member in good standing of the Land-Surveyor Order of Quebec indicating:
- i) The limits of the land;
 - ii) The locations and elevations of the geodetic points including those of the location of constructions, works or proposed work;
 - iii) The layout of the limits of the flood plain zone, such as the high risk zone (twenty years flood zone) and the low risk zone (one hundred years flood zone) on the concerned property (ies);
 - iv) The location of buildings and of existing works, including the weeping field and wells, if need be;
 - v) The existing streets and roads.

The surveys shall be carried out on the natural level of the land, without backfill. If the land has been backfilled, the backfill level can be used if it is shown that it has been done before the coming into force of the first municipal by-law banning new constructions and backfilling on this site because of its flooding character.

When there is presence of backfill in the high and low flood zones, prior to authorizing any construction on this backfill, the applicant shall produce documents establishing proof that this backfill was done before the coming into force of the said municipal by-law. (soil study (ex: sampling), photographic proof, hauling invoices, survey certificate, building permit, etc.).

- m) In the case of a construction or works included in a wetland, as shown in the Master Plan as plan 9, a copy of the certificate of authorization obtained from the concerned ministries is necessary, if applicable.
- n) Any other documents establishing the conformity of this use with this by-law.

404 Certificate of Authorization to move a Construction

The request for a certificate of authorization concerning the relocation of a construction shall contain:

- a) The names and addresses of the applicant, the person or the company who shall carry out the works and the owner of the building;
- b) A plan illustrating the new location of the building to be moved;
- c) In the case where a building is to be moved on a public road, a description of the route to be used, a deposit of one thousand dollars (\$1,000) which can compensate, if need be, for damages incurred by the Town because of this move and, if need be, agreements reached with the electricity and telecommunication companies and the Ministry of Transport.

405 Request for a Certificate of Authorization concerning any structures, works and works liable to destroy or alter the shore's vegetation cover, expose the soil or affect the stability of the shore or encroach on the littoral

The request for a certificate of authorization concerning these works shall contain:

- a) The names and addresses of the applicant, of the owner of the land and of the person or company who shall carry out the works;
- b) A plan prepared by a land-surveyor clearly showing the delimitation of the riverside belt and the limits of the waterfront corridor;
- c) A document justifying the work or works foreseen and indicating the restoration measures planned for the site. In the case of soil stabilizing work using vegetation, the applicant shall submit to the Town an assessment report prepared by a biologist or a landscape architect. In the case of soil stabilizing work using riprap, gabions or retaining walls, the applicant shall submit to the Town a report and plans prepared by an engineer.



- d) In the case of a wharf or a marina, a plan to scale showing the dimensions of the structure and the location of the proposed wharf or marina. In the case of a marina, the plan shall illustrate the size and location of the related equipment (parking, harbour, fuelling station, boat storage area, launch ramp and landscaping).

406 Request for a Certificate of Authorization to carry out any work or any works liable to alter the water system, interfere with the free flow of water during flood periods, disturb flora or fauna habitats or threaten the safety of persons or properties

The request for a certificate of authorization relating to these works shall contain:

- a) The names and addresses of the applicant, of the owner of the land and of the person or company who shall carry out the works;
- b) In the case of works liable to alter the water system, interfere with the free flow of water during flood periods or disturb flora or fauna habitats, the applicant shall submit to the Town a report prepared by an engineer or a biologist, depending on circumstances, describing the proposed works along with the expected measures to reduce impacts;
- c) In the case of a construction, the works included in a flood plain determined by the flood levels identified in the zoning plan annexed to the Town's Zoning By-Law, a survey plan carried-out by a member in good standing of the Land-Surveyor Order of Quebec indicating:
- i) The limits of the land;
 - ii) The locations and elevations of geodetic points including those of the location of constructions or proposed works;
 - iii) The layout of the limits of the flood plain zone, such as the high risk zone (twenty (20) years flood zone) and the low risk zone (one-hundred (100) years flood zone) on the concerned property(ies);
 - iv) The location of existing buildings and works, including the weeping field and wells, if need be;;
 - v) The existing streets and roads.

The surveys shall be carried out on the natural level of the land, without backfill. If the land has been backfilled, the backfill level can be used if it is shown that it has been done before the coming into force of the first municipal by-law banning new constructions and backfilling on this site, because of its flooding character.

When there is backfill in the high (twenty (20) years) and low (one hundred (100) years) flood zones, prior to authorizing any construction on this backfill, the applicant shall supply documents establishing proof that this backfill was done before the coming into force of the said municipal by-law. (soil tests (ex: sampling), photographic proof, hauling invoices, survey certificate, building permit, etc.).

407 Request for Certificate of Authorization concerning Signs

The request for a certificate of authorization concerning signs shall contain:

- a) The names and addresses of the applicant, of the person who shall carry out the works and of the owner of the establishment or the building and the latter's agreement in the case where the applicant is not the owner;
- b) The lot number and the civic address of the establishment or building where the works are planned;
- c) A description of the current use of the land, the building and the existing signs;
- d) A plan showing the location of the proposed sign on the building or on the land;
- e) A plan or drawing of the sign indicating its contents, its area, its height, its materials; if it is to be electrified how shall it be set or supported .

408 Request for a Certificate of Authorization concerning the installation, the modification, the relocation or the repair of a septic system installation



The request for a certificate of authorization concerning the installation, the modification, the relocation or the repair of a septic system installation shall contain:

- a) The names and addresses of the applicant, of the person or the company who shall carry out the works and the owner of the establishment or the building and the latter's agreement in the case where the applicant is not the owner;
- b) The cadastral designation of the lot on which the project is to be carried out or, for lack of cadastral designation, the most precise identification of the area where the project is to be carried out;
- c) The number of bedrooms in the isolated dwelling or, in the case of another building, the total daily flow;
- d) A characterization study of the site and of the natural land, conducted by a person who is a member of the appropriate professional order, shall contain:
 - i The topography of the site;
 - ii The disposal site grads;
 - iii The location of all streams and wells;
 - iv The level of soil permeability at the disposal site, specifying the methodology used to establish the soil permeability level;
 - v The level of bedrock, underground water or any layer of permeable soil, low permeability soil or impermeable soil, as the case may be, below the surface of the disposal site;
 - vi A mention of any element that may influence the siting or construction of a disposal system;
- e) A site plan to scale showing:
 - i. The elements identified in the "Reference Point" column of Articles 7.1 and 7.2* on the lot where a waste water discharge, collection or disposal system is foreseen and on the contiguous lots;
 - ii The proposed location for the parts of the waste water discharge, collection or disposal system;
 - iii The installation depth of each component of the disposal system;
 - iv The installation depth of the soil absorption system, the standard sand-filter bed, the absorption field or the polishing leaching field in relation to the level of bedrock, underground water or any layer of impermeable or low permeability soil below the surface of the disposal site.

In the case of a project providing for other discharge into the environment, the information and plan shall describe the receiving area, by indicating:

- a) In the case of discharge into a watercourse, the water flow and the effluent dilution rate in the watercourse in low-water periods, the hydrographical network to which the watercourse belongs, the location of the discharge site and effluent sampling site;
- b) In the case of discharge into a ditch, the plan shall show the hydrographical network to which the ditch belongs and the location of the discharge site and the effluent sampling site.

If the system is to serve a building other than an isolated dwelling, the information and documents referred to in this article shall be prepared and signed by an engineer who is a member of the *Ordre des ingénieurs du Québec*. The information and documents shall be accompanied by the engineer's certification that the system complies with this by-law and that it shall be capable of disposing of the waste water considering its characteristics.

Subparagraph 4 of the first paragraph does not apply to the installations in Sections XII, XIII and XIV*

409 Request for a Certificate of Authorization concerning the installation of a Swimming Pool

The request of a certificate of authorization concerning the installation of a swimming pool shall contain:

* Regulation respecting waste water disposal systems for isolated dwellings (R.S.Q., 1981, c.Q-2,r.8)
**Administrative codification : only the original by-laws have a legal value*



- a) The names and addresses of the applicant, of the owner of the building and of the person or company who shall carry out the works;
- b) A cadastral plan of the lot;
- c) A plan to scale showing the proposed swimming pool location and its accessories (filter, slide, springboard, platform, etc), the location of the existing or proposed buildings, the location of the existing or proposed fence as well as details regarding height, materials and structure of this fence and the location of the electrical wires on the property as well as the location of the septic system, if need be

410 Request for a Certificate of Authorization for a Groundwater Catchment Installation

The request for a certificate of authorization for the installation of a surface well, of spring water catchment or drive point, shall be accompanied by identification from the excavation and landscaping contractor who shall carry out the works. This contractor shall have a licence issued by the *Régie du bâtiment du Québec* and a certificate in water catchment installations .

Any request for a certificate of authorization for a groundwater catchment installation shall contain the following information:

- a) The names and addresses of the applicant and of the person or company who shall carry out the work;
- b) A plan showing the location of the work;
- c) Capacity of the work and the number of people served.

Upon completion of the work, the contractor shall provide the Town with a certificate of conformity with regard to the provisions of the "Groundwater Catchment Regulation" which concern the one who does the installation.

411 Request for a Certificate of Authorization for the additional use of a Dwelling Unit

The request for a certificate of authorization for the additional use of a dwelling unit shall contain:

- a) The names and addresses of the applicant and the owner of the building;
- b) A cadastral plan of the lot;
- c) A description of the actual and proposed use of the building and the land;
- d) In the case of a bed & breakfast and a residence for autonomous seniors, a plan to scale of the facilities on each floor level and a description of the proposed security measures for the building.
- e) In a case of a bi-generational dwelling, a plan to scale showing the modifications to be done to the house for this apartment and a confirmation of the family relationship.

412 Request for a Certificate of Authorization for a change of use of a Building or Part of a Building

The request concerning a certificate of authorization for the change of use of a building or part of a building shall contain:

- a) The names and addresses of the applicant and the owner of the building;
- b) A cadastral plan of the lot;
- c) A description of the current and proposed uses of the building and land.

413 Request for a Certificate of Authorization for the stabilization works on an Embankment with a slope of 20% and more for public security purposes only



The request for a certificate of authorization for the stabilization work on an embankment with a slope of 20% and more, for public security purposes only, shall contain:

- a) The names and addresses of the applicant and the owner of the building;
- b) A cadastral plan of the lot;
- c) A plan indicating the contour lines of the lot with minimum intervals of one (1) meter, the wooded areas indicating the type and approximate size of the trees, the existing buildings and streets;
- d) A document justifying the stabilization works for public security purposes;
- e) The plans and specifications of the stabilization works prepared by an engineer specializing in soil mechanics. In addition, a letter from the latter must be supplied indicating that a site visit will be done during the work period and that there will be a letter of acceptance of the works once they have been completed.

414 Request for a Certificate of Authorization for Excavation/Backfilling Works

- a) The names and addresses of the applicant and the owner of the building;
- b) A cadastral plan of the lot;
- c) A plan indicating the projected excavation/backfilling work area along with the actual and projected levels of this area;
- d) A document justifying this work.

SECTION C - CONDITIONS FOR THE ISSUANCE OF PERMITS AND CERTIFICATES

415 Conditions for the issuance of a Building Permit

A building permit cannot be issued unless the following conditions are respected

- a) The proposed construction shall comply with the requirements of this by-law and the other Town Planning By-Laws;
- b) The request is accompanied by all the plans and documents required by this by-law;
- c) The fee required by this by-law has been paid;
- d) The land on which the proposed construction shall be built, including its accessory buildings, shall form one or more distinct lots on the official cadastre plans except in the case of buildings built in accordance with article 40 of the "Act respecting the preservation of agricultural land and agricultural activities";
- e) The land on which the construction is proposed shall be adjacent to either an existing public street, or a public street where the regulation governing the installation of municipal services or street foundation is in force, or to a private street existing on December 1st, 1990;
- f) The Town's, the water service and/or sewer services having received an authorization or a permit issued under the "Environment Quality Act" shall be established on the street bordering the proposed construction or the by-law decreeing their installation shall be in force; if these services are installed by a private developer, an agreement protocol with the Town for this purpose shall be in force; in this last case, the permits shall be issued in conformity with the agreement protocol.

In the case where the water system and/or sewer services have not been established on the street bordering the proposed construction or the regulation decreeing their installation is not in force, the drinking water supply and waste water disposal for the proposed construction shall be in conformity with the "Environment quality Act" and the by-laws enacted under its authority.



Constructions for agricultural purposes on cultivated land are exempt from the application of Sub Paragraphs D, E and F of this article. However, a dwelling unit located in an agricultural zone is not exempt from the obligations of Sub Paragraphs E and F.

Despite the provisions of this article, the servicing of the new construction by at least one service is required within the urban perimeter defined in the zoning plan annexed to this by-law except along existing non-serviced streets or streets already subdivided on October 25, 2004.

- g) In the case of a permit being requested for a commercial building, the submitted plans shall be in conformity with the requirements of the Town's Fire Prevention Division;
- h) In the case of contaminated land, the applicant shall provide a certificate of authorization from the « *Ministère du Développement durable, de l'Environnement et des Parcs* ».
- i) All new constructions, residential and commercial, must be sited on the land by a land-surveyor. In the case of an addition to a residential or commercial construction, if we consider building less than 30 centimetres from the setback stipulated in the by-law, it will be necessary to have the building sited by a land surveyor.

416 Conditions for the issuance of a Certificate of Authorization

A certificate of authorization is issued if:

- a) The object of the request is in conformity with the provisions of this by-law and other Town Planning By-Laws;
- b) The request is accompanied by all plans and documents required by this by-law;
- c) The required fee for this by-law has been paid;
- d) In the case of a residence for autonomous seniors and of a Bed and Breakfast , it is mandatory to provide a proof of liability insurance of two million (\$2 000 000) dollars.



SECTION D - TIME LIMIT FOR THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF AUTHORIZATION

417 Conformity of the Request

When the object of the request is in conformity with the provisions of this by-law and other Town Planning By-Laws, the permit or certificate is issued within sixty (60) business days of the date of reception of the request, including all plans and documents required by this by-law.

418 Pending Request

If the request, or the plans and documents which accompany it, are incomplete or inaccurate, the study of the request is suspended until these revised plans and documents are provided by the applicant and then the request is known to have been received on the date the said revised documents were received.

419 Non-Conformity of the Request

When the object of the request is not in conformity with the provisions of this by-law and other Town Planning By-Laws, the authority having jurisdiction notifies the applicant in writing within thirty (30) business days of the date of reception of the request.

SECTION E - VALIDITY OF PERMITS AND CERTIFICATES AND COMPLETION OF WORKS

420 Building Permits and Certificates of Authorization

A building permit or certificate of authorization becomes null if:

- a) Work is not started within six (6) months of the permit or certificate issuance date;
- b) The work is stopped for a six (6) month consecutive period;
- c) Exterior work is not completed within one (1) year following the issuance of the permit or certificate, or within eighteen (18) months in the case of a public building. In the case of a residential construction, a permit can be renewed for a maximum period of one (1) year so that the exterior facing can be completed.
- d) Relocation operations are not carried out within sixty (60) days of the issuance date of the certificate of authorization;
- e) Work is carried out contrary to this by-law and other Town by-laws.

421 Validity of the Certificate of Authorization for an additional use of a dwelling

The certificate of authorization for an additional use of a dwelling unit is valid for a period of one (1) year.

SECTION F - MISCELLANEOUS PROVISIONS

422 Applicant's Responsibilities

When the building permit is issued and when the construction work has begun, the applicant shall:

- a) Advise the authority having jurisdiction of the starting date;
- b) Submit for approval by the authority having jurisdiction any change made to the plans submitted with the request for a building permit and any difference between the said plans and work in progress;
- c) Post a copy of the building permit as well as a copy of the certificate of authorization for the septic system installation on the construction site;
- d) Advise the authority having jurisdiction once the construction work is completed;



- e) Upon completion of a new construction, the applicant shall provide a certificate of location prepared by a land-surveyor, member in good standing of the “Ordre des arpenteurs-géomètres du Québec”, showing that the building conforms to the Town Planning By-law in force, particularly concerning setbacks, the percentage of lot occupancy and the height of the building.
- f) The property must be landscaped within eighteen (18) months from the issuance date of the building permit. The term “landscaped” shall mean the spreading of top soil and seeding or sodding.

Operational



SECTION G - FEES

423 Fees for the Issuance of Permits and certificates

The required fees for permits and certificates are as follows:

a) Subdivision Permit

- Study of the subdivision permit request ➤ \$200.
- Unit fee per lot resulting from a cadastral operation ➤ \$300.

b) Building Permit

- New residential construction (excluding multi-family dwelling)
 - Basic rate: ➤ \$150.
 - Plus following costs as per floor area:
 - Less than 50 m²: ➤ \$150.
 - 50-99 m²: ➤ \$250.
 - 100-149 m²: ➤ \$350.
 - 150-199 m²: ➤ \$450.
 - 200-249 m²: ➤ \$650.
 - 250-299 m²: ➤ \$800.
 - Above 300 m²: ➤ \$1 000.
- New multi-family dwelling construction
 - Basic rate: ➤ \$150.
 - Plus a fee of \$20 per apartment/room unit
 - Plus following costs as per floor area:
 - Less than 50 m²: ➤ \$150.
 - 50-99 m²: ➤ \$300.
 - 100-149 m²: ➤ \$450.
 - 150-199 m²: ➤ \$600.
 - 200-249 m²: ➤ \$900.
 - 250-299 m²: ➤ \$1 200.
 - Above 300 m²: ➤ \$1 500.
- New commercial construction
 - Basic rate: ➤ \$150.
 - Plus following costs as per floor area:
 - Less than 50 m²: ➤ \$150.
 - 50-99 m²: ➤ \$300.
 - 100-149 m²: ➤ \$450.
 - 150-199 m²: ➤ \$600.
 - 200-249 m²: ➤ \$900.
 - 250-299 m²: ➤ \$1 200.
 - Above 300 m²: ➤ \$1 500.
- New agricultural construction ➤ \$100.
- Extension to a residential construction
 - Basic rate: ➤ \$100.
 - Plus following costs as per floor area:
 - Less than 50 m²: ➤ \$100.
 - 50-99 m²: ➤ \$200.
 - 100-149 m²: ➤ \$300.
 - 150-199 m²: ➤ \$400.
 - 200-249 m²: ➤ \$500.
 - 250-299 m²: ➤ \$600.
 - Above 300 m²: ➤ \$700.
- Extension to a commercial construction
 - Basic rate: ➤ \$100.
 - Plus following costs as per floor area:
 - Less than 50 m²: ➤ \$150.

*Administrative codification : only the original by-laws have a legal value



	50-99 m ²>	\$250.
	100-149 m ²>	\$350.
	150-199 m ²>	\$450.
	200-249 m ²>	\$550.
	250-299 m ²>	\$650.
	Above 300 m ²>	\$750.
▪	Extension to an agricultural construction.....>	\$50.
▪	Major renovation work.....>	\$90.
▪	Accessory buildings (garden shed, shed, gazebo, greenhouse).....>	\$30.
▪	Detached garage.....>	\$100.
▪	Renewal of residential construction permits.....>	\$100.
▪	Renewal of commercial construction permits.....>	\$200.
c) <u>Certificate of Authorization</u>		
▪	Relocation	
	>With public services:.....>	\$75.
	Without public services:.....>	\$50.
▪	Demolition	
	- Accessory buildings:	
	>With public services:.....>	\$75.
	Without public services:.....>	\$50.
	- Main building:	
	>\$250 plus a deposit of \$500 for public notices	
▪	Work or works likely to destroy or alter the shore's vegetation cover, expose the soil or affect the stability of the shore or encroach on the littoral>.....>	\$100.
▪	Work or works likely to modify the water system, hinder the free water flow in period of floods, disrupt the fauna and flora habitats or endanger the safety of persons and properties >.....>	\$100.
▪	Signs >.....>	\$50.
▪	Septic installation >.....>	\$50.
▪	In-ground swimming pool >.....>	\$100.
▪	Above ground swimming pool >.....>	\$25.
▪	Groundwater catchment work >.....>	\$50.
▪	Additional use of the dwelling unit >.....>	\$50.except for
	>residences for autonomous seniors.....>	\$250.
	>Beds and Breakfasts:.....>	\$100.
▪	Change of use >.....>	\$50.
▪	Stabilization works (slope of 20% and more)>.....>	\$200.
▪	Excavation/backfilling works >.....>	\$100.
424	Other Fees	
▪	Construction of a parking area >.....>	\$50.
▪	Watermain connection:	
	- For a standard service pipe of 1 inch or less:>.....>	\$800.



- For the connection of a service pipe of 1 inch or more or that this requires the shut-off from the main water pipe: >.....> \$2 500.
- For a service pipe, when difficult ground conditions are encountered and that equipment from a contractor is needed, plus all contractor fees/equipment: >.....> \$800.
- Culvert >.....> \$250.

Operational



425 Fees required for an Amendment

The applicant of an amendment to this by-law and to other Town Planning By-Laws, concerning a building for which he is the owner, shall produce and deposit with his request a non-refundable amount of \$3,000 dollars.

426 Fees for the study of a request subject to the SPAIP By-Law

Rates for the study of a request subject to the 'Site Planning and Architectural Integration Program' (SPAIP) by-law are set as follows:

- Building renovation or extension : >.....> \$75.
- New construction : >.....> \$150.
- Signs : >.....> \$25.
- New construction of an accessory building, detached garage :>.....> \$25.

These amounts are non-refundable.

427 Required Deposits

a) Certificate of Location

For all new main building, a deposit of one thousand (\$1,000) dollars shall be given to the Town by the owner or his representative. The deposit is returned to the owner or his representative within thirty (30) days following the presentation of the certificate of location in conformity with the applicable by-laws clearly showing the site of the building as well as the height of the building.

b) Water Main Connection

For any water main connection, a deposit of five hundred (\$500) dollars shall be given to the Town by the owner or his representative. The deposit is returned to the owner or his representative if there is no damage caused with the water shut off check valve within thirty (30) days following completion of construction and landscaping. All repairs required shall be paid by the owner or his representative by deducting the amount from the deposit.

c) Renewal of a Building Permit for a New Residential Construction

A deposit of two thousand (\$2,000) dollars is required for any permit renewal for the exterior completion of a new residential construction. This work shall be completed within one (1) year of the date of renewal. In the event the work is not completed, the Town shall keep the deposit. However, if the work is completed, the deposit shall be returned to the owner or his representative within thirty (30) days following the final exterior inspection of the said construction

d) Renewal permit for a new commercial construction: \$3000.00

A \$3000.00 deposit is required for all renewal permits for the exterior finish of a new commercial construction. The building permit can be renewed only one time. The work must be completed within a one (1) year period from the date of renewal. In the event that the work is not completed within the year, the Town shall keep the deposit money. However, if the work is completed, the deposit shall be returned to the owner or his representative within thirty (30) days following the final exterior inspection of the said construction.

500 Coming into Force

This by-law shall come into force according to the law.



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