



Bienvenue à
Baie-D'Urfe!

**BY-LAW ON THE
ADMINISTRATION OF URBAN
PLANNING BY-LAWS AND THE
ISSUE OF PERMITS AND
CERTIFICATES**

NO. 1109

PROVINCE OF QUEBEC
TOWN OF BAIE-D'URFÉ

BY-LAW NO. 1109

BY-LAW ON THE ADMINISTRATION
OF URBAN PLANNING BY-LAWS
AND THE ISSUE OF PERMITS AND
CERTIFICATES

NOTICE OF MOTION: MARCH 11 2025
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Amendments to the By-law

By-law Number	Effective Date

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

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CHAPTER 1. : DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

Division 1.1 : Declaratory provisions

1.1.1 : Title of the by-law

This By-Law bears the title *By-Law on the Administration of Urban Planning By-Laws and the Issue of Permits and Certificates* and the number 1109.

1.1.2 : Replacement

This By-Law replaces by-law number 878, entitled "Permits and Certificates By-Law of the Town of Baie-d'Urfé," as modified by all its amendments as well as any other incompatible provision of another by-law in effect.

This replacement does not affect the permits and certificates that were legally issued under the authority of the by-law replaced hereby or the rights acquired before this By-Law came into force.

In any event where a natural or legal person has violated, on the date on which this By-Law comes into force, Permits and Certificates By-Law Number 878, the replacement of said by-law shall not invalidate the situation in which said by-law was violated or confer acquired rights that could be set up against this By-Law.

1.1.3 : Territory and persons subject to this by-law

This By-Law, whose provisions are enforceable upon natural persons and legal persons of public or private law, applies to the entire territory of the Town of Baie-d'Urfé.

1.1.4 : Compliance with other regulations, by-laws or laws

Compliance with this By-Law shall not exempt a person from compliance with any other law or regulation of the provincial or federal government as well as any other applicable municipal by-law.

1.1.5 : Regulatory alignment

This By-Law applies concurrently with the other urban planning by-laws, which, as the case may be, may be used to interpret these Provisions.

1.1.6 : References

All references to another by-law contained in this By-Law are open, such that they include any amendment that may be made to any other by-law referred to herein after the by-law has come into force.

1.1.7 : Adoption in parts

The Municipal Council of the Town of Baie-D'Urfé hereby declares that it adopts this By-Law chapter by chapter, division by division and section by section, paragraph by paragraph, and sub-paragraph by sub-paragraph, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts of this By-Law, unless the meaning and the scope of the By-Law or one of its provisions is altered or modified thereby.

Division 1.2 : Interpretive provisions

1.2.1 : By-law structure

The numbering method used in this By-Law is the following (when the text of a section does not include numbering for a sub-paragraph or a clause, it is a paragraph):

1. Chapter

1.1 Division

1.1.1 Section

Paragraph

1. Sub-paragraph

a) Clause

1.2.2 : Interpretation

When two (2) standards or provisions in this By-law apply to a use, building, landsite or other object governed by this By-Law, the following rules apply:

1. The particular standard or provision shall prevail over the general provision;
2. The more restrictive provision shall prevail.

Unless otherwise indicated by the context, it is agreed that:

1. use of the verb "MUST" or "SHALL" indicates an absolute obligation;
2. use of the verb "MAY" implies an option, except in the expression "MAY NOT," which means "MUST NOT" or "SHALL NOT";
3. the word "WHOEVER" includes any natural or legal person;
4. words importing the male gender shall include the female gender;
5. words importing the singular shall include the plural and vice-versa;
6. the use of verbs in the present tense includes the future.

CHAPTRE 1 :
DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

The table of contents and the titles of the chapters, divisions and sections of this By-Law are given to improve comprehension of the text. In case of contradiction between the text and the title(s) concerned or the table of contents, the text prevails.

The maps, appendices, tables, charts and symbols and any form of expression other than the actual text and content in this By-Law form an integral part hereof for all legal purposes. In case of contradiction between a table, a chart and the text, the data in the table or the chart prevail.

In the event of a discrepancy between the English version and the French version of this By-Law, the French version shall prevail.

The dimensions, areas and other measurements stated in this By-Law are expressed in the international system of units.

1.2.3 : Terminology

ABOVEGROUND SWIMMING POOL

Any swimming pool whose sides are 0.5 m (1.6') or higher above the average grade of the adjacent ground.

ACCESSORY BUILDING

A building that is subordinate to the principal building, from which it may or may not be detached, is located on the same landsite, and is intended exclusively for complementary uses to the principal use; garages, sheds and greenhouses in particular meet this definition.

ACCESSORY CONSTRUCTION

Construction built on the same land as a main building and can only be used as an accessory to the purposes of that main building or the main use exercised on the land.

ACCESSORY USE

A use that is related to the principal use but secondary to it and helps to improve the usefulness, convenience or enjoyment of the principal use.

ANTENNA

Accessory equipment consisting of a system that emits and receives electromagnetic waves.

ATTACHED GARAGE

A private garage that is in contact with the principal building and used to house one or more motor vehicles, but may not be used for any commercial purpose.

AVERAGE GRADE OF THE ADJACENT GROUND

The average finished ground levels measured at intervals of 1 meter (3.3 feet) around the building foundation.

AWNING

A small roof that projects from the wall of a building and may or may not be made from a sturdy material, has no pole or column, and is intended to protect a door, a window or an opening from sunshine or rain, or used as a decoration or support for a sign.

AWNING SIGN

A sign where the writing is glued, painted, engraved or otherwise fixed, incorporated or applied on an awning.

Figure 1 Illustration of an awning sign



BALCONY

A platform that projects from the facade of a building, is enclosed by a guard rail, and is located at floor height in front of one or more bays, including one that provides indoor access.

BANK

An escarpment that is higher than 2 metres and has a slope greater than 25%, resulting from a break in the slope of a landsite. The top of the bank designates the break point. If there is more than one bank, the bank that shall be considered in the determination of the shore of a watercourse is the bank that is farthest from the watercourse, less than 15 metres from the natural high-water mark.

BASEMENT

The part of a building located under the ground floor, whose floor/ceiling height is at least 2.3 m (7.5') and whose floor level shall be located below the ground level and shall not exceed 1.5 meters below the natural ground; a basement shall not be counted as a floor when determining the number of floors of a building.

BAY OR ORIEL WINDOW

A structure that is no more than 5 metres (16.4') high in relation to the lot reference level, has no foundation in the ground, projects outward from an exterior wall of the building over not more than 75% of the width of the interior wall on which it opens out, forms a bay or a recess in a single room, and contains contiguous windows on all sides of the part that projects from the building.

BEARING WALL

A wall designed to transfer vertical loads from high to low.

BILLBOARD

An advertising panel, sign or board installed at a given site and announcing a good, a service or an enterprise sold or offered at another site.

BLOCK

An area of land bounded by streets.

BUFFER ZONE

A space that separates 2 uses or 1 use and a public thoroughfare or a railway and serves the purposes of transition and protection. This zone must have conifer and deciduous trees of 2 metres in height every 2 linear metres in a zigzagging pattern.

BUILDING

CHAPTRE 1 :
DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

A structure, whether erected or not on site, which has a roof supported on walls or columns and is intended to house persons, animals or objects; for the purposes of this By-Law, a mobile home is a building.

BUILDING FOOTPRINT

The maximum exterior area of a building's horizontal projection on the ground, including integrated or attached garages, but excluding detached garages, stairs, balconies, canopies, outdoor terraces and porches.

BUILDING HEIGHT

The height of a building corresponds to the vertical distance between the highest point of the structure, including architectural and technical elements (except for exclusions specified in the by-law), and the most restrictive reference between :

1. The average level of adjacent lot lines ;
2. The street crown adjacent to the lot.

Most restrictive method:

1. Compare the height calculated on the basis of the average level of adjacent lot lines and the height calculated on the basis of the street crown;
2. Use the lower value as the maximum height authorized for the building.

BUSH

A woody plant with stems that generally ramify from the base and may have only one or more defined trunks.

CADASTRAL OPERATION

The registration of a tract of land, an immovable on a cadastral plan, a subdivision, lot numbering, a cancellation, an addition or a replacement of lot numbers, made in accordance with the provisions of the *Civil Code of Quebec*.

CADASTRE

A land ownership registration system designed to designate immovables for the purposes of recording them (a system of publication for immovable real rights and, secondarily, movable real rights and certain personal rights)

CANOPY

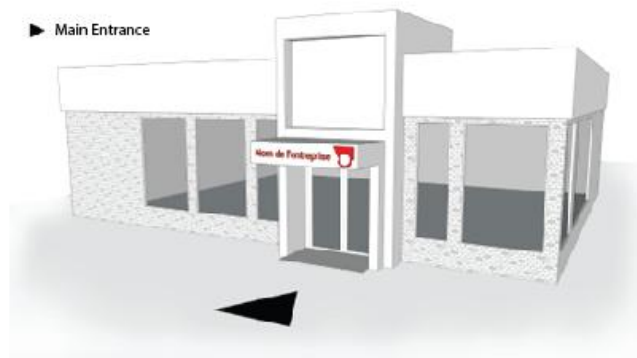
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A roof-type structure that is generally installed as a cantilever on a wall or supported by columns or poles and located in front of the front door of a building in order to protect it from bad weather.

CANOPY SIGN

A sign where the writing is glued, painted, engraved or otherwise fixed, incorporated or applied on a canopy.

Figure 2 Illustration of a canopy sign



CARPORT

A covered structure that is connected to the principal building, used to store or park one or more automobiles and covers at least 40% of the total perimeter, not counting the wall of the principal building.

CERTIFICATE OF LOCATION

A document accompanied by a plan showing the precise location, using elevations and measurements, of one or more structures in relation to the boundaries of the landsite or landsites and in relation to adjacent streets, certified by a land surveyor and describing the servitudes affecting a lot and the exemptions to laws, regulations and by-laws. The plan must also show balconies, cantilevered walls, outdoor stairs, and windows or openings.

WETLAND CHARACTERIZATION STUDY

A study aimed at determining the exact boundaries of a wetland and its protection area, which is carried out by an expert in the field, and which complies with the requirements set out in municipal regulations.

CHIMNEY

A structure made of brick, stone, concrete, metal or another non-combustible material that acts as a casing wall for one or more ducts used to evacuate combustion gases from the building.

COMMERCIAL VEHICLE

A vehicle that is used or intended to be used for commercial or industrial purposes and exhibits graphic designs related to commercial or industrial activity.

COMMON (OR BOUNDARY) DITCH

A long indentation in the ground serving as a dividing line between neighbours, in the meaning of Article 1002 of the *Civil Code of Québec*.

COMMUNITY CENTRE

A building or group of buildings used on a non-profit basis for cultural, social and recreational purposes.

COMPETENT AUTHORITY

Designated municipal officer or any other municipal officer of the Town who administers or applies the urbanism by-laws.

CONSTRUCTION

The methodical assembly of materials including, without limiting the meaning thereof, buildings, public notices, signs, billboards, fuel pump tanks, fences, swimming pools, etc.

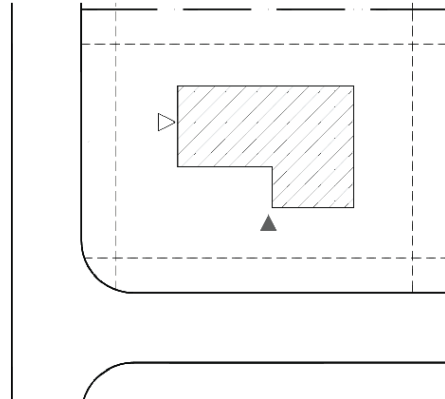
CONTIGUOUS (BUILDING)

A group of three or more principal buildings sited on separate landsites, where each building has at least one side party wall with the adjacent building.

CORNER LANDSITE

A landsite located at the intersection of two streets whose angle of intersection is less than 135 degrees or any landsite sharing a boundary with the street right-of-way that extends on both of its sides and forms an angle of less than 135 degrees.

Figure 3 Illustration of a corner landsite



COUNCIL

Means the Town Council of the Town of Baie-D'Urfé governed by the *Towns and Cities Act*.

CURB CUT

The part of a parking area located in the street right-of-way that allows motor vehicles to access the landsite.

DAY CARE CENTRE

Refers to childcare and day care centres in the meaning of the *Educational Childcare Act*, CQLR, chapter S-4.4.1.1).

D.H.S. (DIAMETER AT STUMP HEIGHT)

The diameter of the trunk of a tree measured at a maximum height of 15 cm from the ground adjacent to the base of the tree.

DESIGNATED MUNICIPAL OFFICER (OR BUILDING INSPECTOR)

An official appointed by the Council of the Town of Baie-D'Urfé to represent it in administering this By-Law, or his authorized representative.

DETACHED (BUILDING)

A detached building that is independent from another building.

DETACHED GARAGE

An accessory building that is detached from the principal building and used to store the passenger vehicles of the principal building occupant.

DETACHED SIGN

A sign erected, installed or placed on a landsite that is independent from any building, including signs on poles, pedestals, columns, low walls and any other similar type of sign.

DIRECTIONAL SIGN

A sign indicating a direction that should be followed to reach a destination, which is identified implicitly or explicitly.

DRAINAGE DITCH

A long indentation in the ground created by human intervention and used for the sole purposes of draining to and irrigating from a drainage basin with a surface area of less than 100 hectares.

DRIVEWAY

The part of the parking area that is not a curb cut, parking space or maneuvering area

DWELLING

Housing unit that is occupied by one or more people as a single household, which can be accessed from the outside directly or by passing through an entryway but without having to cross all or part of a different dwelling, and includes a bathroom and facilities for preparing meals, eating and sleeping.

EARTHWORK

All work aimed at modifying the natural or developed topography of a site, for the purpose of construction, landscaping, technical installations, or any other use.

Earthworks include, in particular:

1. Grading,
2. Backfilling (adding materials),
3. Cutting (removing soil),

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4. Excavation (digging trenches or pits).

Small-scale earthworks (and not subject to the rules for regulated backfill) are considered to be any work:

1. With a height or depth of less than 30 centimeters, and
2. Covering an area of less than 50 square meters.

Any earthworks exceeding these thresholds, or located in a sensitive area (riparian strip, steep slope, unstable soil, etc.), may be subject to authorization under the articles on backfilling, cutting, or work in special environments.

EAVE

The part of a roof that projects beyond the face of the wall.

ELEVATOR FOR DISABLED PERSONS

An enclosed vertical space containing a mobile platform or compartment and used to transport disabled persons to various floors or levels in a building according to Canadian Standards Association (CSA) standards.

ENCLOSURE (POOL)

A fence, railing, decorative low wall, retaining wall or portion of wall on a building that prevents access to a pool.

EXCAVATION

The action of removing, stripping, or excavating part of the soil from a site, temporarily or permanently, by removing earthy or granular materials such as soil, sand, silt, clay, rock, or any similar material.

Any soil removal is considered regulated backfill:

1. With a depth exceeding 30 centimeters and;
2. Covering an area greater than 50 m²

Regulated backfill excludes:

1. Linear technical trenches required for the installation of public services or underground cabling;
2. Local excavations for planting, piling, or light equipment;

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3. Work authorized under a construction or development permit or certificate of authorization (e.g., foundation, pit, swimming pool)

EXPANSION

An operation aimed at increasing the volume of an existing structure or the ground area of a structure.

FENCE

A structure intended to separate a property or part of a property from another property or other parts of the same property and prohibit access to it. Unless it is used temporarily to secure premises, a snow fence is not considered a fence.

FILL

The addition of granular or earthy materials (such as soil, sand, gravel, or any other similar material) intended to raise the natural ground level on a site, whether locally or generally.

Regulated fill is considered any addition:

1. Having a height exceeding 30 centimeters (0.3 meters) above the initial ground level, and
2. Covering an area greater than 50 square meters (50 m²).

The following are not considered regulated fill:

1. Small-scale landscaping work (e.g., flowerbeds, decorative mounds, planting areas).

FIRST FLOOR

The floor located immediately above the ground floor.

FLAT ROOF

A roof with a slope of 2% or less or slopes for drainage located under the highest part of any exterior wall.

FLOODPLAIN

The space occupied by Lake Saint-Louis during flood periods; the floodplain corresponds to the geographic extent of the flooded areas, i.e. the 20-year floodplain

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is delineated by the contour line at 22.75 m above sea level and the 100-year floodplain is delineated by the contour line at 23.20 m above sea level.

FLOOR AREA

Area measured from the outside face of exterior walls or the centerline of party walls, including mezzanines, partial floors and common areas. Excludes:

- 1) Double-height voids;
- 2) Technical rooms (mechanical, elevator shafts);
- 3) Unheated spaces;
- 4) Indoor parking lots;
- 5) In residential buildings, garages, carports, basements, and verandas are also excluded.

FLOOR

The part of a building found between the upper surface of the flooring below and the lower surface of the flooring immediately above or, where there is none, the ceiling above.

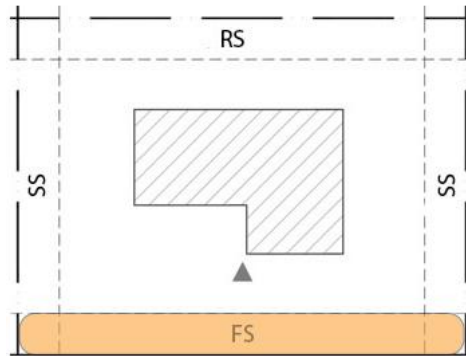
FLOW

The volume of runoff that flows for a unit of time expressed in litres per second (l/s).

FRONT SETBACK

The space between the front line or lines of the landsite and a parallel line to said front line, located inside the landsite, at a distance established by this By-Law and from which a principal building may be erected.

Figure 4 Illustration of a front setback



GABION

A wire mesh structure filled with rocks and used as a retaining wall or a sound abatement wall in certain situations.

GALLERY

A stoop covered by a roof and accessible from the outside.

GAS STATION

An establishment whose sole purpose is to sell fuel and, secondarily, other products required to operate motor vehicles.

GAZEBO

An accessory structure generally made of wood with walls that are often fitted with screens or transparent panels (glass or mica, for example) and used as a place where users can relax while being shielded from bad weather and mosquitos.

GREENHOUSE

A structure made of glass or translucent or transparent plastic material in which plants are grown under shelter in controlled conditions that promote their growth.

GREEN ROOF (VEGETATED ROOF)

A building covering consisting of a multilayered system minimally comprising a waterproof membrane, a drainage layer, an appropriate growing medium (substrate), and permanently installed living vegetation. This type of roofing must meet specific technical criteria regarding structural capacity of the building, minimum substrate depth, authorized plant species, and minimum vegetative coverage area, in order to

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contribute to sustainable stormwater management, mitigation of urban heat islands, improvement of air quality, and the ecological and landscape integration of the built environment.

GROUND FLOOR

The floor located at least 30 cm (1.0') above the average grade of the adjacent ground.

HEDGE

A hedge is considered to be any continuous, generally linear, line of trees, shrubs, or other woody plants, rooted in the ground, planted closely together, and maintained collectively to form a plant screen and used, but not limited to:

- Delineating a property;
- Partially or completely concealing a view or a development.

A hedge may be trimmed or left free, within the limits set out in municipal regulations, but retains its status as long as it is maintained in a linear form and at a continuous density.

Any tree constituting a hedge remains subject to the provisions applicable to trees, particularly those relating to felling, once it reaches the dimensions set out in the regulations.

HIGH-VELOCITY ZONE

The part of a floodplain that may be flooded during a 20-year flood event, i.e. along Lake Saint-Louis, any part of a landsite located at an elevation below 22.75 metres above sea level.

HOUSEHOLD

A single person or a group of people forming a couple or a family or living together and occupying a dwelling or a room.

HOUSING

A building or part of a building intended to house human beings and including one or more dwellings.

HIGH-WATER MARK

The high-water mark refers to the line that marks the limit of the littoral zone and the shoreline or riverbank. The high-water mark corresponds to the natural high-water mark determined according to one of the following criteria in order of priority:

1. the point where predominantly terrestrial plants succeed predominantly aquatic plants, or where there are no aquatic plants, the point closest to the water where the terrestrial plants no longer grow;
2. where a water retention structure exists, the maximum operating water level of the hydraulic structure for the upstream portion of the body of water;
3. where there is a legally erected retaining wall, the top of the structure;
4. along Lake Saint-Louis, the 2-year flood limit, i.e. 21.99 m above sea level, which is considered equivalent to the mark established according to the botanical criteria defined in paragraph a).

IMMOVABLE

Any landsite or building and anything considered as such in the *Civil Code of Quebec*.

IMPERMEABLE MATERIAL

Any material that does not allow water to pass through it at a rate that is at least equivalent to the adsorption rate of an unsaturated grass surface, which includes roofs, asphalt or concrete pavement, natural or manufactured pavement, stone or concrete block structures and patio blocks. A surface formed of compacted stone dust, clay or earth that prevents water from passing through it is considered impermeable. Due to its ability to act as a retention pool, the water surface of an outdoor swimming pool is not considered an impermeable surface.

IMPERVIOUS SURFACE

Any material that does not allow water to pass through at a rate equivalent to that of unsaturated turf, including roofing, asphalt or concrete paving, natural or manufactured pavers, stone or concrete blocks, compacted stone dust, clay or packed earth.

Because of its ability to act as a retention basin, the water surface of an outdoor pool is not considered impermeable.

INGROUND SWIMMING POOL

Any swimming pool that is not an aboveground swimming pool.

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LAKESHORE AND RIVERBANK

A strip of land bordering a lake or watercourse and extending inland from the high-water mark; the width of the shore or bank to be protected is measured horizontally; the lakeshore or riverbank is at least 10 metres wide where the slope is less than 30% or where the slope is greater than 30% with a bank less than 5 metres high; the lakeshore or riverbank is at least 15 metres wide where the slope is continuous and greater than 30% or where the slope is greater than 30% with a bank over 5 metres high.

LANDSCAPING

Land development for ornamental purposes, which mainly consists in covering and planting surfaces with plants and may also include pools, banks, architectural landscaping objects, sculptures, fences, spaces dedicated to pedestrians or cyclists, etc.

LANDSITE

A lot or a grouping of lots that make up a single unit of land area eligible for a single principal use.

LIFTING PUMP

A pump used to bring the water contained in a retention tank or a holding pond up to the drainage system or a storm water drainage ditch.

LITTORAL ZONE

The part of a lake or watercourse that extends from the high-water mark towards the centre of the body of water.

LOADING AND UNLOADING AREA

A land area adjacent to a delivery bay reserved for temporary parking during vehicle loading and unloading operations.

LOT

Land that is identified and demarcated on a cadastral plan made and filed in accordance with the Civil Code. Where the text lends itself to such extension, the word "lot" shall be interpreted as "landsite."

LOT REFERENCE LEVEL

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The reference elevation used to assess structures, developments or works on a specific landsite. This altitude is determined by taking the average ground height in relation to the neighbouring street.

LOW-VELOCITY ZONE

The part of a floodplain that may be flooded during a 100-year flood event, i.e. along Lake Saint-Louis, any part of a landsite located at an elevation below 23.20 metres above sea level.

LOW WALL

A small wall made of dry rocks, masonry or wood and used for separation purposes.

LUMINOUS FLUX (LUMENS)

The unit of measurement for the luminous flux issued by a light source.

MAINTENANCE

Regular and normal repairs, restorations or consolidations performed to keep any existing part of a structure, development or equipment in good condition.

MECHANICAL EQUIPMENT

Electrical, plumbing, heating or air conditioning fixtures or units and their ducts, pipes and conduits that allow a building and its operations to function, such as a heat pump, an electricity or gas meter, a ventilation duct or an air conditioning unit, excluding an individual portable air conditioning unit. A solar collector is not considered to be mechanical equipment.

MEZZANINE

An intermediate storey between the floor and the ceiling of the space or storey.

MOBILE HOME

A transportable factory-built building designed to be moved on wheels to its intended site and installed on jacks, poles, posts or a permanent foundation.

MOTOR HOME

A motor vehicle that has been permanently converted into a dwelling.

MULTI-FAMILY HOUSING

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A building with 4 or more dwellings where at least 2 of the dwellings are located on top of the others and accessible through one or more shared entrances.

MUNICIPAL WORKS

All works involved in installing a water supply and sewer system, including roadwork, maintenance work, reforestation or shore and watercourse cleaning operations and the installation of municipal or intermunicipal equipment.

OPAQUE FENCE

A non-transparent structure intended to separate a property or part of a property from another property or other parts of the same property, contrary to a transparent or wire fence. It is often used to protect privacy, create a clear visual separation between two properties, or simply to block the view from a given zone.

OUTDOOR STORAGE

A repository for goods, materials, objects, finished or semi-finished products resulting from a manufacturing process or used as an input in such a process, raw materials that may or may not be intended for a manufacturing process or any use whatsoever, as well as the parking or storing of trucks, trailers, buses, tool vehicles, tow trucks, commercial vehicles and other similar vehicles found outside a building.

PARKING

Any area designed or intended for parking vehicles, trailers, motor homes, boats and other objects. In the case of driveways to carports, garages, parking areas or loading and unloading areas whose width exceeds the maximum width authorized for street accesses, the area attributable to the excess width that is closest to the side boundary of the landsite shall be considered to be a parking area. An area that does not provide direct access between the street and a carport, a garage, a parking area or a loading and unloading area shall also be considered to be a parking area.

PARKING AREA

An area covered by a hard surface, such as asphalt or interlocking paving stones, which is dedicated to vehicle parking and includes parking spaces, driveways and circulation aisles.

PARKING SPACE

A unit of space reserved for parking a motor vehicle in accordance with the requirements governing dimensions and layout under the by-laws in force.

PASSENGER VEHICLE

A motor vehicle, other than a motorcycle, a moped and a minibus. It must belong to a natural person, accommodate a maximum of 9 passengers, when this vehicle does not require any permit or license from the Commission des transports du Québec, and be used mainly for personal purposes.

PATH

Land for use by pedestrians, bicycles and all other motorized equipment in accordance with the by-laws and regulations in force.

PATIO

An open-air structure arranged on the ground at a maximum height of 20 cm from the natural ground.

PERMEABLE SURFACE

A surface covered with materials such as plants, mulch, gravel or other similar materials that allows water to seep into the soil. A paving system that allows water to infiltrate in the spaces between pavers may be considered permeable, subject to the availability of the product's technical specifications.

PORCH

A covered entrance to a building with at least one side open.

PORTABLE SWIMMING POOL

Swimming pool with flexible, inflatable or non-inflatable walls that can be temporarily installed.

PORTICO

A colonnade or covered passage to a building entrance.

PRINCIPAL BUILDING

Master building erected on a lot where the main authorized use is carried out. The integrated garage (i.e., included within the volume of the principal building) or attached (i.e., physically connected to the principal building) is considered an integral part of the principal building.

PRINCIPAL FACADE

CHAPTRE 1 :
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The front wall of a principal building. In the case of a building with more than one facade facing a street, the principal facade is the facade where the main access to said building is architecturally located. In the case of a building with more than one facade facing a street and whose main entrance does not face the street, the principal facade is the front wall that is parallel to the street used for its civic address.

PRINCIPAL USE

The primary purpose for which a building, a structure, a landsite or part thereof is used or intended to be used.

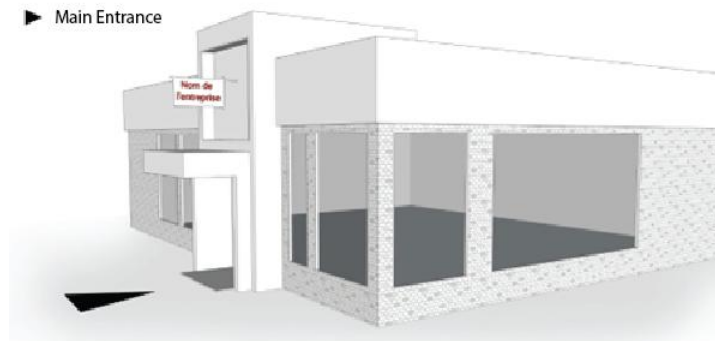
PROFESSIONAL

A member of one of the professional orders recognized and listed in Schedule 1 of the *Professional Code of Quebec*.

PROJECTING SIGN

A sign that is affixed, supported or in contact with a building or a component thereof and that is not a wall sign, an awning sign, a window sign or a canopy sign.

Figure 5 Illustration of a projecting sign



PROJECTION

The part of a building that exceeds the alignment of one of its walls (stoop, cornice, balcony, portico, drum, porch, canopy, awning, sign, outdoor stairs, chimney, bay window, cantilever, etc.)

PUBLIC INFRASTRUCTURE

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In narrow terms, water main and sewer networks, drinking water supply and wastewater purification terminals, electricity, gas and gasoline transmission networks, communication networks with the exception of transmission and reception towers and antennas, railway lines, ferry landings, bridges, communal wells that catch underground water, aboveground structures that catch surface water, flood protection structures.

PUBLIC PARKING

A parking area developed by a public authority on a landsite that it fully owns or rents to use.

PUBLIC THOROUGHFARE

A landsite that belongs to the federal, provincial or municipal government and is intended for motor vehicle traffic.

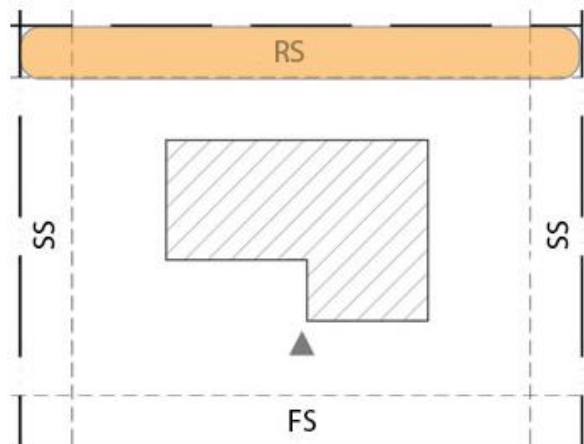
PUBLIC UTILITY SERVICE

Includes the drinking water supply network, sewer systems and local electrical distribution, natural gas distribution, lighting, telephone, cable distribution or other networks.

REAR SETBACK

The space between the rear line or lines of the landsite and a parallel line to said rear line, located inside the landsite, at a distance established by this By-Law and from which a principal building may be erected.

Figure 6 Illustration of a rear setback



CHAPTRE 1 :
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RECREATIONAL, SPORTS OR ENTERTAINMENT EQUIPMENT

An accessory structure or equipment dedicated to the practice of sports, recreational or entertainment activities.

RESTAURANT

An establishment where meals are served for a charge. The term “restaurant” does not include an establishment that sells beer on tap, wine or light cider for consumption on site, but where no meals are consumed.

RESTORATION

A set of actions that aim to restore a place or one of its components to a previous state of integrity in order to further reveal its heritage values. For a natural environment, it is an operation aimed at restoring to its original state a terrestrial or aquatic ecosystem altered or destroyed generally by human action.

RETAINING WALL

A wall, partition or other structure that supports, retains or rests on a soil pile; it refers to any vertical structure or structure that forms an angle of less than 45 degrees with the vertical, is not buried, is subject to a lateral thrust from the soil, and causes a difference in level to be created or maintained between adjacent grade levels on both sides of said wall.

RETENTION BASIN

An open-air basin or underground reservoir able to temporarily hold water from floods or rainfall.

RIGHT-OF-WAY (of a thoroughfare)

An area of land that is, or is intended to be, except in the case of a private street, the property of the Town or another public body and intended for the passage of a street or another thoroughfare; also means the boundaries or the perimeter of that land.

RIPARIAN CORRIDOR

A riparian corridor is a strip of land bordering a lake or watercourse and extending inland from the high-water mark. The width of the corridor is measured horizontally. The width of the corridor is 300 m along the shore of lakes and 100 m along the shore of watercourses with a regular flow.

RIPARIAN BUFFER STRIP

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A strip of a minimum width of 10 to 15 metres located between an aquatic environment and a terrestrial environment.

SANITATION CUTTING

Sanitation cutting consists in the cutting or harvesting of deficient, defective, dying, damaged or dead trees in a stand.

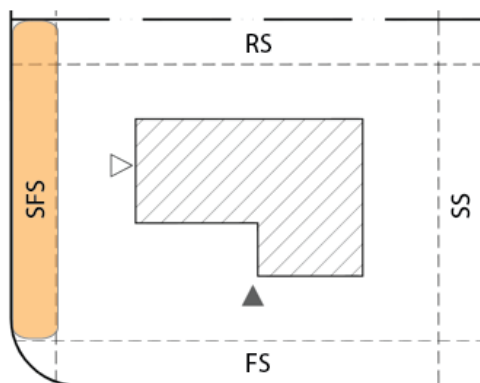
SECOND FLOOR

Floor located immediately over the first floor.

SECONDARY FRONT SETBACK

The space between the front line(s) and a line parallel to it, located on a corner lot; said front yard is located between the street and the secondary facade of the building.

Figure 7 Illustration of a secondary front setback



SEMI-DETACHED (BUILDING)

Two buildings located on separate landsites and joined by a party wall.

SERVITUDE

A real right under which all or part of a landsite held by a natural or legal person is subject to a particular use or may be used by another person.

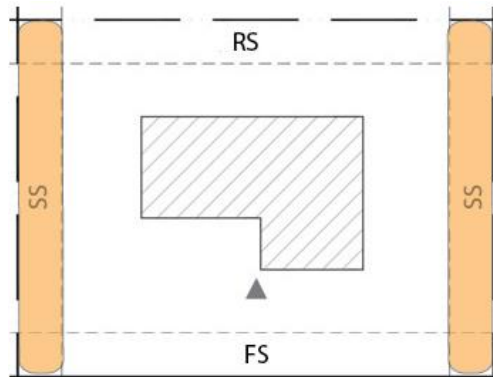
SHED

An accessory structure that is related to the principal use in that it is used to store items for everyday or occasional use or swimming pool or recreational accessories and may contain plumbing equipment.

SIDE SETBACK

The space between the side line or lines and a parallel line to said side line, located inside the landsite, at a distance established by this By-Law and from which a principal building may be erected.

Figure 8 Illustration of side setbacks



SIGN

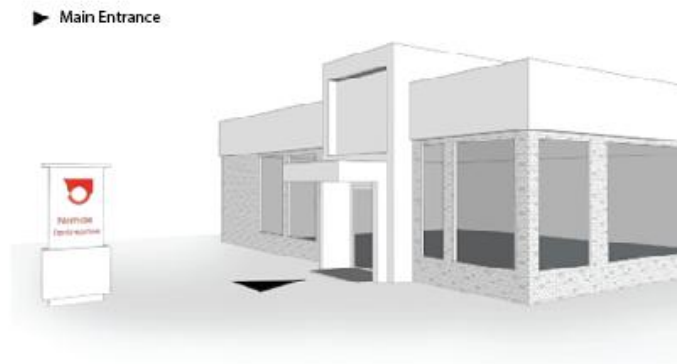
Any writing, pictorial representation, emblem, flag or other figure or light with similar features that is:

1. a structure, part of a structure or attached thereto, or painted onto a structure, or represented in any way whatsoever on an edifice or an independent support;
2. used to warn, inform, announce, advertise, publicize, highlight, draw attention;
3. specifically intended to draw attention to the exterior of an edifice.

SIGN MOUNTED ON A PEDESTAL

A sign whose base is formed by a massive pedestal.

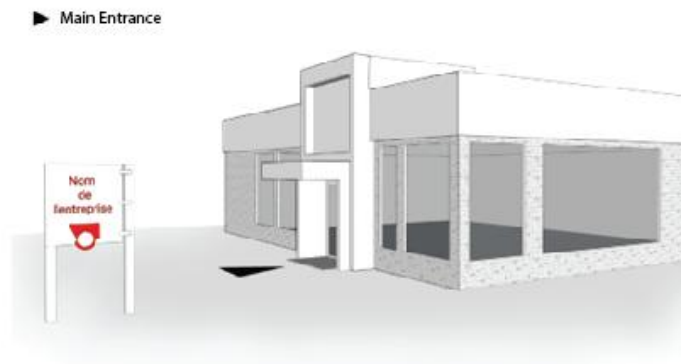
Figure 9 Illustration of a sign mounted on a pedestal



SIGN MOUNTED ON A POST

A sign that is attached, suspended or otherwise fixed or supported by one or more posts fastened to the ground.

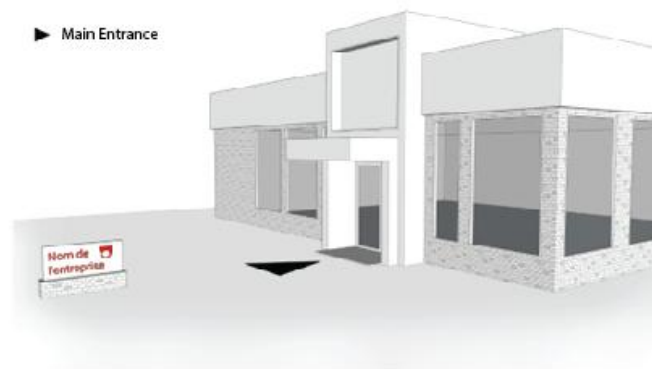
Figure 10 Illustration of a sign mounted on a post



SIGN ON A LOW WALL

A sign in an enclosure or formed by characters affixed flat against or above a wall not attached to a building.

Figure 11 Illustration of a sign on a low wall



SINGLE-FAMILY HOUSING

A building with only one dwelling.

SITE COVERAGE AREA (BUILDING)

The maximum external area of a building's horizontal projection on the ground, excluding garages, stairs, balconies, canopies, outdoor terraces and stoops.

SITE COVERAGE RATIO

The ratio of the site coverage area to the land area.

SITE PLAN

A plan showing the proposed location of one or more buildings in relation to the boundaries of the landsite or landsites and the adjacent streets.

SIGHT TRIANGLE

A sight triangle is the triangular space found on the corner of a property where two streets intersect. This is a zone that must be kept open so that automobile drivers, cyclists and pedestrians have a clear field of vision that ensures the safety of all.

SOLARIUM

A room not more than 5 metres (16.4') high from the lot reference level, built as a structure that is attached or incorporated into a house, including at least two exterior walls, with transparent windows covering at least 60% of the area of the exterior walls.

STOOP

An outdoor platform that is adjacent to the building and has stairs leading to the ground.

STREET

A street or open road under a by-law, resolution or minutes of the Town, a road maintained by the Ministère des Transports under the *Act respecting Roads* (Revised Statutes, 1964, ch. 133) or by the Quebec Autoroute Authority, provided shore residents have a right to access said road.

STRUCTURE

Refers to the arrangement of objects or materials that are combined with each other for use in support of any construction and require some location on the ground or are attached to an object whose exterior requires such a location.

SWIMMING POOL

Any outdoor artificial pool, including wading pools, swimming pools, whirlpools, spas, or fountains, having a water depth of 60 centimeters (24 inches) or more at any point, and capable of being used for bathing, swimming, or any other aquatic activity.

TEMPORARY BUILDING

A building erected for a special purpose and for a limited period of time.

TEMPORARY CARPORT

A shelter that can be dismantled, is installed for a limited period of time set by by-law, and is used to provide shelter for one or more passenger vehicles during the winter.

TEMPORARY USE

An authorized use for a limited period of time established by by-law.

THOROUGHFARE

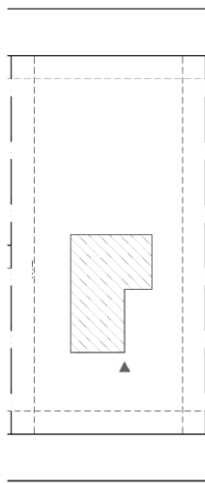
CHAPTRE 1 :
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Any site or structure designated for vehicle or pedestrian traffic, especially a road, street or alley, a sidewalk, footpath, public square or public parking area.

THROUGH LANDSITE

An interior landsite with boundaries that face two (2) streets or street segments.

Figure 12 Illustration of a through landsite



TOTAL FLOOR AREA (TFA)

The quotient obtained by dividing the site coverage area, which is calculated at the limits of the foundations of all principal buildings erected on the same landsite, by the area of that landsite.

TOTAL SIGN AREA

Refers to the total area of any sign visible from outside of an establishment

TOWN

Town of Baie-D'Urfé.

TRAILER

Non-autonomous vehicle with or without wheels that is used seasonally, or is intended for such use, as a place where people can stay, eat or sleep, is built to be attached to a motor vehicle or pushed or pulled by such a motor vehicle, and is used exclusively for recreational purposes or as a construction site shelter.

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TREES

Large woody plant with a single trunk that branches only at a certain height above ground level and a diameter at breast height (DBH) of at least 10 cm, measured at 1.3 meters above ground level or whose diameter at stump height (D.H.S.) is at least 15 cm at a maximum of 15 cm from the ground.

TREE FELLING

Tree felling includes any action resulting in the cutting, toppling, or compromising of the health or survival of a tree, including but not limited to:

1. removing more than 50% of live or growing branches;
2. cutting or uprooting more than 40% of the root system;
3. covering the root system with 20 cm or more of fill material;
4. applying toxic substances to the soil, bark, or near the roots;
5. creating continuous incisions around the bark, cambium, or wood (girdling).

These actions are deemed equivalent to tree felling and are subject to the same prohibitions, permits, and penalties as direct cutting.

URBAN PLANNING ADVISORY COMMITTEE

The Urban Planning Advisory Committee of the Town of Baie-D'Urfé. Formed by a group of persons appointed by the Council, this committee studies and makes recommendations with respect to urban planning by-laws.

URBAN PLANNING BY-LAW

A by-law contemplated in Chapter IV of Title I of the *Act respecting Land Use Planning and Development* (R.S.Q., c. A-19.1).

USE

The purpose for which a building, a structure, a sign, premises, a lot or one of their parts is used, occupied or intended or treated for use or occupation, and by extension, the said building, structure, premises, lot or part of lot.

VACANT LANDSITE

A landsite that does not have any identifiable use or structure.

VERANDA

A gallery or open balcony that is not heated or air-conditioned and is enclosed by walls or a glass surface.

WAREHOUSE SALE

A sale of excess, outmoded or discontinued items from existing product ranges that occurs at most twice per year inside a building on the same landsite, solely on weekends and for a maximum of three (3) hours per sale.

WATERCOURSE

Any mass of water running along a bed in a regular or intermittent flow, including a bed established or modified by human intervention, with the exception of a ditch along a public or private thoroughfare, a common ditch or a drainage ditch. This definition includes the bodies of water located on the periphery of the territory of the Montreal Urban Agglomeration, such as the Saint Lawrence River, including Lake Saint-Louis, the Rivière des Prairies and Deux Montagnes Lake, as well as the streams.

WETLAND

An ecosystem whose soil is saturated with water or flooded for a period long enough to influence the nature of the soil and the composition of the vegetation. These environments are characterized in particular by hydromorphic soils or vegetation dominated by hygrophilous species. These are marshes, swamps, ponds and peat bogs.

WETLAND AND WATER ENVIRONMENTS

Places of natural or anthropogenic origin that are distinguished by the permanent or temporary presence of water, which can be diffuse, occupy a bed or saturate the ground and whose state is stagnant or moving. When water is moving, it can flow with a regular or intermittent flow. A wetland is also characterized by hydromorphic soils or vegetation dominated by hygrophilous species. Wetland and water environments include:

1. A lake, a watercourse;
2. The banks and shoreline of a lake or watercourse as defined by government regulation;
3. Flood zones of a lake or watercourse and mobility zones of a watercourse established in accordance with Section V.1 of Chapter IV of Title I of the Environment Quality Act (RLRQ, chapter Q-2) and whose boundaries are

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published by the government or, where such boundaries have not been established, as defined by government regulation;

4. A pond, a marsh, a swamp and a peat bog.

Ditches on public or private roads, shared ditches and drainage ditches, as defined in paragraphs 2 to 4 of the first paragraph of section 103 of the Municipal Powers Act (RLRQ, chapter C-47.1), do not constitute wetlands and bodies of water.

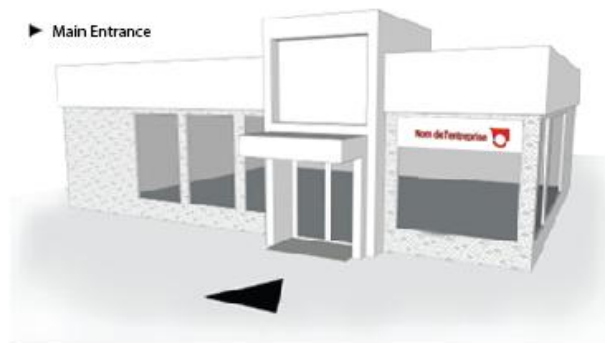
WETLAND PROTECTION AREA

A strip of land 30 metres wide that borders a wetland of interest to be protected or restored identified in the *zoning plan*.

WINDOW SIGN

A sign with writing that is glued, painted, engraved or otherwise fixed, incorporated or applied on the window of a door, a window or a window display on a wall facing outside.

Figure 13 Illustration of a window sign



YARD

A space on a landsite where a principal building is found, but which is not occupied by that principal building.

Division 1.3 : Administrative provisions

1.3.1 : Administration and application of the by-law

This By-Law shall be applied by the competent authority.

The duties and powers of the competent authority are defined in Chapter 2 of this By-Law.

1.3.2 : Landsite and structure visits

The competent authority is authorized to visit and examine, between 7 a.m. and 7 p.m., any movable or immovable property, as well as the interior and exterior of any home, building or edifice, to note whether the by-laws which he has been mandated to apply are being observed there, verify any information or note any aspect necessary to carry out his duties. The owner or occupant of said homes, buildings and edifices shall allow the competent authority to enter them.

The competent authority is authorized to be accompanied during the visit by anyone liable to help him perform his functions.

1.3.3 : Activities covered

Any application for a building permit, a subdivision permit, a certificate of authorization or a certificate of occupancy shall comply with the provisions of this By-Law.

1.3.4 : Offences and penalties

Anyone who violates the provisions of this By-Law, other than the provisions respecting tree felling, commits an offence.

An offence against this By-Law shall render the offender liable to the following fines (in all cases, the costs of the proceedings shall be in addition):

Table 1 Offenses and penalties for a natural and legal person

	Natural person		Legal person	
	Minimum	Maximum	Minimum	Maximum
First fine	\$500	\$1,000	\$1,000	\$2,000
Repeat offence	\$1,000	\$2,000	\$2,000	\$4,000

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The deadlines for paying the fines and fees charged under this By-Law, and the consequences for failing to pay the said fines and fees by the prescribed deadlines shall be established in accordance with the *Code of Penal Procedure of Quebec* (R.S.Q., c. C-25.1).

If an offence lasts longer than a day, the offence committed on each of the days shall constitute a separate offence and the penalties issued for each offence may be imposed for each day that the offence endures, in accordance with this Section.

1.3.5 : Offences and penalties for felling trees

Anyone who violates the provisions of this By-Law with respect to tree felling commits an offence.

An offence against this By-Law in connection with tree felling renders the offender liable for a minimum fine of \$500 in addition to (in all cases, the costs of the proceedings are in addition):

1. in the case of a felling on an area smaller than 1 hectare, a minimum fine of \$100 and a maximum of \$200 per illegally felled tree, up to \$5,000;
2. in the case of a felling in an area of 1 or more hectares, a minimum fine in the amount of \$5,000 and a maximum fine in the amount of \$15,000 per hectare deforested, in addition to, for each fraction of hectare deforested, an amount determined in accordance with the previous subparagraph;

The amounts stipulated in the previous subparagraphs are doubled in the case of a repeat offence.

The deadlines for paying the fines and fees charged under this By-Law, and the consequences for failing to pay the said fines and fees by the prescribed deadlines shall be established in accordance with the *Code of Penal Procedure of Quebec* (R.S.Q., c. C-25.1).

1.3.6 : Offences and fines in connection with water withdrawals and protection

In the event of an offence specified in one or more of the items contemplated in sections 88 and following of the *Water Withdrawal and Protection Regulation* (Q.2, r. 35.2), the offender shall be liable to the fines provided in said Regulation.

1.3.7 : Civil remedies

In addition to penal remedies, the Town may exercise all civil remedies at its disposal before the courts to ensure that the provisions of this By-Law are observed.

CHAPTER 2. : DUTIES AND POWERS OF THE COMPETENT AUTHORITY

Division 2.1 : General provisions

2.1.1 : Competent authority

The Council of the Town of Baie-D'Urfé is represented in the application of this by-law by a municipal official designated as the “competent authority”, whose duties and powers are defined in the following articles. The Council may, by resolution, appoint someone to assist or replace him/her as required.

2.1.2 : Application of by-laws

Without restricting the scope of the powers that may be granted to the competent authority by the Town Council, the competent authority must ensure the application of urban planning by-laws of the Town of Baie-D'Urfé and any other municipal by-law concerning management of the private and public domain.

Division 2.2 : Duties and powers of the competent authority

2.2.1 : Permits and certificates

The competent authority is responsible for issuing permits and certificates.

2.2.2 : Inspection of immovables

The competent authority may, upon presenting identification, visit an immovable at any reasonable hour and enter any building to ensure that the provisions of the by-laws under his administration are observed.

The competent authority may also perform an inspection of existing structures when there is reason to believe that an offence against this By-Law or any other applicable by-law may have been committed.

Furthermore, the competent authority must keep a register of the complaints made, visit reports and all other documents pertaining to complaints and offences against a by-law for which he is designated as the competent authority.

The owner, tenant or occupant of said building must allow the competent authority or his authorized representative to enter and failure to do so shall make him liable to a penalty, sanction and remedy.

2.2.3 : Construction site inspections

The competent authority may, upon presenting identification, visit an immovable at any reasonable hour, enter any building and perform an inspection of work underway to note whether they comply with the by-laws, issued permits or certificates and approved plans and specifications.

Where work must be inspected by the competent authority during the course of the work, the competent authority may require the owner to uncover, at the owner's expense, any undertaking or portion of said undertaking that had been covered before it had been inspected.

Furthermore, the competent authority must keep a register of the complaints made, visit reports and all other documents pertaining to complaints and offences against a by-law for which he is designated as the competent authority.

The owner, his representative or the person in charge of the construction site shall allow the competent authority or his authorized representative to enter and failure to do so shall make him liable to a penalty, sanction and remedy.

2.2.4 : Offence

The competent authority may issue a notice to the owner, tenant and occupant, or to their designated representative, requiring them to correct a situation that constitutes an offence against these by-laws.

The competent authority may issue one or more statements of offence on behalf of the Town for an offence against these by-laws, as provided in the *Code of Penal Procedure* (CQLR, c. C-25.1).

2.2.5 : Record-keeping

The competent authority shall keep a register of the issued or rejected permits and certificates and the grounds for refusing to issue a permit or certificate. He shall keep a copy of all applications received, orders issued, reports, tests and inspections performed and all documents related to the application of this By-Law and other by-laws under his administration.

CHAPTER 3. : GENERAL PROVISIONS RESPECTING PERMITS AND CERTIFICATES

Division 3.1 : General provisions

3.1.1 : Preconditions for permit or certificate applications

The following requirements apply to any permit or certificate application:

1. The forms prescribed by the Town, where applicable, must be used to apply and must be submitted to the competent authority.
2. The application must be accompanied by the plans and documents required by this By-Law;
3. The fees charged for the application have been paid.

The permit or certificate application is considered complete when the conditions stated in this Section have been met.

3.1.2 : Power of attorney

If the person applying for the permit or certificate is not the owner of the building, structure or landsite concerned by the application, said person shall, upon submission of the permit or certificate application, provide a power of attorney signed by the owner, authorizing said person to file an application or proceed with the work or the occupancy that are concerned by the application.

Furthermore, where the application concerns the installation of a sign, the sketch identifying the proposed location of the sign, as well as the plan for the sign must be signed by the land owner or his authorized representative.

3.1.3 : Provisions concerning required plans and documents

Any plan required for the permit or certificate application must be executed according to best practices and show, at a minimum, the title of the plan, the name of the designer, the scale of the plan, the direction north, the date on which the plan was executed, and its modifications, where applicable. The metric system shall be used to indicate measurements on plans.

The competent authority may ask the applicant to provide additional plans and documents to those required in the urban planning by-laws, such as technical reports, tests and trials required to establish the compliance of the permit or certificate application with urban planning by-laws.

3.1.4 : Application for a permit or certificate of authorization subject to the by-law on minor exemptions

When an application for a minor exemption has been filed regarding a provision of the *Zoning By-Law* or the *Subdivision By-Law* and the competent authority is required to issue a subdivision permit, a building permit or a certificate of authorization, the competent authority may not issue the subdivision permit, the building permit or the certificate of authorization until the Council has granted the minor exemption by resolution.

3.1.5 : Application for a permit or certificate of authorization subject to the site planning and architectural integration program by-Law

When the issue of a subdivision permit, a building permit or a certificate of authorization is subject to the *Site Planning and Architectural Integration Program By-Law* and, as a consequence, to the approval of the Town Council, the competent authority may not issue the subdivision permit, the building permit or the certificate of authorization until the Council has approved the Site Planning and Architectural Integration Program by resolution.

3.1.6 : Provisions concerning the fees charged

The fees charged for permit or certificate applications are set in this By-Law.

The payment of the fees charged when applying for a permit or certificate is not reimbursable, even in the event of a refusal to issue the permit or certificate. This provision also applies to the payment of fees for any review or request for modifications, studies or other fees required under the urban planning by-laws.

The rates for reviewing a certificate of authorization, building permit, subdivision permit or certificate of occupancy application are payable when the application is submitted and shall be calculated based on the fees specified in the *By-Law concerning Rates for Activities, Goods and Services of the Town*, where applicable.

3.1.7 : Interruption of an application review

Where information, plans and documents provided by the applicant are inaccurate, erroneous, insufficient or non-compliant, the competent authority notifies the applicant that the review process and the period for the issue or rejection of the permit are interrupted, for a period of 60 days, so that the applicant may provide the exact, corrected, sufficient and compliant information, plans and documents for the review of the application.

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Upon the expiry of this period, if the information, plans and documents have not been submitted, the permit or certificate application is cancelled and a new application shall be submitted to the competent authority.

3.1.8 : Period for issuing permits and certificates of authorization

The period for issuing building permits and certificates of authorization is set at 30 days from the date of receipt of the last document that completes the application. Where an application requires the approval of the Council, the resolution adopted by the Town Council shall be a document required in addition to the application.

If the competent authority refuses to issue a permit or a certificate of authorization, he shall communicate his decision and justification for said decision in writing, within a period of thirty (30) days from the date of receipt of the last document that completes the application.

In the case of a certificate of occupancy, the period for issuing such certificate is set at 15 days from the date of receipt of the last document that completes the application.

If the competent authority refuses to issue a certificate of occupancy, he shall communicate his decision and justification for said decision in writing, within a period of 15 days from the date of receipt of the last document that completes the application.

3.1.9 : Effect of issuing the permit or certificate

When the permit or the certificate is issued, the applicant may perform only those operations that are stated in said documents in accordance with all provisions of the applicable by-laws.

3.1.10 : Display of the permit or certificate

The permit or certificate shall be displayed during the entire period of the work at a location visible from the street, on the landsite or on the building where the work is taking place. In the case of a certificate of occupancy in a commercial or industrial immovable or for working at home in a residential building, said certificate shall be displayed continuously so that it is visible to the public from inside the space for which the certificate has been issued.

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3.1.11 : Work not requiring a permit or a certificate

Unless the work is listed among the types of work governed by the *Site Planning and Architectural Integration Program By-Law* in force within the territory of the Town, it is not required to obtain a certificate of authorization for the following types of work:

1. interior decoration and painting;
2. interior renovation or finishing work in a basement of a single-family dwelling provided that none of this work involves:
 - a) the withdrawal, alteration or construction of a bearing wall or part of a bearing wall;
 - b) the withdrawal or cutting of a joist, a beam or a column;
 - c) the withdrawal, alteration or obstruction of a stairway or an opening;
 - d) the alteration of a building exit or exit access;
3. repair work in a single-family detached dwelling that requires regular maintenance of a structure, provided that the exterior cladding on the walls or the roof remain of the same type (e.g. replacing the asphalt shingles of a roof with new asphalt shingles of a similar colour), the foundations, framework and exterior or interior partitions are not modified and the floor area is not increased;
4. Replacing doors or windows in the same openings, except for heritage buildings;
5. Changing the color of exterior claddings, except for heritage buildings;
6. landscaping work, without foundations and not requiring backfill and excavation;
7. the installation of winter shelters intended to cover, during the authorized period, parking spaces or building entrances, in accordance with the *Zoning By-Law*;
8. replacing and changing an existing toilet;
9. the installation of a snow fence;
10. the installation of removable play equipment (e.g. playset, trampoline, basketball hoop, etc.);

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11. the installation of an outdoor propane or electric fireplace that is independent from the main building;
12. the installation of a propane.

In the event where a permit or a certificate of authorization is not required, the applicable provisions set forth in the urban planning by-laws must nevertheless be respected.

Division 3.2 : Obligations of the applicant

3.2.1 : Obligations of the permit or certificate applicant

The permit or certificate applicant shall:

1. comply with all of the provisions of the Town's urban planning by-laws;
2. allow the competent authority or anyone who accompanies him to visit, examine or inspect the landsite and all structures in accordance with the provisions set forth in the urban planning by-laws;
3. provide the required plans and documents, pay the fees charged and fill out the forms requested by the competent authority;
4. declare all elements: a structure, equipment, undertaking or a specific situation that has an impact on the review of the subdivision permit, building permit or certificate of authorization application.
5. obtain any required permit, certificate or authorization before beginning the work concerned;
6. display any permit and certificate in a place that is visible from the street for the entire duration of the work;
7. carry out the work in accordance with the issued permit and certificate and the by-laws in force, and within the prescribed periods of time;
8. notify the competent authority before making any modification to the authorized work and obtain his authorization before making the modification;
9. cease or refrain from beginning the work when his building permit or certificate of authorization is suspended, voided or cancelled;
10. take all necessary steps to correct a situation that endangers the safety of people;
11. provide the competent authority with any report, test or trial requested for the review of the permit or certificate application.

All technical documents must be signed or sealed by a competent professional responsibility of the applicant. The City reserves the right, at any time, to verify the authenticity of documents transmitted or, at its discretion, require a professional to transmit a document directly to the competent authority.

3.2.2 : Obligation to provide a certificate of location

Where a new building must be built or an existing building must be expanded or moved within 60 centimetres of any minimum setback as prescribed in the *Zoning By-Law*, a certificate of location prepared by a land surveyor showing the exact location of the foundations in relation to the cadastral boundaries of the landsite shall be provided to the competent authority as soon as the foundations are raised, failing which the building permit or, in the case of moving a building, the certificate of authorization, shall become null and void.

CHAPTER 4. : PROVISIONS RESPECTING SUBDIVISION PERMITS

Division 4.1 : General provisions

4.1.1 : Requirement of obtaining a subdivision permit

A subdivision permit is required for any cadastral operation.

After the cadastral renewal, a subdivision permit is also required when more than one lot or part of a lot is consolidated to form a landsite in accordance with the urban planning by-laws (consolidation plan).

Any cadastral operation for which a permit has not been issued in accordance with the provisions of this By-Law shall be null and void and the Town may exercise the legal remedies to which it is entitled to hinder the filing or recording of such an operation or have its filing or recording cancelled or removed.

4.1.2 : Non-conforming cadastral operation

A cadastral operation may not be authorized if it ultimately causes another lot to become non-conforming under the *Subdivision By-Law* or if it ultimately increases the non-conformity of a lot in terms of its dimensions and minimum area.

4.1.3 : Restriction to cadastral operations

A cadastral operation may not be authorized if it produces one of the following effects:

1. It causes another lot or landsite to not comply with the minimum requirements set forth in the subdivision by-law in force;
2. It allows a remainder of a tract of land to not comply with the minimum requirements set forth in the subdivision by-law in force;
3. It exacerbates the non-conformity of a dimension or area of another lot or a landsite;
4. It causes a structure or an undertaking to not comply with the minimum provisions set forth in the zoning by-law in force;

Notwithstanding the first paragraph, a cadastral operation is authorized if it is carried out in accordance with article 3042 of the *Civil Code of Quebec* (R.Q., 1991, c. 64).

Division 4.2 : Submission of a subdivision permit application

4.2.1 : Content of the subdivision permit application

A subdivision permit application shall be accompanied by the following plans and documents (certain plans and documents may not be required to establish the compliance of the proposed activity with the urban planning by-laws):

1. a letter signed by the owner or his authorized representative requesting the approval of the cadastral operation and certifying that all municipal taxes for the immovables included in the plan have been paid. Where a cadastral operation involves the creation of new streets, the owner shall also undertake, through the same letter, to transfer to the Town the site of the proposed thoroughfares;
2. four (4) copies of the proposed cadastral operation plan, executed at a scale of 1: 250 or greater, prepared and signed by a land surveyor, including, but not limited to, the following elements:
 - a) the cadastral identification of the lot contemplated by the cadastral operation as well as its boundaries, dimensions and area;
 - b) the cadastral identification of the neighbouring lots, the name(s) of their owner(s) as well as their boundaries;
 - c) the identification of the angle to the nearest minute of arc at the junction of any two lot boundary lines;
 - d) the identification of the radius and chord line length and the central angle to the nearest minute of arc of any curved line;
 - e) the location of existing or required public infrastructures;
 - f) the location, identification and dimensions of existing, required or proposed pedestrian paths, bicycle paths or other paths, servitudes and rights-of-way;
 - g) the identification and location of the water network, including wetlands, the determination of the high-water mark and the protective strips, as well as the location of a watercourse situated less than 100 metres from

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- any line of the proposed lots, or a lake located less than 300 metres from any line of the proposed lots;
- h) the identification and location of any floodplain including the identification of the low-velocity and high-velocity zones;
 - i) the topographical survey and the slopes expressed through spot elevations at two (2) metre intervals and the average slope, where applicable;
 - j) the characteristics of the parcel of land such as wooded parts, hedges, trees, etc.
 - k) the siting of existing buildings on the lots concerned by the application as well as the elevations of distances between the buildings and the lines separating the lots;
 - l) the route and the right-of-way of streets and existing and proposed vehicle accesses, engineering structures, infrastructures to which they will connect;
 - m) where applicable, the cadastral boundary of proposed parks and green spaces, as well as their area;
 - n) where applicable, the existing or proposed servitudes and rights-of-ways, particularly for the passage of power supply and communications transmission facilities.
3. the right of access issued by the Ministère des Transports du Québec (MTQ) under the *Act respecting Roads* (R.S.Q., chap. V-9) when the cadastral operation concerns a landsite or a street that connects to an MTQ-numbered road;
 4. where applicable, the application is accompanied by a resolution from the Town Council approving the project when the latter is subject to a specific procedure under the *Site Planning and Architectural Integration Program By-Law*;
 5. any other information deemed necessary by the competent authority to review the application.
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PROVISIONS RESPECTING SUBDIVISION PERMITS

4.2.2 : Additional content required for a contaminated landsite

In addition to the plans and documents required in section 4.2.1, the Town shall obtain from the applicant, in the event that the landsite concerned by the subdivision permit application is entered on the list of contaminated lands constituted by the Town of Baie-D'Urfé pursuant to section 31.68 of the *Environment Quality Act* and is the subject of a rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under division IV of chapter IV of title I of said Act or a declaration of compliance in accordance with section 2.4 of the *Land Protection and Rehabilitation Regulation* (chapter Q-2, r. 37):

1. A report signed by a professional within the meaning of section 31.42 of the *Environment Quality Act* establishing that the project for which the permit is requested is compatible with the provisions of the rehabilitation plan or the declaration of compliance.

4.2.3 : Additional content required for a cadastral operation in the case of a subdivision privilege

In addition to the plans and documents required in section 4.2.1, the applicant shall provide a copy of the recorded deed or deeds describing the metes and bounds in order to establish the subdivision privilege when applying for a subdivision permit for that purpose.

4.2.4 : Additional content required for a cadastral operation to create a new public right-of-way in the sector of archeological interest

In addition to the plans and documents required in section 4.2.1, a study of the archeological potential shall be provided in the case of a cadastral operation application to create a new public right-of-way in the sector of archeological interest of the Town of Baie-d'Urfé.

This study shall include the following elements:

1. a summary of existing historical and archeological information;
2. a description and characterization of the archeological potential using a map;
3. a strategy for the operation, where applicable.

Division 4.3 : Conditions for issue

4.3.1 : Conditions for issuing subdivision permits

The competent authority issues the subdivision permit provided the following conditions are met:

1. The application is accompanied by all plans and documents required by this By-Law;
2. The fees for obtaining the permit have been paid;
3. The application complies with the *Subdivision By-Law*;
4. The applicant has agreed in writing to transfer the contribution for parks, playgrounds or natural areas or the amount to be paid to the special fund has been paid.

4.3.2 : Cases of exemption

All cadastral operations shall comply with the minimum standards and provisions of the *Subdivision By-Law*. However, a subdivision permit may not be refused in the cases of exception provided in sections 256.1 to 256.3 and following of the *Act respecting Land Use Planning and Development* (subdivision privileges).

Division 4.4 : Special provisions

4.4.1 : Subdivision permit invalidity

The subdivision permit shall be null and void in one or more of the following cases:

1. The plan relating to the cadastral operation is not filed, in accordance with the law, with the ministry responsible for the cadastre within six (6) months of the date on which the subdivision permit was issued;
2. The plan relating to the cadastral operation filed with the ministry responsible for the cadastre is not consistent with the plan in the subdivision permit application;
3. A modification was made to the plan and application without being approved by the competent authority;
4. The subdivision permit was issued based on false or erroneous information, declarations, plans or documents.

4.4.2 : Effects of issuing a subdivision permit

The issue of a subdivision permit relating to a cadastral operation is not binding upon the Town in any way whatsoever, including, but not limited to the following:

1. The approval or issue does not bind the Town in any whatsoever to issue a building permit or a certificate of authorization for the lot or lots concerned and does not at any time signify the possibility of building;
2. The approval or issue does not bind the Town in any way whatsoever to accept the transfer of the right-of-way of a street intended for public use, decree its opening, bear the costs of construction and maintenance, or assume any civil liability therefor;
3. The approval or issue does not bind the Town in any way whatsoever to install or approve the installation of public water or sewer services by the Town.

CHAPTER 5. : PROVISIONS RESPECTING BUILDING PERMITS

Division 5.1 : General provisions

5.1.1 : Requirement of obtaining a building permit

Throughout the territory, to perform one or more of the following activities on a building, a building permit must be obtained:

1. For a principal building:
 - a) construction;
 - b) expansion;
 - c) lifting (the building) and the work required on the building after it has been lifted;
 - d) interior work affecting the building structure;
 - e) expansion of openings;
 - f) work involving a change in the shape or height of the roof;
 - g) work involving the change or addition of exterior cladding material;
 - h) work that causes a new dwelling to be created;
2. For an accessory building:
 - a) installation, construction or expansion of an accessory building more than 12 m² with a permanent foundation.

Furthermore, any operation subject to the *Site Planning and Architectural Integration Program By-Law* shall be the subject of a building permit, where applicable, notwithstanding any provision to the contrary in this Section.

An exemption from the obligation of obtaining a building permit does not in any way remove the obligation of complying with this By-Law and any other applicable by-law, or the obligation, in cases of doubt, of inquiring with the competent authority.

Division 5.2 : Submission of a building permit application

5.2.1 : Content of the building permit application

A building permit application shall be accompanied by two copies of the following plans and documents (certain plans and documents may not be required to establish the compliance of the proposed operation with the urban planning by-laws):

1. the Town's official permit application form duly completed and signed either by the owner or his authorized representative and the occupant or the applicant, if he is not the owner;
2. the full name and contact information of all professionals and parties involved in the project concerned;
3. the full name and contact information of the contractor, including the contractor's license number issued by the Régie du bâtiment du Québec;
4. the current or proposed use of the building;
5. the building plans drawn to scale and the description of the planned work, including the plans, elevations, cross-sections, profiles (of all floors and facades) and exterior siding materials, where applicable;
6. in the case of a new structure or the expansion of an existing structure, a draft site plan including, but not limited to, the following information:
 - a) the dimension and area of the landsite;
 - b) the location of the street lines, their dimensions and the private or public character;
 - c) the proposed location of structures, buildings or undertakings, including their dimensions, setbacks and any current or proposed element likely to affect construction;
 - d) the location of parking areas (circulation aisles and parking spaces), curb cuts, driveways and loading and unloading areas;

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- e) the location of servitudes, passages, pathways, infrastructure, power transmission lines, sewers and other equipment or infrastructure likely to affect construction;
 - f) the identification and location of the water network, including lakes, watercourses, wetlands, the determination of the high-water mark and protective strips, etc.;
 - g) the location of fences, hedges, walls and retaining walls.
7. the excavation levels and details of backfill and excavation operations;
 8. the estimation of the total cost of the work;
 9. the schedule for carrying out the work (start and end of work);
 10. the right to access issued by the Ministère des Transports du Québec under the *Act respecting Roads* (R.S.Q., chap. V-9) in the case of a project involving the construction of a new principal building located on property that can be accessed directly from a MTQ-numbered road;
 11. where applicable, the application is accompanied by a resolution from the Town Council approving the project when the latter is subject to a specific procedure under the *Site Planning and Architectural Integration Program By-Law*;
 12. any other information deemed necessary by the competent authority to review the application.

Where required under the *Building Act*, R.S.Q., c. B-1.1, the *Architects Act*, R.S.Q., c. A-21, the *Engineers Act*, R.S.Q., c. I-9, or any other law designating a profession to execute plans, the plans and documents must be signed and sealed by said professional.

5.2.2 : Additional content required for a landsite fronting on a road in the major road network

In addition to the plans and documents required in section 5.2.1, an authorization for access to the major road network, as provided in the *Act respecting Roads*, shall be submitted in support of any building permit application involving the development of an access on a road that is part of the major road network.

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5.2.3 : Additional content required for a contaminated landsite

In addition of the plans and documents required in section 5.2.1, the Town shall obtain from the applicant, in the event that the landsite concerned by the building permit application is entered on the list of contaminated lands constituted by the Town of Baie-D'Urfé pursuant to section 31.68 of the *Environment Quality Act* and is the subject of a rehabilitation plan approved by the Minister of Sustainable Development, Environment and Parks under division IV of chapter IV of title I of said Act or a declaration of compliance in accordance with section 2.4 of the *Land Protection and Rehabilitation Regulation* (chapter Q-2, r. 37):

1. A report signed by a professional within the meaning of section 31.42 of the *Environment Quality Act* establishing that the project for which the permit is requested is compatible with the provisions of the rehabilitation plan or the declaration of compliance.

5.2.4 : Additional content required for a permit application concerning a floodplain

In addition to the plans and documents required under section 5.2.1, a plan prepared by a land surveyor shall be submitted when applying for a building permit that concerns a landsite adjacent to Lake Saint-Louis or located, in whole or in part, in a floodplain. The plan in question shall include the following:

1. the boundaries and dimensions of the landsite;
2. the location and elevation of the geodetic points, including those in the location of the proposed structures, undertakings or works;
3. the outline of the floodplain's boundaries, including the high-velocity zone, the low-velocity zone and the two-year (2) boundary of the floodplain;
4. the location of existing buildings and undertakings, including septic facilities and water withdrawal facilities, where applicable;
5. the existing streets and thoroughfares.

5.2.5 : Additional content required for interventions proposing an encroachment or additional encroachment into a wetland of interest to be protected or restored or into its protection area

Except for land located outside a wetland of interest to be protected or restored indicated in Appendix 4 of the zoning regulations, which is legally occupied and developed in its entirety, as well as for accessory constructions and works, any application for a building permit for the construction of a work proposing an encroachment or an additional encroachment in a wetland to be protected or restored

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or in its protection area identified in the zoning plan must be accompanied by a characterization study in accordance with the provisions of this article.

Notwithstanding the preceding paragraph, a characterization study is not required in the case of the reconstruction of a building with the same layout.

The purpose of this study is to know the exact delimitation of a wetland and its protection area in order to determine whether the constructions, uses, works, and where applicable, the activities of excavation, backfilling, moving of humus or non-invasive native plants or cadastral operations are located within this delimitation. If this is the case, the study aims in particular to know the composition of the wetland and its protection area.

The delimitation of a wetland of interest to be protected or restored and a protection area resulting from a characterization study prevails over that of a wetland to be protected or restored and a protection area identified in the zoning plan.

The following provisions apply to the characterization study to be submitted in support of the application:

1. The characterization study must be carried out by an expert in the field according to the rules of the art and be signed by the person(s) who carried out the inventories and field observations;
2. The characterization study must comply with the standards of the Ministère de l'Environnement et de la Lutte contre les changements climatiques, de la Faune et des Parcs (hereinafter: the MELCCFP), contained in the document Identification and delimitation of wetlands in southern Quebec (hereinafter: the "MELCCFP Guide");
3. The inventories must have been carried out during the growing season, i.e. between May 1 (or two weeks after the last spring thaw) and October 15 (or the first fall frost);
4. The validity of these inventories is 5 years;
5. The inventories must cover all wetlands present on the land covered by the applicant's application. When a wetland extends onto adjacent land, it may be necessary to include part of this land in the inventory so that the study can cover a minimum of 10% of the total area of the wetland;
6. Inventories must include, at a minimum, one inventory station per wetland and one inventory station per protection area;
7. For a wetland of more than 3000m², additional inventory stations must be planned. A minimum of one station in a wetland and one station in the protection area must be planned for every 3000m² of additional wetland present on the land in question.

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The mandatory content of the characterization study is as follows:

1. Cartographic data relating to the delimitation of:
 - a) Wetlands to be protected or restored and their protection area identified in the zoning plan;
 - b) Watercourses and other neighboring wetlands identified in the zoning plan;
2. These data must have been validated by the professional responsible for the study using field inventories. If the data collected during the field inventories differ from the reference data, the study must indicate the explanation and justification for these differences;
3. The dates of the field inventories;
4. The mapped location of the inventory stations;
5. The completed "Wetland Identification and Delimitation Form", available in Appendix 5 of the MELCCFP Guide, for each inventory station. Each form must contain information on vegetation, soil and hydrological indicators in accordance with the MELCCFP Guide;
6. The type(s) of wetlands (pond, marsh, swamp or peat bog) and their riparian, isolated or partly riparian or isolated nature. The riparian nature means that the wetland is supplied with water by the watercourse (overflow plain of the watercourse) and is therefore an integral part of it. The isolated nature of a wetland means that it is supplied by precipitation, snowmelt or groundwater. A wetland that is hydroconnected to a watercourse but empties into it is considered isolated;
7. Indication of the formation of a wetland complex, when several wetlands are present;
8. The type(s) of terrestrial environments (forest stand, shrubby wasteland, herbaceous wasteland, anthropogenic elements, etc.) present on the land targeted by the characterization study;
9. At least one photograph representative of the type of environment per inventory station, i.e. at least one photo of the wetland and one photo of the terrestrial environment (protection area);
10. The location and a photograph of each of the drainage channels having at least one of the following characteristics:

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- a) The drainage channel is linked to a wetland located on the land targeted by the characterization study;
 - b) The drainage channel flows through the protection area of a wetland;
11. An implementation plan produced by an expert present at least:
- a) Property boundaries;
 - b) The boundaries noted by the expert in charge of the study relating to the wetland, the protected area, the coastal boundary if applicable, the bank if applicable and the boundaries of the flood plains if applicable;
 - c) The existing location of uses, constructions and lots;
12. A plan presenting at least:
- a) The projected location of uses, constructions, works, excavation, backfilling, movement of humus or non-invasive native plants as well as lots;
 - b) The boundaries of the work zone.

When the mandatory content of the study demonstrates that the uses, constructions, works or activities are located within a wetland of interest to be protected or restored or its protection area, the characterization study must include the following elements:

1. For all homogeneous stands (terrestrial and wetland environments):
 - a) Their surface area;
 - b) The occurrence of dominant, co-dominant and secondary species for each stratum (herbaceous, shrubby and arboreal);
 - c) The absolute and relative percentage of coverage of each floristic species;
 - d) The description of the drainage type and slope;
 - e) The nature of the soil (hydromorphic or not);

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- f) The thickness of peat, if applicable;
 - g) Hydrological indicators;
 - h) The presence of the water table in the first 30 centimetres, if applicable;
2. For homogeneous shrub or arboreal stands (terrestrial and wetland environments, excluding herbaceous stands);
- a) Average height of stands;
 - b) Age of tree stands;
 - c) A description of the successional stage (climax);
 - d) Structure (uneven-aged or even-aged);
 - e) Percentage of canopy cover;
3. For wetlands:
- a) Map data from the zoning plan. It is important to validate the status of all drainage channels present, even if the mapping does not indicate the presence of watercourses;
 - b) The limit of the coastline, the bank and, if applicable, flood zones, when there is a watercourse on the land targeted by the study, as defined in section 4 of the Regulation respecting activities in wetlands, aquatic and sensitive environments (chapter Q-2, r. 0.1). For this purpose, the characterization study must also indicate the section and year of the flood recurrence ratings of the identified flood zones;
4. For cases of loss of natural environment:
- c) The location and surface area of the natural environments preserved or affected by homogeneous population (temporary or permanent encroachment);

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- a) The projected loss of canopy due to the implementation of uses, constructions, works or activities of excavation, backfilling or movement of humus or non-invasive native plants.

Finally, the following additional information must also be provided:

1. Geomatic data in Shapefile (in NAD 83, MTM zone 8) relating to:
 - a) The limits of a wetland, in addition to data relating to adjacent land over a distance of at least 30 meters on either side of the land in question;
 - b) The limits of the protection area of a wetland covered by the characterization study;
 - c) The location of inventory stations.

Division 5.3 : Conditions for issue

5.3.1 : Conditions for issuing building permits

The competent authority issues the building permit provided the following conditions are met:

1. The application is accompanied by all plans and documents required by this By-Law;
2. The fees for obtaining the permit have been paid;
3. The application complies with the *Subdivision By-Law*, the *Zoning By-Law* and the *Building By-Law* in force;
4. The landsite on which each proposed structure shall be erected, including its dependencies, does not form one or more separate lots in the official cadastral plans.

5.3.2 : Additional condition for work subject to the site planning and architectural integration program by-law

In the event where the building permit concerns a project that is subject to the *Site Planning and Architectural Integration Program By-Law* in force, the competent authority issues the building permit provided the application complies with the resolution of the Town Council.

5.3.3 : Additional condition for work subject to the by-law on minor exemptions

In the event where the building permit concerns a project that is subject to the *By-Law on Minor Exemptions* in force, the competent authority issues the building permit provided the application complies with the resolution of the Town Council.

Division 5.4 : Special provisions

5.4.1 : Requirement to obtain the permit before beginning the work

No work may be started before the building permit has been issued.

5.4.2 : Building permit duration

Any building permit issued in accordance with this By-Law is valid for 12 months from the date of issue.

5.4.3 : Building permit invalidity

The building permit shall be null and void in one or more of the following cases:

1. The work has not begun within the first six months after the permit's issue;
2. The work is interrupted for a period of more than six (6) months;
3. The work has not been carried out in accordance with the provisions of the urban planning by-laws and the conditions stated on the building permit;
4. A modification was made to the plan and the permit application without being approved by the competent authority;
5. The building permit was issued based on false or erroneous information, declarations, plans or documents;
6. The work is not finished within the period of time prescribed in section 5.4.2.

5.4.4 : Building permit renewal

A building permit may not be renewed.

If a building permit becomes null and void on one of the grounds stated in this Division, a new application shall be submitted and the fees provided in this By-Law shall be paid again.

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Division 6.1 : General provisions

6.1.1 : Requirement of obtaining a certificate of authorization

Anyone wishing to carry out the following types of work and operations shall obtain a certificate of authorization in advance:

1. felling a tree for which a certificate of authorization is required under the *Zoning By-Law*;
2. moving a principal or accessory building;
3. demolishing an accessory building;
4. installing a temporary building;
5. installing or replacement of a septic system (including an increase in the number of bedrooms or washrooms);
6. installing or altering a sign for which a certificate of authorization is required under the *Zoning By-Law*;
7. installing, building or modifying a pool or a hot tub or a structure providing access to a pool or a hot tub;
8. installing, building or altering a fence or a wall ;
9. Building a retaining wall of 1 meter high or higher;
10. developing or redeveloping a parking lot, a loading and unloading area, a driveway or a curb cut for use groups C, I and P as well as a parking lot with 5 or more spaces for use group H-4;
11. Installing, renovate or repair a floor surface made of impermeable materials that is 50 square metres or larger;
12. performing backfilling or excavation work;
13. excavating the soil, whether or not this is done with the goal of commercializing the earth, sand, gravel, rock or any extraction material;
14. executing all structures, undertakings and works that are liable to destroy or alter the vegetation cover of a lakeshore or riverbank, expose the soil or affect the stability of the lakeshore or riverbank or encroach on the littoral zone ;

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15. Install a container, *pod* or any other temporary construction or installation;
16. Hold a garage sale ;
17. executing all structures, undertakings and works that are liable to alter the water regime, interfere with the free flow of water during flood periods, disturb plant and wildlife habitats or threaten the safety of persons and property.

When the project involves the issue of a building or demolition permit, said building or demolition permit serves as a certificate of authorization.

In the event that a certificate of authorization is not required, the applicable provisions set forth in the urban planning by-laws must nevertheless be respected.

Division 6.2 : Submission of a certificate of authorization application

6.2.1 : Content of the certificate of authorization application

A certificate of authorization application shall be accompanied by the following plans and documents (certain plans and documents may not be required to establish the compliance of the proposed operation with the urban planning by-laws):

1. the Town's official certificate application form duly completed and signed either by the owner or his authorized representative and the occupant or the applicant, if he is not the owner;
2. the identification and dimensions of the lot or lots concerned;
3. the details of the proposed work;
4. the excavation levels and details of backfill and excavation operations, where applicable;
5. the copy of an authorization from the Ministère des Transports when required to develop an access to a provincial road under the responsibility of the MTQ;
6. any other authorization from a ministry, where applicable;
7. the estimation of the total cost of the work;
8. the schedule for carrying out the work (start and end of work);
9. all other information deemed necessary by the competent authority to review the application.

Where required under the *Building Act*, R.S.Q., c. B-1.1, the *Architects Act*, R.S.Q., c. A-21, the *Engineers Act*, R.S.Q., c. I-9, or any other law designating a profession to execute plans, the plans and documents must be signed and sealed by said professional.

6.2.2 : Additional content required for tree felling

In addition to the plans and documents required under article 6.2.1, the following plans and documents must be submitted with an application for a certificate of authorization to fell trees:

1. A plan showing the location of the trees to be felled and the cadastral identification of the property where the work will be carried out;
2. Identification of the dimensions and species of trees to be felled;

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3. A declaration signed by the applicant stating the reasons for the felling;
4. A report prepared by a certified arborist or forestry engineer attesting to the state of health of the trees, the reasons justifying their felling and, where applicable, the recommended compensatory measures

The cadastral identification of the land may be provided in the form of a cadastral identification number. It is not required to submit a detailed cadastral plan, unless expressly required by the competent authority in exceptional cases.

6.2.3 : Additional content required to move a building

In addition to the plans and documents required in section 6.2.1, the following plans and documents shall be submitted when applying for a certificate of authorization to move a building:

1. the cadastral identification of the landsite where the current building is located and the landsite where it will be relocated if it remains within the territory of the Town of Baie-D'Urfé;
2. when moving a building within the same landsite, a site plan at a scale of 1:500 or greater and showing, with the dimensions indicated through elevations, the position of the building before and after it is moved, in relation to the cadastral boundaries of the landsite and, where applicable, to other buildings sited on the same landsite;
3. when moving a building to a different landsite within the territory of the Town of Baie-D'Urfé, a site plan at a scale of 1:500 or greater and showing, with the dimensions indicated through elevations, the position of the building on the landsite after it is moved, in relation to the cadastral boundaries of the landsite and, where applicable, to other buildings sited on the same landsite;
4. a copy of the resolution authorizing the siting of the building at its proposed location, if the operation is subject to the approval of the Town Council pursuant to the *Site Planning and Architectural Integration Program By-Law*;
5. the owner shall undertake in writing to take the security measures required to secure the premises with a fence or any other relevant security feature;
6. where the route follows an ministère des Transports du Québec (MTQ) road, a copy of the authorization issued by the MTQ shall be submitted to the Town before moving the building, where applicable.

In addition, any application for a certificate of authorization to move a building, using a public thoroughfare, of a height greater than 3.5 metres and with more than one horizontal dimension greater than 3.25 metres shall be accompanied by the following information:

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1. the date and time when the building will be moved as well as the route that will be taken;
2. the likely duration of the move;
3. the dimensions of the building and its approximate weight;
4. the name of the mover;
5. photographs of the building, the site where it will be relocated and the surrounding area;
6. proof of comprehensive liability insurance in the amount of one million dollars (\$1,000,000).

6.2.4 : Additional content required to demolish a principal building

In addition to the plans and documents required under section 6.2.1, the plans and documents required under section 3.2.1 of the current regulation on the demolition of buildings must be submitted when applying for a certificate of authorization for the demolition of a main building, if applicable.

6.2.5 : Additional content required to demolish an accessory or secondary building

In addition to the plans and documents required in section 6.2.1, the following plans and documents shall be submitted when applying for a certificate of authorization to demolish an accessory or secondary building;

1. a description of the means used to demolish said building;
2. the likely duration of the work;
3. a description of the security measures taken by the applicant during the demolition to limit access to the demolition site;

The municipal by-laws governing the demolition of certain immovables take precedence, where applicable, over these provisions in relation to the procedure for obtaining a certificate of authorization.

6.2.6 : Additional content required for a septic system

In addition to the plans and documents required in section 6.2.1, the following plans and documents must be submitted when applying for a certificate of authorization for a septic system:

1. Plans and specifications prepared and approved by a technologist or engineer who is a member in good standing of the *Ordre des Ingénieurs du Québec*, including:
 - a) A percolation test (methodology and results);
 - b) Soil analysis (type and stratigraphy);
 - c) Water table, bedrock or impermeable soil level;
 - d) Number of existing and/or planned bedrooms;
 - e) A recommendation for the type of installation required;
 - f) Location of proposed sanitary facilities on the lot in relation to property lines, a main building on the lot in question or a neighbouring lot, a groundwater withdrawal facility on the lot in question or a neighbouring lot, a lake or watercourse, a water or drainage pipe and trees, if applicable;
 - g) 20-year and 100-year flood elevations, high-water mark, location of wetlands and limits of immunization embankment where sanitary facilities are located on flood plains;
2. When the application is for a system serving a group of buildings, a copy of the agreement establishing undivided co-ownership of the system and a copy of the entry in the land register of the agreement must be filed;
3. In the case of a project involving another discharge into the environment, the information and plan must identify the receiving environment, indicating:
 - a) Where the discharge is to a watercourse, the flow rate of the watercourse and the dilution rate of the effluent in the watercourse during low-water periods, the hydrographic network to which the watercourse belongs, the location of the discharge point and the effluent sampling point;
 - b) In the case of discharge into a ditch, the plan must indicate the drainage system to which the ditch belongs, the location of the discharge point and the effluent sampling point;
4. In the case of the addition of an extra bedroom in an isolated residence, the change of vocation of a building or site where the total daily flow of domestic,

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household or toilet wastewater is increased, an attestation from a professional as defined in article 1 of the Professional Code.

5. The owner must submit, within 30 days of completion of the work, a certificate of compliance for the work and an as-built plan based on the documents provided, signed and sealed by a technologist or engineer;

6. In addition, when a certificate of authorization must be issued by the *Ministère du Développement durable, de l'environnement et de la Lutte contre les changements climatiques* for the flow, a copy of this certificate must be provided.

6.2.7 : Additional content required for a temporary structure

In addition to the plans and documents required in section 6.2.1, the following plans and documents shall be submitted when applying for a certificate of authorization to install a temporary structure:

1. the type or kind of use to be carried out;
2. a site plan showing:
 - a) the boundaries of the landsite;
 - b) the location of the existing buildings;
 - c) the parking areas;
 - d) the location on the landsite where the proposed temporary use will be carried out or the proposed temporary structure will be installed.
3. the plan showing the location and the details of the sanitary facilities.

6.2.8 : Additional content required to install or alter a sign

In addition to the plans and documents required in section 6.2.1, the following plans and documents shall be submitted when applying for a certificate of authorization to install or alter a public notice, a sign or a billboard:

1. a plan showing the position of the sign on the building or the landsite, including its height from the ground;

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2. a plan of the sign in colour indicating its content, surface area, materials, lighting method, where applicable, and the details of the pedestal, pole or low wall if the sign is detached. In the event that the sign is perpendicular to the facade on which it is installed, the plan shall show how it projects and the manner in which it is attached or supported;
3. a description of the current use of the landsite and building and its existing signs;
4. in the case of a sign on a building, a plan drawn to scale showing the location of the proposed sign and the width of the wall;
5. if the sign is powered by electricity, the manner in which said sign needs to be connected to the power grid;
6. in the case of a sign adjacent to a road that is under provincial jurisdiction, the authorization issued by the Ministère des Transports du Québec;
7. in the event that a sign is to be installed on a landsite that is not owned by the applicant but by a different person, an agreement in writing with the owner of the landsite regarding the location of the sign on his landsite must be provided.

6.2.9 : Additional content required to install or alter of a swimming pool, a hot tub or a facility providing access to a swimming pool

In addition to the plans and documents required in section 6.2.1, the following plans and documents shall be submitted when applying for a certificate of authorization to install or alter a swimming pool or a facility providing access to a pool:

1. the details of the security devices that are required by the *Residential Swimming Pool Safety Regulation* (S-3.1.02, r.1);
2. a general plan drawn to scale of the property and the location of the facilities, including the enclosure restricting access to the swimming pool;
3. a plan illustrating the location and dimensions of the swimming pool or hot tub as well as any proposed accessory structures and equipment connected thereto (fence, porch, terrace, etc.).

During the work, the applicant is responsible for ensuring the safety of the premises and taking, where applicable, temporary measures to control access to the swimming pool.

**6.2.10 : Additional content required to install, construct or alter a fence,
a low wall or a retaining wall**

In addition to the plans and documents required in section 6.2.1, the following plans and documents shall be submitted when applying for a certificate of authorization to install or alter a fence, a low wall or a retaining wall:

1. a general plan drawn to scale of the property showing:
 - a) the dimensions and location of the fence, the low wall or the retaining wall;
 - b) the location of the existing buildings;
 - c) the location of any constraint related to the nature of the landsite (lakes, watercourses, wetlands, flood zones, etc.).
2. a description of the materials used.

**6.2.11 : Additional content required to develop or redevelop a parking
lot, a loading and unloading area, a driveway or a curb cut**

In addition to the plans and documents required in section 6.2.1, the following plans, documents and information shall be submitted when applying for a certificate of authorization to develop or redevelop a parking lot, a loading and unloading area, a driveway or a curb cut:

1. the information required to establish the number of spaces required;
2. the location and number of the proposed parking spaces;
3. a development plan for the parking lot and/or the loading and unloading area showing all of the dimensions required to evaluate the compatibility of the plan with the *Zoning By-Law*;
4. the location of accesses and curbs, where applicable;
5. the location of the surface drainage system, where applicable;
6. a copy of an authorization from the Ministère des Transports du Québec when the application involves connecting an access to a road under its jurisdiction;
7. a servitude ensuring the permanence of the parking spaces when they are shared.

6.2.12 : Additional content required for backfill work

When applying for a certificate of authorization for backfill work, the applicant shall provide, in addition to the plans and documents required in section 6.2.1, the following plan and information:

1. a management plan including:
 - a) the names, address and telephone number of the contractor or contractors selected to deliver and perform the work;
 - b) the current and proposed use of the landsite;
 - c) the reasons justifying the backfill;
 - d) the surface area to be backfilled, as well as the thickness of the proposed backfill, the details of the current and proposed topography of the landsite, the elevation grades for the finished ground level of the streets adjacent to the landsite, as well as the elevation grades of the level proposed for the basement and ground floor of the principal building;
 - e) the backfill materials used and a characterization study of these materials;
 - f) proof of the source of the earth that will be used for the backfill. The competent authority may require a soil contamination test;
 - g) the location of constraints due to the nature of the landsite (lakes, watercourses, wetlands, flood-prone areas, etc.), where applicable;
 - h) in the event that the project concerns more than one (1) landsite, two (2) hard copies of a master excavation and backfill plan prepared by a land surveyor or a recognized professional in this field must be submitted for the entire territory concerned. In addition to the required plans, specifications, documents and information, the plan shall include the following plans, specifications, documents and information: the current and proposed topography of the landsite, the elevation grades for the

finished ground level of the streets adjacent to the landsite, a surface water drainage management plan, the backfill materials used for the backfill and a characterization study of these materials;

- i) where applicable, the security measures that will need to be taken during the work.

6.2.13 : Additional Content Required for Excavation Work

When applying for a certificate of authorization for excavation work, the applicant must provide, in addition to the plans and documents required in Article 6.2.1, the following plan and information:

1. A management plan including:
 - a) The names, addresses, and telephone numbers of the contractor(s) selected for the delivery and execution of the work;
 - b) The current and projected use of the land;
 - c) The reasons for the excavation;
 - d) The area to be cleared, as well as the depth of the projected excavation, as well as details of the current and projected topography of the land, the elevations of the finished grade of the streets adjacent to the land, as well as the elevations of the projected level of the basement and ground floor of the main building;
 - e) Proof of disposal of excavated materials within an authorized site;
 - f) The location of constraints related to the nature of the land (lakes, watercourses, wetlands, floodplains, etc.), if applicable;
 - g) If the project involves more than one (1) site, two (2) paper copies of a master excavation plan, prepared by a land surveyor or a recognized professional in this field, must be submitted for the entire area covered. In addition to the mandatory plans, specifications, documents, and information, the plan must include the following plans, specifications,

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documents, and information: the current and proposed topography of the land, the finished grade elevations of the streets adjacent to the land, and a master surface water drainage plan;

- h) Where applicable, the safety measures that must be taken during the work.

6.2.14 : Additional content required for works and undertakings on a shore, in the littoral zone or in a floodplain

In addition to the plans and documents required under section 6.2.1, a plan prepared by a land surveyor shall be submitted when applying for a certificate of authorization concerning all works and undertakings on a shore, in the littoral zone or in a floodplain. The plan in question shall include the following:

1. the boundaries and dimensions of the landsite;
2. the location and elevation of the geodetic points, including those in the location of the proposed structures, undertakings or works;
3. the outline of the flood-prone area's boundaries, including the high-velocity zone, the low-velocity zone and the two-year (2) boundary of the floodplain;
4. the location of existing buildings and undertakings, including septic facilities and water withdrawal facilities, where applicable;
5. the existing streets and thoroughfares.

6.2.15 : Additional content required for interventions proposing an encroachment or additional encroachment into a wetland of interest to be protected or restored or into its protection area

Except for land located outside a wetland of interest to be protected or restored indicated in Appendix 4 of the zoning regulations, which is legally occupied and developed in its entirety, as well as for accessory constructions and works, any application for a certificate of authorization for the construction of a work proposing an encroachment or an additional encroachment in a wetland to be protected or restored or in its protection area identified in the zoning plan must be accompanied by a characterization study in accordance with the provisions of this article.

The purpose of this study is to know the exact delimitation of a wetland and its protection area in order to determine whether the constructions, uses, works, and where applicable, the activities of excavation, backfilling, moving humus or non-invasive native plants or cadastral operations are located within this delimitation. If

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this is the case, the study aims in particular to know the composition of the wetland and its protection area.

The delimitation of a wetland of interest to be protected or restored and of a protection area resulting from a characterization study takes precedence over that of a wetland to be protected or restored and of a protection area identified in the zoning plan.

The following provisions apply to the characterization study to be submitted in support of the application:

1. The characterization study must be carried out by an expert in the field according to the rules of the art and be signed by the person(s) who carried out the inventories and field observations;
2. The characterization study must comply with the standards of the Ministère de l'Environnement et de la Lutte contre les changements climatiques, de la Faune et des Parcs (hereinafter: the MELCCFP), contained in the document Identification and delimitation of wetlands in southern Quebec (hereinafter: the "MELCCFP Guide");
3. The inventories must have been carried out during the growing season, i.e. between May 1 (or two weeks after the last spring thaw) and October 15 (or the first fall frost);
4. The validity of these inventories is 5 years;
5. The inventories must cover all wetlands present on the land covered by the applicant's application. When a wetland extends onto adjacent land, it may be necessary to include part of this land in the inventory so that the study can cover a minimum of 10% of the total area of the wetland;
6. Inventories must include, at a minimum, one inventory station per wetland and one inventory station per protection area;
7. For a wetland of more than 3000m², additional inventory stations must be planned. A minimum of one station in a wetland and one station in the protection area must be planned for every 3000m² of additional wetland present on the land in question.

The mandatory content of the characterization study is as follows:

1. Cartographic data relating to the delimitation of:
 - a) Wetlands to be protected or restored and their protection area identified in the zoning plan;

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- b) Watercourses and other neighboring wetlands identified in the zoning plan;
2. These data must have been validated by the professional responsible for the study using field inventories. If the data collected during the field inventories differ from the reference data, the study must indicate the explanation and justification for these differences;
3. The dates of the field inventories;
4. The mapped location of the inventory stations;
5. The completed "Wetland Identification and Delimitation Form", available in Appendix 5 of the MELCCFP Guide, for each inventory station. Each form must contain information on vegetation, soil and hydrological indicators in accordance with the MELCCFP Guide;
6. The type(s) of wetlands (pond, marsh, swamp or peat bog) and their riparian, isolated or partly riparian or isolated nature. The riparian nature means that the wetland is supplied with water by the watercourse (overflow plain of the watercourse) and is therefore an integral part of it. The isolated nature of a wetland means that it is supplied by precipitation, snowmelt or groundwater. A wetland that is hydroconnected to a watercourse but empties into it is considered isolated;
7. Indication of the formation of a wetland complex, when several wetlands are present;
8. The type(s) of terrestrial environments (forest stand, shrubby wasteland, herbaceous wasteland, anthropogenic elements, etc.) present on the land targeted by the characterization study;
9. At least one photograph representative of the type of environment per inventory station, i.e. at least one photo of the wetland and one photo of the terrestrial environment (protection area);
10. The location and a photograph of each of the drainage channels having at least one of the following characteristics:
 - a) The drainage channel is linked to a wetland located on the land targeted by the characterization study;
 - b) The drainage channel flows through the protection area of a wetland;
11. An implementation plan produced by an expert present at least:
 - a) Property boundaries;

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- b) The boundaries noted by the expert in charge of the study relating to the wetland, the protected area, the coastal boundary if applicable, the bank if applicable and the boundaries of the flood plains if applicable;
- c) The existing location of uses, constructions and lots;

12. A plan presenting at least:

- a) The projected location of uses, constructions, works, excavation, backfilling, movement of humus or non-invasive native plants as well as lots;
- b) The boundaries of the work zone.

When the mandatory content of the study demonstrates that the uses, constructions, works or activities are located within a wetland of interest to be protected or restored or its protection area, the characterization study must include the following elements:

1. For all homogeneous stands (terrestrial and wetland environments):
 - a) Their surface area;
 - b) The occurrence of dominant, co-dominant and secondary species for each stratum (herbaceous, shrubby and arboreal);
 - c) The absolute and relative percentage of coverage of each floristic species;
 - d) The description of the drainage type and slope;
 - e) The nature of the soil (hydromorphic or not);
 - f) The thickness of peat, if applicable;
 - g) Hydrological indicators;
 - h) The presence of the water table in the first 30 centimetres, if applicable;
2. For homogeneous shrub or arboreal stands (terrestrial and wetland environments, excluding herbaceous stands);

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- a) Average height of stands;
 - b) Age of tree stands;
 - c) A description of the successional stage (climax);
 - d) Structure (uneven-aged or even-aged);
 - e) Percentage of canopy cover;
3. For wetlands:
- a) Map data from the zoning plan. It is important to validate the status of all drainage channels present, even if the mapping does not indicate the presence of watercourses;
 - b) The limit of the coastline, the bank and, if applicable, flood zones, when there is a watercourse on the land targeted by the study, as defined in section 4 of the Regulation respecting activities in wetlands, aquatic and sensitive environments (chapter Q-2, r. 0.1). For this purpose, the characterization study must also indicate the section and year of the flood recurrence ratings of the identified flood zones;
4. For cases of loss of natural environment:
- c) The location and surface area of the natural environments preserved or affected by homogeneous population (temporary or permanent encroachment);
 - d) The projected loss of canopy due to the implementation of uses, constructions, works or activities of excavation, backfilling or movement of humus or non-invasive native plants.

Finally, the following additional information must also be provided:

- 1. Geomatic data in Shapefile (in NAD 83, MTM zone 8) relating to:
 - a) The limits of a wetland, in addition to data relating to adjacent land over a distance of at least 30 meters on either side of the land in question;

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- b) The limits of the protection area of a wetland covered by the characterization study;
- c) The location of inventory stations.

Division 6.3 : Conditions for issue

6.3.1 : Conditions for issuing the certificate of authorization

The competent authority issues the certificate of authorization provided the following conditions are met:

1. The application complies with the *Zoning By-Law* and the *Building By-Law*;
2. The application is accompanied by a resolution from the Town Council approving the project when the project is subject to a specific procedure under divisions VI to XI of the *Act respecting Land Use Planning and Development*, R.S.Q., c. A-19.1, where applicable.
3. The application is complete and the fees charged have been paid.

In the case of a demolition, the competent authority shall, at least 90 days before issuing a certificate of authorization to demolish an immovable built before 1940, give notice to the Minister of Culture and Communications of his intention, along with any information or document required by the Minister, until all of the following conditions are satisfied:

1. A by-law in accordance with the provisions of chapter V.0.1 of title I of the *Act respecting Land Use Planning and Development* (CQLR, c. A-19.1) is in force within the territory of the Town;
2. The inventory specified in the first paragraph of section 120 of the *Cultural Heritage Act* (CQLR, c. P-9.002) has been adopted with respect to the territory of the Town by the Montreal Urban Agglomeration.

6.3.2 : Issue of the certificate of authorization to demolish for a demolition application subject to the demolition by-law

In the event that the application is subject to the demolition by-law in force, if the Demolition Committee authorizes the demolition, the competent authority issues the certificate of authorization to demolish on behalf of the Demolition Committee. The certificate shall stipulate the conditions, where appropriate, which are binding upon the applicant.

A certificate of authorization to demolish may not be issued by the competent authority before the 30-day period specified in the *Demolition By-Law* has expired or, if a review is carried out pursuant to this Section, before the Council has rendered a decision authorizing the demolition.

Where section 4.2.6 of the *Demolition By-Law* applies, a certificate of authorization to demolish may not be issued before the earliest of the following dates:

1. the date on which the Montreal Urban Agglomeration notifies the Town that it does not intend to avail itself of the right of disallowance provided in said section;
2. the expiry of the 90-day period provided in said section.

6.3.3 : Additional condition for work subject to the site planning and architectural integration program by-law

In the event that the certificate of authorization concerns a project that is subject to the *Site Planning and Architectural Integration Program By-Law* in force, the competent authority issues the certificate of authorization provided the application complies with the resolution of the Town Council.

6.3.4 : Additional condition for work subject to the by-law on minor exemptions

In the event that the certificate of authorization concerns a project that is subject to the *By-Law on Minor Exemptions* in force, the competent authority issues the certificate of authorization provided the application complies with the resolution of the Town Council.

Division 6.4 : Special provisions

6.4.1 : Certificate of authorization duration

Any certificate of authorization issued in accordance with this By-Law is valid for 12 months from the date of issue.

Notwithstanding the first paragraph, any certificate of authorization issued for a temporary PODS type container is valid for a maximum period of one (1) month.

6.4.2 : Certificate of authorization invalidity

The certificate of authorization shall be null and void in one or more of the following cases:

1. The work has not begun in the first six (6) months after the certificate's issue;
2. The work is interrupted for a period of more than six (6) months;
3. The work has not been carried out in accordance with the provisions of the urban planning by-laws and the conditions stated on the building permit;
4. A modification was made to the plan and the permit application without being approved by the competent authority;
5. The building permit was issued based on false or erroneous information, declarations, plans or documents;
6. The work is not finished within the period of time prescribed in section 6.4.1.

CHAPTER 7. : PROVISIONS RESPECTING CERTIFICATES OF OCCUPANCY

Division 7.1 : General provisions

7.1.1 : Requirement of obtaining a certificate of occupancy

The applicant who wishes to introduce or change a principal use on a lot or in a principal building in the groups other than H shall first obtain from the competent authority a certificate of occupancy certifying the compliance of the use with all provisions of the urban planning by-laws.

Such certification does not in any way remove the obligation of obtaining a subdivision permit, a building permit or a certificate of authorization, as required in this By-Law.

Division 7.2 : Submission of a certificate of occupancy application

7.2.1 : Content of the certificate of occupancy application

A certificate of occupancy application may be submitted only when the construction, moving or alteration work is finished.

A certificate of occupancy application must be accompanied by the following plans and documents:

1. name, address and telephone number of the owner or, where applicable, his authorized representative (full contact information);
2. a description of the current use of the immovable or part of the immovable as well as a description of the occupancy concerned by the application;
3. the mailing address or the cadastral number of the immovable concerned;
4. the date on which the occupancy will begin;
5. a development plan for the space or spaces, illustrating the existing and proposed use, as well as the (current and proposed) occupied areas;
6. a plan illustrating the existing and proposed parking areas, as well as the (current and proposed) occupied areas;
7. a copy of any authorization or permit required to carry out the use under a provincial or federal law or regulation, where applicable;
8. all other information deemed necessary by the competent authority to review the compliance of the application.

If the work is required to carry out the use, a permit or certificate application shall be submitted by the applicant and the work shall be completed prior to the issue of the certificate of occupancy.

7.2.2 : Additional content required for a certificate of occupancy for a tourist establishment

In addition to the plans and documents required in the section 7.2.1, a certificate of occupancy application seeking to authorize a use within a tourist establishment shall be accompanied by any authorization in writing, annual or permanent permit or certificate required and issued by a competent authority (e.g. Tourisme Québec).

7.2.3 : Additional content required for a certificate of occupancy for a use proposing an encroachment or additional encroachment into a wetland of interest to be protected or restored or in its protection area

Except for land located outside a wetland of interest to be protected or restored indicated in Appendix 4 of the zoning regulations, which is legally occupied and developed in its entirety, as well as for accessory constructions and works, any application for a certificate of occupancy for the exercise of a use proposing an encroachment or an additional encroachment in a wetland to be protected or restored or in its protection area identified in the zoning plan must be accompanied by a characterization study in accordance with the provisions of this article.

The purpose of this study is to know the exact delimitation of a wetland and its protection area in order to determine whether the constructions, uses, works, and, where applicable, the activities of excavation, backfilling, moving humus or non-invasive native plants or cadastral operations are located within this delimitation. If this is the case, the study aims in particular to know the composition of the wetland and its protection area.

The delimitation of a wetland of interest to be protected or restored and of a protection area resulting from a characterization study takes precedence over that of a wetland to be protected or restored and of a protection area identified in the zoning plan.

The following provisions apply to the characterization study to be submitted in support of the application:

1. The characterization study must be carried out by an expert in the field according to the rules of the art and be signed by the person(s) who carried out the inventories and field observations;
2. The characterization study must comply with the standards of the Ministère de l'Environnement et de la Lutte contre les changements climatiques, de la Faune et des Parcs (hereinafter: the MELCCFP), contained in the document Identification and delimitation of wetlands in southern Quebec (hereinafter: the "MELCCFP Guide");
3. The inventories must have been carried out during the growing season, i.e. between May 1 (or two weeks after the last spring thaw) and October 15 (or the first fall frost);
4. The validity of these inventories is 5 years;
5. The inventories must cover all wetlands present on the land covered by the applicant's application. When a wetland extends onto adjacent land, it may be necessary to include part of this land in the inventory so that the study can cover a minimum of 10% of the total area of the wetland;

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PROVISIONS RESPECTING CERTIFICATES OF OCCUPANCY

6. Inventories must include, at a minimum, one inventory station per wetland and one inventory station per protection area;
7. For a wetland of more than 3000m², additional inventory stations must be planned. A minimum of one station in a wetland and one station in the protection area must be planned for every 3000m² of additional wetland present on the land in question.

The mandatory content of the characterization study is as follows:

1. Cartographic data relating to the delimitation of:
 - a) Wetlands to be protected or restored and their protection area identified in the zoning plan;
 - b) Watercourses and other neighboring wetlands identified in the zoning plan;
2. These data must have been validated by the professional responsible for the study using field inventories. If the data collected during the field inventories differ from the reference data, the study must indicate the explanation and justification for these differences;
3. The dates of the field inventories;
4. The mapped location of the inventory stations;
5. The completed "Wetland Identification and Delimitation Form", available in Appendix 5 of the MELCCFP Guide, for each inventory station. Each form must contain information on vegetation, soil and hydrological indicators in accordance with the MELCCFP Guide;
6. The type(s) of wetlands (pond, marsh, swamp or peat bog) and their riparian, isolated or partly riparian or isolated nature. The riparian nature means that the wetland is supplied with water by the watercourse (overflow plain of the watercourse) and is therefore an integral part of it. The isolated nature of a wetland means that it is supplied by precipitation, snowmelt or groundwater. A wetland that is hydroconnected to a watercourse but empties into it is considered isolated;
7. Indication of the formation of a wetland complex, when several wetlands are present;
8. The type(s) of terrestrial environments (forest stand, shrubby wasteland, herbaceous wasteland, anthropogenic elements, etc.) present on the land targeted by the characterization study;

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9. At least one photograph representative of the type of environment per inventory station, i.e. at least one photo of the wetland and one photo of the terrestrial environment (protection area);
10. The location and a photograph of each of the drainage channels having at least one of the following characteristics:
 - a) The drainage channel is linked to a wetland located on the land targeted by the characterization study;
 - b) The drainage channel flows through the protection area of a wetland;
11. An implementation plan produced by an expert present at least:
 - a) Property boundaries;
 - b) The boundaries noted by the expert in charge of the study relating to the wetland, the protected area, the coastal boundary if applicable, the bank if applicable and the boundaries of the flood plains if applicable;
 - c) The existing location of uses, constructions and lots;
12. A plan presenting at least:
 - a) The projected location of uses, constructions, works, excavation, backfilling, movement of humus or non-invasive native plants as well as lots;
 - b) The boundaries of the work zone.

When the mandatory content of the study demonstrates that the uses, constructions, works or activities are located within a wetland of interest to be protected or restored or its protection area, the characterization study must include the following elements:

1. For all homogeneous stands (terrestrial and wetland environments):
 - a) Their surface area;
 - b) The occurrence of dominant, co-dominant and secondary species for each stratum (herbaceous, shrubby and arboreal);

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- c) The absolute and relative percentage of coverage of each floristic species;
 - d) The description of the drainage type and slope;
 - e) The nature of the soil (hydromorphic or not);
 - f) The thickness of peat, if applicable;
 - g) Hydrological indicators;
 - h) The presence of the water table in the first 30 centimetres, if applicable;
2. For homogeneous shrub or arboreal stands (terrestrial and wetland environments, excluding herbaceous stands);
- a) Average height of stands;
 - b) Age of tree stands;
 - c) A description of the successional stage (climax);
 - d) Structure (uneven-aged or even-aged);
 - e) Percentage of canopy cover;
3. For wetlands:
- a) Map data from the zoning plan. It is important to validate the status of all drainage channels present, even if the mapping does not indicate the presence of watercourses;
 - b) The limit of the coastline, the bank and, if applicable, flood zones, when there is a watercourse on the land targeted by the study, as defined in section 4 of the Regulation respecting activities in wetlands, aquatic and sensitive environments (chapter Q-2, r. 0.1). For this purpose, the characterization study must also indicate the section and year of the flood recurrence ratings of the identified flood zones;

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4. For cases of loss of natural environment:
 - c) The location and surface area of the natural environments preserved or affected by homogeneous population (temporary or permanent encroachment);
 - d) The projected loss of canopy due to the implementation of uses, constructions, works or activities of excavation, backfilling or movement of humus or non-invasive native plants.

Finally, the following additional information must also be provided:

1. Geomatic data in Shapefile (in NAD 83, MTM zone 8) relating to:
 - a) The limits of a wetland, in addition to data relating to adjacent land over a distance of at least 30 meters on either side of the land in question;
 - b) The limits of the protection area of a wetland covered by the characterization study;
 - c) The location of inventory stations.

Division 7.3 : Conditions for issue

7.3.1 : Conditions for issuing the certificate of occupancy

The competent authority issues the certificate of occupancy provided the following conditions are met:

1. All provisions of the zoning by-law, building by-law and this By-Law are respected or the newly erected or altered principal building or whose destination or use has changed complies with the approved plans and documents;
2. The application is accompanied by all required plans, specifications, documents and information.

Division 7.4 : Special provisions

7.4.1 : Certificate of occupancy invalidity

The certificate of occupancy shall be null and void in one or more of the following cases:

1. The occupancy has not taken place in accordance with the provisions of the urban planning by-laws and the conditions stated on the certificate of occupancy;
2. A modification was made to the application without being approved by the competent authority;
3. The certificate of occupancy was issued based on false or erroneous information, declarations, plans or documents.

7.4.2 : Certificate of occupancy duration

A certificate of occupancy is valid provided the use is carried out and said certificate does not become invalid in accordance with the provisions of this Division.

7.4.3 : Applicant's responsibility to meet certificate of occupancy requirements

The issue of a certificate of occupancy, the approval of plans and specifications, and inspections performed by the competent authority do not in any way relieve the owner of a building or the applicant from his responsibility of complying with the clauses and conditions of the issued certificate of occupancy.

Any modification made to the plans or documents after a certificate of occupancy has been issued must also be approved. The competent authority certifies the compliance of the use in writing provided it complies with all provisions set forth in the urban planning by-laws.

In the event that an immovable is sold or possession is taken of it as a result of bankruptcy or a transaction, the new owner shall notify the competent authority in writing. An addendum shall then be added to the certificate of occupancy in which the new owner undertakes to comply with all clauses and conditions that are an integral part of the certificate of occupancy issued by the Town to the initial applicant.

CHAPTER 8. : PROVISIONS RESPECTING RATES

Division 8.1 : Rates for general applications

8.1.1 : Calculation of the cost of the declared work

For the purposes of the by-law, the cost of work declared by the applicant shall include:

1. the cost of preparing the plans and specifications;
2. the cost of supplying and installing all materials and equipment involved in the undertaking, including architectural, structural, mechanical and electrical costs, but excluding the cost of supplying and installing equipment involved in operating the manufacturing process;
3. the cost of preparing the site;
4. the cost of developing the land (excavating, backfilling, grading, landscaping, ground covering, etc.);
5. the taxes applicable to all goods and services mentioned in the first paragraph.
6. In cases of doubt concerning the value of the work declared by the applicant, the Town reserves the right to call upon independent professionals to estimate the approximate value of the proposed work.

8.1.2 : Cadastral operation

In the case of a cadastral operation, the fees specified are charged for any cadastral operation, whether it concerns a cancellation, a correction, an addition, a regrouping made in the cadastre, a replacement of the lot number, a subdivision, a new subdivision or a redivision.

For the purposes of calculating the rates charged, the "lot" is any lot affected by the operation, whether it is created, cancelled or corrected.

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8.1.3 : Fees charged for issuing permits and certificates

The fees for obtaining each of the permits and certificates required in this By-Law are specified in the following table. However, where the Town applies for a permit or certificate of authorization for its own purposes, the value of said permit or certificate is nil (\$0).

TYPE OF PERMIT OR CERTIFICATE	AMOUNT
1. SUBDIVISION PERMIT¹	
a) Operation concerning a lot used or intended for residential use	\$20 base fee plus \$0.02 per square metre of net land area included in the plan, up to a maximum of \$100
b) Operation concerning a lot used or intended for public use	\$1 per application
c) Operation concerning a lot used or intended as a commercial, industrial, utility or other type of lot other than a residential or public lot	\$20 base fee plus \$0.06 per square metre of net land area included in the plan, up to a maximum of \$200
2. BUILDING PERMIT	
2.1 PRINCIPAL BUILDING	
a) Construction of a single-family dwelling	\$1,000
b) Transformation or expansion of a single-family dwelling	\$100
c) Construction, transformation or expansion of any principal building other than a single-family dwelling	The greater of the two amounts between \$100 or the equivalent of: a) \$6 per \$1,000 increment of work worth \$2,000,000 or less; b) \$4 per \$1,000 increment of work worth over \$2,000,000 up to \$10,000,000;

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	c) \$3 per \$1,000 increment of work worth more than \$10,000,000
2.2 COMPLEMENTARY CONSTRUCTION	
a) Construction, transformation or expansion of an accessory building for residential use	\$20
b) Construction, transformation or expansion of an accessory building for other than residential use	\$50
3. CERTIFICATION OF AUTHORIZATION	
a) Tree felling	\$10 per tree
b) Moving a principal building or an accessory building that is higher than 3.5 metres (11.5') or has more than one horizontal dimension greater than 3.25 metres (10.7')	If the building is moved on the same landsite: \$50
	If the move requires the use of a public thoroughfare: \$100
c) Moving a principal building or an accessory building that is 3.5 metres (11.5') high or less or does not have more than one horizontal dimension greater than 3.25 metres (10.7')	If the building is moved on the same landsite: \$10
	If the move requires the use of a public thoroughfare: \$50
d) Demolition of a secondary building	50 \$*
e) Installation or construction of a temporary construction, building or structure or exercise of temporary use	\$50
f) Installation or alteration of a swimming pool, a hot tub or a facility providing access to a swimming pool	\$100
g) Installation of a public notice, a sign or a billboard	\$50
h) Alteration of a public notice, a sign or a billboard	\$10
i) Installation, construction or alteration of a fence, a low wall or a retaining wall of less than one (1) metre	\$20

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j) Installation, construction or alteration of a retaining wall that is one (1) metre high or higher	\$50
k) Excavation or backfill work other than that required for construction	\$20
l) Development or redevelopment of a parking lot, a loading and unloading area, a driveway or a curb cut;	\$10
m) Structures, undertakings or any works on a shore, in the littoral zone or in a floodplain	To be validated
n) Installation or replacement of a septic system	50 \$
4. CERTIFICATE OF OCCUPANCY	
a) Certificate of occupancy	\$20*

* The fee may be subject to change if the accessory building is considered in heritage inventory

CHAPTER 9. : TRANSITIONAL AND FINAL PROVISIONS

Division 9.1 : Previously issued permits and certificates

9.1.1 : Previously issued permits and certificates

In the event that a subdivision permit, a building permit, a certificate of authorization or a certificate of occupancy may have already been issued under a previous urban planning by-law of the Town of Baie-D'Urfé, the work may be performed in accordance with said by-law, provided it is performed during the period in which the subdivision permit, the building permit, the certificate of authorization or the certificate of occupancy is valid.

Division 9.2 : Effective date

9.2.1 : Effective date

This By-Law comes into force in accordance with the law.

Heidi Ektvedt, Mayor

Marie-Hélène Brunet, Town Clerk