



Bienvenue à
Baie-D'Urfe!

**BY-LAW RESPECTING
BUILDING CONSTRUCTION,
OCCUPANCY AND
MAINTENANCE**

NO. 1112

TABLE OF CONTENTS

TABLE OF CONTENTS

| | | |
|-----------------------|---|-----------|
| CHAPTER 1. : | DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS..... | 5 |
| Division 1.1 : | Declaratory provisions | 5 |
| 1.1.1 : | Title of the by-law..... | 5 |
| 1.1.2 : | Replacement..... | 5 |
| 1.1.3 : | Territory and persons subject to it | 5 |
| 1.1.4 : | Compliance with other regulations, by-laws or laws..... | 5 |
| 1.1.5 : | Appended documents | 5 |
| 1.1.6 : | Adoption in parts | 6 |
| Division 1.2 : | Interpretive provisions..... | 7 |
| 1.2.1 : | By-law structure | 7 |
| 1.2.2 : | Interpretation..... | 7 |
| 1.2.3 : | Terminology | 8 |
| Division 1.3 : | Administrative provisions | 9 |
| 1.3.1 : | Administration and application of the by-law | 9 |
| 1.3.2 : | Powers of the competent authority | 9 |
| 1.3.3 : | Offences and penalties | 9 |
| 1.3.4 : | Offences and penalties: special provisions for building occupancy and maintenance | 9 |
| 1.3.5 : | Civil remedies | 10 |
| CHAPTER 2. : | PROVISIONS RESPECTING BUILDING STANDARDS..... | 11 |
| Division 2.1 : | Activities covered..... | 11 |
| 2.1.1 : | Activities covered | 11 |
| Division 2.2 : | General provisions | 12 |
| 2.2.1 : | Building materials | 12 |
| 2.2.2 : | Semi-detached and contiguous buildings..... | 12 |
| 2.2.3 : | Chimneys | 12 |
| 2.2.4 : | Heating appliances and fireplaces..... | 12 |
| 2.2.5 : | Snow and ice | 13 |
| 2.2.6 : | Smoke detectors..... | 13 |
| 2.2.7 : | On-site groundwater supply and wastewater treatment systems..... | 13 |
| 2.2.8 : | Backwater valves..... | 13 |
| 2.2.9 : | Retaining wall..... | 13 |
| 2.2.10 : | Use of a treaded plug..... | 14 |
| 2.2.11 : | Water hammer arresters..... | 14 |
| 2.2.12 : | Landsite drainage | 14 |
| 2.2.13 : | Stormwater Management on Private Properties..... | 14 |
| 2.2.14 : | Subsoil drain connections | 16 |
| 2.2.15 : | Window location..... | 16 |
| Division 2.3 : | General provisions respecting foundations..... | 17 |



TABLE OF CONTENTS

| | |
|--|-----------|
| 2.3.1 : Required types of foundations | 17 |
| 2.3.2 : Lifting pumps..... | 17 |
| Division 2.4 : Provisions that apply to sustainable building techniques | 18 |
| 2.4.1 : Flat roofs | 18 |
| 2.4.2 : Green or living roofs | 18 |
| 2.4.3 : Low-flow toilets | 18 |
| 2.4.4 : Air conditioning and cooling systems | 19 |
| 2.4.5 : Ventilation systems | 19 |
| 2.4.6 : Doors and windows | 19 |
| Division 2.5 : Provisions respecting connections to municipal systems.... | 20 |
| 2.5.1 : Connection requirement | 20 |
| 2.5.2 : Material for connections..... | 20 |
| 2.5.3 : Release into a sanitary sewer system | 20 |
| Division 2.6 : Provisions respecting culverts | 21 |
| 2.6.1 : Culvert maintenance | 21 |
| 2.6.2 : Culvert design materials | 21 |
| 2.6.3 : Culvert resistance | 21 |
| 2.6.4 : Culvert dimensions | 21 |
| 2.6.5 : Culvert headwalls | 21 |
| 2.6.6 : Culvert construction and planning | 22 |
| 2.6.7 : Work conformity..... | 22 |
| Division 2.7 : Provisions respecting the closure of ditches | 23 |
| 2.7.1 : Closure of ditches | 23 |
| Division 2.8 : Provisions respecting fortification elements on structures .. | 24 |
| 2.8.1 : Scope | 24 |
| 2.8.2 : Authorized fortification elements for buildings | 24 |
| 2.8.3 : Cessation of a use | 25 |
| Division 2.9 : Measures respecting construction or demolition sites..... | 26 |
| 2.9.1 : General provisions | 26 |
| 2.9.2 : Machinery and equipment | 26 |
| 2.9.3 : Material and debris deposits..... | 26 |
| 2.9.4 : Silt fences in riparian zones and wetlands | 27 |
| 2.9.5 : Tree protection during work | 27 |
| 2.9.6 : Site restoration..... | 28 |
| Division 2.10 :Provisions respecting unfinished, unoccupied, destroyed, damaged, dangerous, dilapidated or burnt structures | 29 |
| 2.10.1 :General provisions | 29 |
| 2.10.2 :Burnt, destroyed or dangerous structures | 29 |
| 2.10.3 :Unfinished or abandoned structures | 29 |
| 2.10.4 :Excavations and foundations | 29 |
| 2.10.5 :Septic tanks and sanitary sewers during the demolition of a building | 30 |
| 2.10.6 :Replacement of a septic tanks..... | 30 |
| 2.10.7 :Demolition of a structure | 30 |

TABLE OF CONTENTS

| | | |
|-----------------------|---|-----------|
| CHAPTER 3. : | PROVISIONS RESPECTING BUILDING OCCUPANCY AND MAINTENANCE..... | 31 |
| Division 3.1 : | General provisions | 31 |
| 3.1.1 : | General building maintenance | 31 |
| 3.1.2 : | Building envelope maintenance..... | 31 |
| 3.1.3 : | Maintenance of exterior openings | 32 |
| 3.1.4 : | Maintenance of porches, stoops, balconies and outdoor stairs | 32 |
| 3.1.5 : | Maintenance of interior components | 32 |
| 3.1.6 : | Foundation maintenance | 32 |
| 3.1.7 : | Maintenance of a heritage building..... | 33 |
| 3.1.8 : | Protective measures for vacant buildings..... | 33 |
| 3.1.9 : | Notice of work to be carried out..... | 33 |
| 3.1.10 : | Entry in the land register..... | 34 |
| 3.1.11 : | List of deteriorated immovables..... | 34 |
| 3.1.12 : | Acquisition by the town | 34 |
| CHAPTER 4. : | FINAL PROVISIONS | 37 |
| Division 4.1 : | Coming into force..... | 37 |
| 4.1.1 : | Effective date | 37 |
| APPENDIX 1: | Regulation respecting Waste Water Disposal Systems for Isolated Dwellings | i |
| APPENDIX 2: | Water Withdrawal and Protection Regulation..... | ii |
| TABLES | | |
| Table 1 | Offences and penalties for a natural or legal person..... | 9 |
| Table 2 | Offences and penalties related to building occupancy and maintenance for a natural or legal person | 10 |



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 of " *By-Law respecting building construction, occupancy and maintenance* " and the number 1112.

1.1.2 : Replacement

This By-Law replaces by-law number 877, entitled "*Building 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, nor the rights acquired before this By-Law came into force.

In all cases where a natural or legal person contravenes, on the date of entry into force of this By-Law, "*Building By-Law of the Town of Baie-d'Urfé*" number 877, the replacement of said By-Law does not have the effect of canceling this situation of contravention or of confer acquired rights enforceable against this regulation.

1.1.3 : Territory and persons subject to it

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 : Appended documents

The following documents are appended to this By-Law and form an integral part hereof:

BY-LAW RESPECTING BUILDING CONSTRUCTION, OCCUPANCY AND
MAINTENANCE NO. 1112
TOWN OF BAIE-D'URFÉ

CHAPTER 1:
DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

1. The Regulation respecting Waste Water Disposal Systems for Isolated Dwellings, R.R.Q., c. Q-2, r.22, and its amendments, which are appended as Appendix "1" of this By-Law;
2. The Water Withdrawal and Protection Regulation, R.R.Q., c. Q-2, r.35.2, and its amendments, which are appended as Appendix "2" of this By-Law;

1.1.6 : 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 the 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.

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 tables of contents, the text prevails.

CHAPTER 1:
DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

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 the By-Law are expressed in the international system of units.

1.2.3 : Terminology

Unless specifically indicated otherwise or unless otherwise indicated by the context, expressions, terms and words have the meaning and the application assigned by the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

Division 1.3 : Administrative provisions

1.3.1 : Administration and application of the by-law

This By-Law is administered and applied by any person referred to hereinafter as “competent authority” by resolution of the Municipal Council.

1.3.2 : Powers of the competent authority

The powers of the competent authority are stated in the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

1.3.3 : Offences and penalties

Whoever violates the provisions of this By-Law commits an offence.

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

Table 1 Offences and penalties for a natural or 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 |

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 are established in accordance with the *Code of Penal Procedure of Québec*, 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.

1.3.4 : Offences and penalties: special provisions for building occupancy and maintenance

Anyone who violates, tolerates or allows a violation of the provisions respecting building occupancy and maintenance in this By-Law commits an offence.

CHAPTER 1:
DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

An offence against the provisions respecting building occupancy and maintenance in this By-Law renders the offender liable to the following fines (in all cases, the costs of proceedings shall be in addition):

Table 2 Offences and penalties related to building occupancy and maintenance for a natural or legal person

| | Natural person | | Legal person | |
|-----------------------|----------------|-----------|--------------|-----------|
| | Minimum | Maximum | Minimum | Maximum |
| First fine | \$10,000 | \$50,000 | \$30,000 | \$100,000 |
| Repeat offence | \$20,000 | \$250,000 | \$60,000 | \$250,000 |

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 are established in accordance with the *Code of Penal Procedure of Québec*, 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 : 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. : PROVISIONS RESPECTING BUILDING STANDARDS

Division 2.1 : Activities covered

2.1.1 : Activities covered

The activities subject to this By-Law are the following:

1. the erection, demolition, repair, expansion, relocation, addition of a structure or part of a structure;
2. the use or change in use of a structure;
3. the division or subdivision of a dwelling;
4. all other work on a landsite or a structure shall be carried out so that it complies with the provisions of this By-Law.

The terms and conditions for the issuance of permits and certificates are defined in the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

Division 2.2 : General provisions

2.2.1 : Building materials

Where required by the competent authority, all materials used for building or repairs shall be subject to tests and trials with the goal of determining their properties and qualities. Where applicable, a report shall be submitted to the competent authority.

2.2.2 : Semi-detached and contiguous buildings

The different parts of a semi-detached and a contiguous building shall be built simultaneously by the owner or owners.

Half of a semi-detached building may not be built unless a new unit is supported on a party wall that has already been built.

2.2.3 : Chimneys

Any chimney or smokestack installed on the exterior wall of a structure and protruding from said structure may be covered with an exterior cladding material authorized by the *Zoning By-Law*.

All chimneys shall be equipped with a flue guard and a cap.

2.2.4 : Heating appliances and fireplaces

All wood-burning heating appliances installed in a new or existing structure, including as a replacement of an existing appliance, shall be EPA or CSA B 415.1 certified and comply with the provisions of the *Regulation respecting Wood-Burning Appliances* (Q-2, r. 1).

The competent authority may require a data sheet for the heating appliance or proof of its certification.

Notwithstanding the content of the previous paragraph, this requirement does not apply in the event of a power outage lasting more than three (3) hours in a building that contains a solid-fuel-burning appliance or fireplace.

Occasionally used indoor open flame fireplaces are exempted from the application of this Section.

2.2.5 : Snow and ice

Any principal building located less than three (3) metres from the right-of-way, except for those that have asphalt shingles as a roof covering or a flat roof, shall have a snow guard attached to the wall or the roofing so as to prevent snow or ice from falling on the main facade and the side facades. This requirement also applies to any principal building occupied by a use involving visits from clients, notwithstanding the distance between the building and the public thoroughfare right-of-way.

Where the accumulation of snow or ice on the roof of a building can become a potential danger to the public, the owner shall take the necessary measures to promptly remove said accumulation.

2.2.6 : Smoke detectors

The provisions respecting smoke detectors are provided in the *By-Law concerning Fire Prevention* in force within the territory of the Town of Baie-D'Urfé.

2.2.7 : On-site groundwater supply and wastewater treatment systems

Subject to the specific provisions stated in the *Zoning By-Law*, work related to on-site groundwater supply and wastewater treatment systems shall comply with the provincial regulation in force.

2.2.8 : Backwater valves

In any structure that has a connection to a municipal sewer system, said connection shall be equipped with a backwater valve, in accordance with the provisions of the *Quebec Plumbing Code*, in order to prevent any backflow of sewage. Valves shall be installed in all horizontal branches connecting to the building drain.

Said valves shall at all times be easily accessible so that they can be cleaned, serviced or replaced, if necessary, and kept in good working condition by the owner.

If the building owner does not meet the requirements of this Section, the Town of Baie d'Urfé shall not be liable for damage to the building or its contents from flooding caused by a sewer backup.

2.2.9 : Retaining wall

Where required under the *Engineers Act*, plans shall be prepared by a member of the Ordre des ingénieurs du Québec so as to certify the capacity and sturdiness of the retaining wall.

CHAPTER 2:
PROVISIONS RESPECTING BUILDING STANDARDS

A fence shall be installed above the wall when the height of the retaining wall is equal to or higher than 1.8 metres, in accordance with the *Zoning By-Law*.

2.2.10 : Use of a treaded plug

The use of a treaded plug to close the opening of a floor drain is permitted but does not exempt anyone from the requirement of installing a backwater valve.

2.2.11 : Water hammer arresters

All structures connected to the municipal water supply system shall be protected against water hammers originating from the system by means of a sufficient number of arresters.

2.2.12 : Landsite drainage

All landsites shall be equipped with a drainage system or be sloped so that water flows towards the street or a ditch;

Stormwater from a sloped roof may be drained through a gutter onto the surface of the property but may never be released less than 1.5 metres from the building foundation.

2.2.13 : Stormwater Management on Private Properties

General Discharge Limit:

1. Throughout the territory of the City, the discharge of stormwater into any drainage system (pipe, ditch, or other infrastructure), whether municipal or not, is subject to the following limits:
 - a) 6 liters per hectare-second (6 L/ha-s) for any new construction or expansion of the main building;

Discharge into a Third-Party Network:

1. When stormwater from a property is directed into a drainage system (pipe, ditch, or other infrastructure) owned by an external organization (such as the Québec Ministry of Transport, a neighboring municipality, or any other public entity), the following conditions apply:
 - a) The discharge rate must not exceed the lowest of the following thresholds:
 - Those established in the first paragraph of this article;
 - Those imposed by the manager of the third-party network.

CHAPTER 2:
PROVISIONS RESPECTING BUILDING STANDARDS

- b) A written authorization from the concerned third-party organization must be obtained and submitted to the City's Technical Services Department as part of any permit application.

Flow Control Requirement:

1. Any construction, expansion, or addition of impermeable surface must include a runoff retention or limitation mechanism to comply with the thresholds set out in the first paragraph of this article.

Technical Demonstration:

1. Use of a control device may be waived if an engineer who is a member of the Ordre des ingénieurs du Québec demonstrates that, even without such a device, the runoff flow rate remains compliant.

Hydrological Calculation Parameters by Type of Use:

1. RESIDENTIAL:

a) New Construction (Main Building):

- Flow rates must be calculated based on a rainfall event with a return period of 5 years, increased by 25%, using the most recent data published by Environment and Climate Change Canada or any other recognized organization.

b) Expansion (Main Building):

- For any expansion of a main building, stormwater discharge rates must be calculated solely based on the area added by the expansion.
- Flow rates must be calculated based on a rainfall event with a return period of 5 years, increased by 25%, using the most recent data published by Environment and Climate Change Canada or any other recognized organization.

2. COMMERCIAL AND INDUSTRIAL:

a) New Construction (Main Building):

- Flow rates must be calculated based on a rainfall event with a return period of 50 years, increased by 25%, using the most recent data published by Environment and Climate Change Canada or any other recognized organization.

CHAPTER 2:
PROVISIONS RESPECTING BUILDING STANDARDS

b) Expansion (Main Building):

- For any expansion of a main building, stormwater discharge rates must be calculated solely based on the area added by the expansion;
- Flow rates must be calculated based on a rainfall event with a return period of 50 years, increased by 25%, using the most recent data published by Environment and Climate Change Canada or any other recognized organization.

2.2.14 : Subsoil drain connections

Subsoil drain connections shall comply with the following provisions:

1. All subsoil drains and their connections and any accessories used shall be made of materials that comply with the standards prescribed by the Quebec Construction Code, Chapter III - Plumbing, and the National Plumbing Code - Canada 2015 (amended);
2. Where water can flow by gravity, said connection to the drainage system may be made inside the building by means of a deep-seal trap that has a minimum diameter of 102 mm and is equipped with a clean-out located on an uphill slope;
3. Where water cannot flow by gravity, the connection to the drainage system shall be made inside the building by means of a catch basin constructed in accordance with the Quebec Construction Code, Chapter III – Plumbing, and the National Plumbing Code – Canada 2015 (amended). In this case, the water shall be drained by means of an automatic pump and released into a drainage pipe that shall be connected to the plumbing system, installed above street level and equipped with a backwater valve. Said pipe shall go up to the ceiling. Where there is no downspout, the pumped water shall then be drained onto the land, into a ditch parallel to the street or into a boundary ditch, as the case may be.
4. Rainwater from a roof may be drained by a gutter and a downspout connected to the building drain, if rainwater leaders cannot be used;
5. Subsoil drains may not be connected to the sanitary sewer system of the Town.

2.2.15 : Window location

In accordance with the provisions of the *Civil Code of Quebec* (CCQ-1991), windows and openings may not provide direct views of neighbouring properties less than one and half metres (1.5 m) from the side or rear lot lines.

Notwithstanding the content of this Section, this Provision shall not apply to openings that look onto a public thoroughfare or a public park and to solid or translucent glass doors.

Division 2.3 : General provisions respecting foundations

2.3.1 : Required types of foundations

All principal buildings shall have a monolithic concrete slab foundation cast in situ with an appropriate footing.

Notwithstanding the content of the first paragraph, when they are intended to support the expansion of an existing structure only, screw pile foundations are authorized if the area of the expansion to be supported does not exceed 50% of the area of the surface covered of the building prior to the expansion. Expansions of more than one storey are however not included in the exception stipulated in this Paragraph.

Notwithstanding this Section, where an expansion concerns an existing structure that is supported by foundations other than those authorized in this By-Law, the same type of foundations as those in the existing portion may be used for the expansion, subject to the submission of a plan signed/sealed by a member of the Ordre des ingénieurs du Québec, where required in the *Engineers Act*.

2.3.2 : Lifting pumps

All new structures shall be equipped with a subsoil drain.

Where water can flow by gravity, the connection to the drainage system shall be made inside the building by means of a deep-seal trap that has a minimum diameter of one hundred millimetres (100 mm) and is equipped with a clean-out located on an uphill slope.

Where water cannot flow by gravity, the connection to the drainage system shall be made inside the building by means of a catch basin constructed in accordance with the *Quebec Plumbing Code*. In this case, the water shall be drained by means of an automatic pump capable of draining a minimum of nine thousand (9,000) litres per hour and be released into a drainage pipe that shall be connected to the plumbing system, installed above street level and equipped with a backwater valve. Said pipe shall go up to the ceiling. Where there is no downspout, the pumped water shall then be drained onto the land, into a ditch parallel to the street or into a boundary ditch, as the case may be.

Lifting pumps connected to the municipal water supply system, whether they serve as main or emergency pumps, are strictly forbidden within the territory of the Town. This provision also applies to existing structures.

Division 2.4 : Provisions that apply to sustainable building techniques

2.4.1 : Flat roofs

For all principal buildings with a roof whose slope is less than 2/12, only the following roofing materials are authorized:

1. a green roof;
2. a white-coloured material or a material covered by a reflective coating or by white-coloured ballast;
3. a light-coloured material with a solar reflectance index (SRI) of at least 78%;
4. a combination of the previously named materials.

Notwithstanding the provisions stipulated in the section, the portion of the roof occupied by mechanical equipment is not subject to these requirements.

2.4.2 : Green or living roofs

Green or living roofs are authorized on the following conditions:

1. The roof slope is less than 35%;
2. Roof access must be provided both inside and outside of the building;
3. Outside access to the roof may be located only in the back yard;
4. Applicants shall demonstrate the bearing capacity of the roof based on the type of green roof considered. The competent authority may require a bearing capacity study to be conducted by a professional who is a member of the competent professional order in this area;
5. The composition of green roofs shall include, at a minimum, a waterproofing membrane, a drainage layer, a water retention layer, a membrane filter, a growing medium and a layer of plants.

2.4.3 : Low-flow toilets

All new structures shall have Water Sense-certified low-flow toilets that use not more than 4.8 litres of water per flush.

The requirement in the previous paragraph also applies to all replacement toilets within an existing structure.

2.4.4 : Air conditioning and cooling systems

Air conditioning and cooling systems that use drinking water from the Town's drinking water distribution system are prohibited and may not be installed.

Notwithstanding the content of the previous paragraph, a cooling system that serves municipal equipment or facilities is authorized.

A certificate of compliance may be required for the branch line by the competent authority and shall be provided to the Town, where necessary.

2.4.5 : Ventilation systems

All ventilation systems serving a new structure shall be EnergyStar or Home Ventilating Institute (HVI) certified (for HRV and ERV).

2.4.6 : Doors and windows

During the construction of a new building or the replacement of all doors and windows looking onto the exterior of an existing structure, the installed doors and windows must be EnergyStar certified.

Division 2.5 : Provisions respecting connections to municipal systems

2.5.1 : Connection requirement

Where sewer and water supply systems exist, any principal structure shall be connected to the municipal systems.

In a separate system of public sewers, wastewater and stormwater shall be channelled into separate systems connected respectively to the sanitary sewer and the storm sewer. The storm sewer shall be located to the left of the sanitary sewer when looking toward the street from the building or structure site.

2.5.2 : Material for connections

Connections to the water supply system shall be designed in copper. The size of the pipes required to supply a building with water through the municipal water supply system depends on the number of connected dwellings or units and the specific characteristics of the site. A certificate from the Town indicating the sizes of the pipes to be installed shall be obtained for all new buildings that will be connected before they are connected.

2.5.3 : Release into a sanitary sewer system

Roof drains, subsoil drains and pool drains may not be connected to a sanitary sewer.

Division 2.6 : Provisions respecting culverts

2.6.1 : Culvert maintenance

In the sectors where water runs off from streets and landsites into an open ditch, any culvert that provides access to a landsite shall be kept open and in good condition, so that the water does not accumulate and the ditch can drain unimpeded.

2.6.2 : Culvert design materials

The materials authorized for culverts that provide access to landsites of a public thoroughfare are the following:

1. high-density polyethylene (HDPE);
2. any other material authorized by the competent authority.

Pipes used must include an easily legible inscription indicating the name of the manufacturer or trademark, the diameter of the pipe, the classification and certification of the material by a recognized organization.

2.6.3 : Culvert resistance

Culverts shall be resistant enough to bear the weight of vehicles that use them to access the landsite they serve.

When culverts are made of high-density polyethylene (HDPE), they shall have a minimum rigidity of 320 kPA (R320) or higher to bear the weight of the vehicles.

2.6.4 : Culvert dimensions

The minimum diameter of culverts that provide access to landsites of a public thoroughfare is set at thirty (30) centimetres, unless otherwise indicated by the Public Works Department.

In all cases, the inverts of neighbouring facilities shall be respected so as not to impede the free flow of water.

2.6.5 : Culvert headwalls

Where a culvert is not connected to a ditch pipe or a neighbouring culvert, its end shall be angled at forty-five (45°) degrees and have a sufficient layer of rocks around it to ensure its stability.

2.6.6 : Culvert construction and planning

The foundation of a culvert must be composed of a 0-20 mm crushed stone cushion, 150 mm thick and mechanically compacted with appropriate equipment.

The culverts must be coated with 0-20 mm crushed stone and mechanically compacted with adequate equipment up to the middle of the pipe. Depending on the nature of the soil, the competent authority may require that the clean stone foundation be installed and wrapped with a geotextile membrane. Whenever possible, the installation of rigid insulation to counteract frost heave is required.

The slope of the culvert must follow the natural direction of the flow of water from the ditch.

2.6.7 : Work conformity

The conformity of the work is the sole responsibility of the owner of the land served.

Division 2.7 : Provisions respecting the closure of ditches

2.7.1 : Closure of ditches

The closure and configuration of ditches are prohibited within the territory of Baie-D'Urfé, except for ditches located on landsites belonging to the Town of Baie-D'Urfé and ditches configured by the Town of Baie-D'Urfé.

Division 2.8 : Provisions respecting fortification elements on structures

2.8.1 : Scope

Fortification and protection elements are prohibited except for structures or parts of thereof accommodating the following uses or activities:

1. financial institutions and currency exchange offices, excluding all activities related to pawnbroking or the consignment of goods;
2. automatic teller machines (ATMs);
3. jewelry stores;
4. vaults or secure rooms located within businesses to protect and keep goods and products;
5. transfer or storage centres of cash-in-transit companies;
6. research, manufacturing or storage facilities using products or procedures that require greater protection by a law or a provincial or federal regulation;
7. municipal, governmental or paragonovernmental institutions.

2.8.2 : Authorized fortification elements for buildings

The use, assembly, installation and maintenance of building materials or components in view of the fortification or protection, in whole or in part, of a structure against firearm projectiles, explosive charges, shocks or vehicular assaults or any other type of assault are authorized solely for the uses or activities listed in the previous section.

Fortification and protection-related elements include, without being limited to, the following:

1. laminated types of glass (H-6) or any other type of glass that is specially reinforced to resist the impact of projectiles from firearms or explosives or an assault and composed of polycarbonate, Plexiglas or any other similar materials that make the glass difficult to break;
2. protective shutters that are made of perforated or opaque steel or any other material able to resist the impact of firearms or an assault and located inside or outside of a building or structure;
3. steel armoured doors or doors specifically reinforced to resist the impact of projectiles from firearms, explosives or an assault;

CHAPTER 2:
PROVISIONS RESPECTING BUILDING STANDARDS

4. protective steel armoured plates located inside or outside of a building or a structure;
5. metal security grillwork or bars, whether they are located on the access path, doors or openings of the building, except for those installed to protect the openings of the basement or the ground floor;
6. walls or parts of walls inside or outside of the building that are made of armoured steel or reinforced concrete or specially reinforced to resist the impact of projectiles from firearms, explosives or an assault;
7. observation and surveillance posts located specifically on the roof of a building and not accessible to the public;
8. rigid or flexible materials with bulletproof properties;
9. any other material or fortification or protection element as well as any assembly of building materials intended to ensure the fortification of a building, if they are not justified for the authorized activities or uses in said building under the urban planning by-laws.

2.8.3 : Cessation of a use

Where a use for which fortification elements are authorized under this Division ceases to be carried out for a continuous period of 12 months, all fortification elements shall be removed from the building.

Where a new use for which fortification elements are not authorized under the previous section is carried out inside a structure equipped with existing fortification elements, said elements shall be removed within a maximum of six (6) months of the beginning of the activities.

Division 2.9 : Measures respecting construction or demolition sites

2.9.1 : General provisions

All construction or demolition sites are subject to the following provisions:

1. All sites shall, at all times, be clean and well maintained. Refuse of any nature whatsoever, construction materials in a state of disarray and substances capable of spreading fire to adjacent properties or causing nuisances may not be left on a landsite during the construction or demolition of a building;
2. Any excavation of more than 1.2 metres deep or pool under construction that allows water to accumulate shall be surrounded by temporary security fencing that is not less than 1.83 m high and not more than 2.5 m high, despite the maximum height authorized for fences in the applicable zoning by-law. The use of snow fences as a security fence is prohibited.

Notwithstanding this Section, all security measures applicable to the areas surrounding construction sites as specified in codes and by-laws shall be respected.

2.9.2 : Machinery and equipment

A building permit entitles the builder to install and maintain on the site and during the performance of work cranes, lifts, offices, sheds, workshops and all other equipment and machinery required to carry out the work.

Said machinery and structures shall be removed within thirty (30) days of the end of the work. Where work is performed less than two (2) metres from the street line, or when the competent authority deems it appropriate, construction sites shall be enclosed on the side of the street and all measures shall be taken to ensure the protection of the public. The owner is responsible for any accident or damage to persons or to public or private property resulting from the work.

2.9.3 : Material and debris deposits

Materials deposited on a landsite shall be used solely for the construction of the building or the structure concerned by the permit or certificate.

Construction debris or waste shall be deposited in containers provided for that purpose or in a space set up for that purpose on the landsite and shall be disposed of at an authorized site.

Materials and debris may not be deposited in ditches for the duration of the work. The owner shall ensure that drainage is not interrupted during the construction work.

CHAPTER 2:
PROVISIONS RESPECTING BUILDING STANDARDS

Furthermore, material and debris may not be deposited within the right-of-way of a public thoroughfare, unless authorization has been issued by the Town to use the public domain for that purpose.

2.9.4 : Silt fences in riparian zones and wetlands

Before performing work that disturbs the soil on a landsite affected by a riparian zone, a silt fence shall be installed. The silt fence shall be maintained for the duration of the work and shall be kept until the work zone is covered again by vegetation. At the end of the work and before vegetation covers the zone again, the accumulated silt shall be removed.

2.9.5 : Tree protection during work

Before the start of any work, any deciduous tree whose stem has a diameter of more than 0.10 meters measured at 0.30 meters above adjacent ground level and located on private land, any coniferous tree more than 2 meters in height and located on private land and any tree located on public land, whatever its size, must be effectively protected according to the following minimum provisions:

1. An optimal protection zone (OPZ) must be installed. The area of the ZPO is calculated by multiplying the diameter of the tree by 12. For example, a tree with a diameter of 0.25 meters must have a ZPO of 3 meters around the tree. This is the radius within which no traffic is permitted during the work. A fence with a minimum height of 1.5 meters must be erected to clearly demarcate the space;
2. When it proves impossible to install the ZPO according to the area required in the previous paragraph, concrete and effective compensatory measures, in accordance with the most recent BNQ (Bureau de normalisation du Québec) standards, must be submitted to the Town and approved before the start of the work;
3. When it proves impossible to install the ZPO according to the area required in the first sub-paragraph of this paragraph and in addition the compensatory measures required in the previous sub-paragraph, a protection element around the trunk of the trees must be installed. This must be made of boards or beams supported on rubber bands and fixed using steel bands, to a minimum height of 1.5 meters, measured from the base of the trunk. In addition, a temporary layer of a non-compacting material with a thickness of at least 0.30 meters on the surface covering the projection on the ground of the branches must be spread on a geotextile membrane permeable to air and water;
4. During construction, if the ZPO area is modified or removed, the area must be restored without delay and before work resumes;
5. During construction, if the compensatory measures are modified or withdrawn, the measures must be reinstated without delay and before resuming work;



CHAPTER 2:
PROVISIONS RESPECTING BUILDING STANDARDS

6. Branches likely to be damaged must be protected or pruned. In addition, branches damaged during the work must be pruned without delay;
7. Roots present in excavation work areas must be trimmed cleanly. Exposed roots must be kept moist throughout the work; if possible, roots with a diameter greater than 0.05 meters should be preserved;
8. It is prohibited to use a tree as a support during construction, demolition or landscaping work.

2.9.6 : Site restoration

When a construction project is finished, all materials, debris, waste and equipment shall be removed from the construction site. The landsite shall be restored to a state of cleanliness within seven (7) days of the end of the work or upon the expiration of the permit, with the most restrictive measure being applicable.

The landsite shall be quickly filled in and seeded or sodded to promote the rapid growth of vegetation.

Division 2.10 : Provisions respecting unfinished, unoccupied, destroyed, damaged, dangerous, dilapidated or burnt structures

2.10.1 : General provisions

Any unoccupied or unfinished structure shall be properly closed or barricaded to prevent any accident within a maximum of seven (7) days of the receipt of a notice to such effect from the competent authority.

2.10.2 : Burnt, destroyed or dangerous structures

Any burnt, destroyed or dangerous structure shall be demolished, its foundations filled in or demolished and the landsite fully cleared within six (6) months of the date on which the damage was caused, unless the owner has decided to restore the structure. In such an event, the restoration work shall have begun within six (6) months after the damage.

Furthermore, during the period between the damage and the demolition or the beginning of restoration work, the structure shall be properly closed, barricaded and/or surrounded by a fence that is two (2) metres high, despite the maximum height authorized for a fence in the applicable *Zoning By-Law*.

If an owner does not comply with a notice given by the competent authority regarding such a structure within forty-eight (48) hours, the Town shall perform the work required to ensure safety at the expense of the owner.

2.10.3 : Unfinished or abandoned structures

Any structure left unfinished for over thirty (30) days after the end of the period of time prescribed by the permit or certificate shall be completely closed and barricaded.

Any structure that has been abandoned for over one hundred and eighty (180) days shall be closed or barricaded.

In all cases, any unfinished or abandoned structure shall be demolished or finished within twelve (12) months.

2.10.4 : Excavations and foundations

Any excavation and any foundation of an unfinished, burnt, destroyed or relocated structure shall always be made inaccessible and/or surrounded by a fence that is two (2) metres high, despite the maximum height authorized for a fence in the applicable *Zoning By-Law*.

2.10.5 : Septic tanks and sanitary sewers during the demolition of a building

Any septic tank serving a demolished building must be emptied and removed from the land within two (2) days following the demolition of the building.

When the demolished building is served by the municipal sewer systems, a sewer cap shall be installed within two (2) days of the demolition of the building.

2.10.6 : Replacement of a septic tanks

Any replaced septic tank must be emptied and removed from the land within two (2) days following the demolition of the building.

When a septic tank is decommissioned without immediate replacement, it must be drained and removed to prevent any risk of contamination or collapse.

2.10.7 : Demolition of a structure

After the end of the demolition work on a structure or a part thereof, the landsite concerned shall be cleaned of any debris or materials and be restored to a state of cleanliness, within a maximum period of 30 days from the completion of the work or upon the expiration date of the permit, with the more restrictive measure being applicable. Excavations shall be filled within the same period of time. The landsite shall be seeded before the month of June following the completion of the work.

CHAPTER 3. : PROVISIONS RESPECTING BUILDING OCCUPANCY AND MAINTENANCE

Division 3.1 : General provisions

3.1.1 : General building maintenance

All constituent parts of a principal or accessory building shall be kept in good condition and shall be able to fulfill the functions for which they were designed.

They must have sufficient strength to withstand the combined forces of live loads, loads on the roof, loads due to wind pressure, the weight of snow and other elements of nature to which they are subjected and be repaired or replaced if necessary in order to prevent any cause of danger or accident.

Without limiting the generality of the foregoing, the owner or the occupant of a building shall specifically ensure that:

1. all constituent parts of the building are maintained so that they have the required robustness to withstand the elements;
2. the building is kept in good condition so that it may be used as it was intended;
3. the principal building and any accessory building are properly maintained so that they do not appear dilapidated or abandoned.
4. all buildings are kept in such condition that they are preserved and prevented from deteriorating.

3.1.2 : Building envelope maintenance

The exterior envelope of a principal building or an accessory building, such as a roof, an exterior wall, a foundation wall, a window or a door, shall be watertight and shall be free of any water or moisture accumulation causing the structure or finishes to deteriorate.

The exterior envelope of a principal building or an accessory building shall also be designed and maintained to prevent the intrusion of birds, vermin, rodents, insects or other pests inside the building and walls.

Exterior cladding (including any structural component) as well as the surface of a roof overhang, a projection, a door or a window shall be cleaned, repainted, varnished or covered with an appropriate product to preserve its condition and keep it looking clean and well maintained. Cladding that is crumbling or threatening to come off must be cleaned, repainted, repointed, otherwise treated or maintained in such a way as to maintain a clean appearance and prevent degradation.

CHAPTER 3:
PROVISIONS RESPECTING BUILDING OCCUPANCY AND MAINTENANCE

In the case of brick exterior cladding, the mortar joints shall be kept in good condition and keep the brickwork fully in place and any wall so covered shall not have cracks or pose a risk of falling apart.

3.1.3 : Maintenance of exterior openings

All exterior openings of a building, such as doors and windows, including their frames, must be maintained or repaired to prevent any infiltration of water, air or snow or replaced when they are damaged or defective. Frames should be caulked as needed.

All moving parts should operate normally.

Openings shall be periodically cleaned, repainted, otherwise treated or maintained so as to maintain an appearance of cleanliness and good maintenance and to prevent deterioration

3.1.4 : Maintenance of porches, stoops, balconies and outdoor stairs

Porches, balconies, stoops and outdoor stairs shall be maintained and kept in good condition. Metals that are sensitive to rust, wood and any other material that can deteriorate shall not be left unprotected from the elements.

All parts of a balcony, a stoop, a porch, an outdoor staircase and all constructions projecting from a building must:

1. Be maintained in good condition, repaired or replaced as necessary to maintain a clean appearance;
2. Be maintained so as to prevent any rotting or degradation;
3. Be free of all obstructions that do not allow circulation and access to entrance doors and emergency exits.

3.1.5 : Maintenance of interior components

All walls, ceilings and floors shall be covered with an interior cladding material.

Interior building components shall be maintained so that they prevent and eliminate, where applicable, the presence or accumulation of water or moisture causing the structure or finishes to deteriorate or mould to become visible.

3.1.6 : Foundation maintenance

All the foundations of a building must be maintained at all times in a condition that ensures its conservation, protection and solidity.

CHAPTER 3:
PROVISIONS RESPECTING BUILDING OCCUPANCY AND MAINTENANCE

Foundation walls must be maintained and repaired so as to maintain a clean appearance and to prevent any infiltration of air or water or intrusion of insects, vermin, rodents or any other animals.

3.1.7 : Maintenance of a heritage building

For a heritage building cited in accordance with the Cultural Heritage Act (RLRQ, chapter P-9.002), located in a heritage site cited in accordance with this law or listed in an inventory referred to in the first paragraph of article 120, the work of the maintenance carried out must not distort or alter the heritage character of the building.

This provision also applies to heritage buildings listed in the Regulation on architectural implementation and integration plans (PIIA) of the Town of Baie d'Urfé.

Maintenance interventions must preserve the integrity, quality and architectural appearance of the building.

3.1.8 : Protective measures for vacant buildings

A building must also be provided with a drinking water supply, plumbing, lighting and heating system which must be continuously maintained in good working order and able to be used for the purposes for which they are intended.

For the purposes of a building intended for habitation, a permanent heating installation must allow to maintain a minimum temperature of 15°C inside, taken in the center of each room, 1 m from the ground, without the use of additional heating.

3.1.9 : Notice of work to be carried out

Where a building is decrepit or dilapidated, the Town may require that said building be restored, repaired or maintained. The Town shall send to the building owner a written notice specifying the work to be done to bring the building in line with the standards and measures set out in the by-law as well as the period of time in which said work is to be completed. It may grant any additional period of time.

In the event where the owner fails to complete the work, the Superior Court may, at the request of the Town, authorize the Town to complete the work and recover the cost thereof from the owner.

The cost of said work constitutes a prior claim on the immovable on which it has been completed, of the same nature and in the same rank as the claims contemplated in paragraph 5) of article 2651 of the Civil Code. Said cost is guaranteed by a legal hypothec on said immovable.

3.1.10 : Entry in the land register

If the owner of a building does not comply with the notice sent to him pursuant to the previous section, the Council may request that a notice of deterioration including the following information be entered in the land register:

1. the description of the building concerned and the names and address of its owner;
2. the name of the Town and the address of its office as well as the title, the number and the date of the resolution by which the Council requires the entry;
3. the title and the number of the by-law pursuant to the first paragraph of article 145.41;
4. a description of the work to be completed.

A notice of deterioration may not be entered in respect of an immovable that is owned by a public body within the meaning of the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (chapter A-2.1).

Where the Town finds that the work required in the notice of deterioration has been completed, the Council shall, within 60 days of such finding, request the entry of an adjustment notice including, in addition to the information specified in the deterioration notice, the entry number of said deterioration notice in the land register as well as a note stating that the work described in said notice has been completed.

The Town shall, within 20 days, give notice of the entry of any deterioration or adjustment notice to the immovable owner and to any holder of a real right entered in the land register with respect to said immovable.

3.1.11 : List of deteriorated immovables

The Town keeps a list of immovables for which a notice of deterioration is entered in the land register. It publishes said list on its website.

The list contains, in respect of each immovable, all information specified in the notice of deterioration.

When an adjustment notice is entered in the land register, the Town shall remove from said list any note concerning the notice of deterioration in connection with said adjustment notice.

3.1.12 : Acquisition by the town

The Town may acquire, by mutual agreement or by expropriation, any immovable for which a notice of deterioration has been entered in the land register for at least 60 days, on which

BY-LAW RESPECTING BUILDING CONSTRUCTION, OCCUPANCY AND
MAINTENANCE NO. 1112
TOWN OF BAIE-D'URFÉ

CHAPTER 3:
PROVISIONS RESPECTING BUILDING OCCUPANCY AND MAINTENANCE

the work required in said notice has not been completed and which has one or more of the following characteristics:

1. It is vacant at the time when the expropriation notice stipulated in section 40 of the Expropriation Act (chapter E-24) is served and for the period that the Council sets by regulation, which may not be less than one year;
2. Its decrepit or dilapidated condition poses a risk to the health or the safety of persons;
3. It is a heritage immovable.

Such an immovable may then be transferred, for a cost, to any person or, for free, to a person contemplated in section 29 or 29.4 of the *Towns and Cities Act* (chapter C-19).

CHAPTER 4:
FINAL PROVISIONS

CHAPTER 4. : FINAL PROVISIONS

Division 4.1 : Coming into force

4.1.1 : Effective date

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

Heidi Ektvedt, Mayor

Marie-Hélène Brunet, Town clerk

APPENDIX 1: Regulation respecting Waste Water Disposal Systems for Isolated Dwellings

APPENDIX 2: Water Withdrawal and Protection Regulation