

MUNICIPALITY OF PORTAGE-DU-FORT

**BY-LAW NUMBER 250-04
ENACTING THE PLANNING PROGRAM**

ADOPTED ON DECEMBER 8, 2004

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BY-LAW NUMBER 250-04
PLANNING PROGRAM

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INTRODUCTION

In accordance with Section 59 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1), the Municipality of Portage-du-Fort must adopt concordance by-laws within two years after the coming into force of the Revised Land Development Plan of the Regional County Municipality (MRC) of Pontiac on February 23, 2001.

The term « concordance by-law », means every by-law amending the Planning Program, the Zoning By-law, the Subdivision By-law or the Construction By-law, or any of the by-laws under Divisions VII to XI of Chapter IV of the Act respecting Land Use Planning and Development, as well as the by-law adopted by the Council of the Municipality under Section 116 relating to the issue of permits and certificates, or any by-law amending it.

The Municipality of Portage-du-Fort also takes advantage of this opportunity:

- To revise the general aims of land development policy in order to make them adapted to the particularities of the Municipality;
- To specify the favoured objectives as for land occupation on the territory;
- To revise the general policies on land use in order to make them as an instrument oriented to the determination of land use planning rather than a tool similar to the division of the municipal territory into zones;
- To make the Planning Program and by-laws conform to the objectives of the Revised Land Development Plan and to the provisions of the Complementary Document of the MRC of Pontiac.

The Planning Program must allow Council to take enlightened decisions in the matter of land use planning and development, and to achieve the objectives pertaining to land development in the more realistic way.

The Planning Program is divided into five (5) separate parts. The first part describes the municipal territory with respect to demography and socio-economic development and makes an inventory of the main equipment and infrastructures. The second part presents the issues that the Municipality is faced with as regards land use planning and development is concerned.

The third part defines the general aims of land development policy that must serve as guidelines for land use planning and development. The fourth part presents the general policies on land use that give a spatial dimension to the general aims of land development policy, as well as the land occupation densities that define the ratio between the area of structures laid out on a lot and the area of the lot as such in a way to coordinate the density of construction. The fifth part describes the projected layout and the type of the main thoroughfares and transport systems. The implementation of the Planning Program is ensured by the planning by-laws that must be in conformity.

The validity and efficiency of the Planning Program are ensured only if it is followed up and regularly updated to make it correspond to the progress of the milieu.

Chapter 1 CHARACTERISTICS OF THE ENVIRONMENT

1.1 Municipal Territory

The Municipality of Portage-du-Fort is a municipality of rural character located in the Outaouais region, in the west of the Regional County Municipality (MRC) of Pontiac. It is bordered in the north by the Municipality of Lichfield, in the east by the Municipality of Clarendon, in the south and west by the Ottawa River which serves as the interprovincial border between Québec and Ontario.

The Municipality of Portage-du-Fort is located at approximately one hundred kilometres west from the new City of Gatineau (Hull area). Highways 148 and 303 give access to the Municipality of Portage-du-Fort from Shawville. Highway 301 gives access to the Municipality from the Ontario border. To the north, Highway 301 links the other communities in the Pontiac.

The territory of the Municipality of Portage-du-Fort covers an area of 4.36 km². At the last census made by Statistics Canada in 2001, the population of the Municipality of Portage-du-Fort was established at 255 inhabitants (average density of land occupation of 58.5 inhabitants per square kilometre).

1.2 Land Occupation

According to the Land Development of the Regional County Municipality (MRC) of Pontiac, the village of Portage-du-Fort is classified as an intermediate centre in the agglomeration hierarchy. The village has a less important residential function than the urban centres because of a small number of dwellings and a lower density of land occupation. Local commercial activities and accommodation services are found in the village.

All the village of Portage-du-Fort, as well as the residences situated on Highway 301 and on a part of *Chemin des Outaouais*, is serviced with the municipal waterworks system.

1.3 Physical Environment

The Municipality of Portage-du-Fort is located in the Ottawa River Valley. The land is undulating in the southern part of the Municipality whereas it is more flat in the north. Structures in the Municipality are mostly built on solid rock.

The river system is made up of two creeks that flow into the Ottawa River. These creeks are known as Watering Creek and Sophie's Lane Creek.

1.4 Population

In 2001, at the last census made by Statistics Canada, the population of the Municipality of Portage-du-Fort was established at 255 inhabitants in comparison with 289 inhabitants in 1996, which is a negative population change of 11.8 %, one of the most significant among the municipalities in the MRC of Pontiac. In general, the decline is due to the youth migration and the ageing of the population.

The seasonal population is marginal in the Municipality.

Table 1 shows the composition of the population according to the age in 2001.

Table 1 **Composition of the Population According to the Age
 in 2001**

Characteristic	2001	
	Male	Female
Age 0-4	5	5
Age 5-14	25	25
Age 15-19	10	15
Age 20-24	5	5
Age 25-44	30	30
Age 45-54	15	15
Age 55-64	15	20
Age 65-74	15	15
Age 75-84	5	10
Age 85 and over	0	5
Total	125	145

Source : Statistics Canada, 2001.

The persons who are 25 years of age or less make up 35.2 % of the population of the Municipality de Portage-du-Fort. The current trend relates to the ageing of the population. For the 0-4 age group, the proportion is less than this of the 5-14 age group. It shows a fall in the birth rate that is comparable to this that appears elsewhere in the Province of Québec.

In 2001, according to Statistics Canada, there were 110 dwellings with an average of 2.5 persons per dwelling.

Table 2 **Composition of Households**

Composition of Households	2001
Couple (married or common-law) with children	30
Couple (married or common-law) without children	10
One-person households	45
Other household types ¹	25
Total	110

1. Includes multiple-family households, lone-parent family households and non-family households other than one-person households.

Source : Statistics Canada, 2001.

Chapter 2 GENERAL AIMS OF LAND DEVELOPMENT POLICY

The general aims of land development policy show the intents of the Municipality with regard the natural environment, the environment and the main activities performed on the whole territory of the Municipality.

2.1 Development of Recreation and Tourism

General Aim of Land Development Policy

Development of activities related to recreation and tourism on the entire municipal territory.

Objectives

- To consolidate and develop private cottages along the Ottawa River;
- To preserve an adequate tree cover for the development of activities related to recreation and tourism by regulating wood harvesting;
- To protect the banks of the Ottawa River in order to create an environmental image to the Municipality in the context of implementing the Ottawa River Waterway Concept;

- To set equipment and infrastructures (marina, lodging, accommodation) to welcome visitors so as to benefit from the sin-off of the Ottawa River waterway;
- To develop a recreation trail system to link the various attractions in the Municipality.

2.2 Consolidation of the Commercial District of the Municipality

General Aim of Land Development Policy

Consolidation of the commercial district of the Municipality.

Objectives

- To favour the enterprise development in the village core by promoting the establishment of any new retail trades, services or professional's offices;
- To facilitate the development of home-based businesses as domestic uses, but not to the detriment of the commercial district;
- To promote the the establishment of businesses and services in the village core, in relation to the development of recreation and tourism.

2.3 Environmental Protection

General Aim of Land Development Policy

Protection of the environment and improvement of the resources of the natural environment.

Objectives

- To protect the forest resource and its regeneration by applying a regulation that will facilitate the integrated management the ligneous matter;
- To preserve the banks of the Ottawa River by applying the Québec Policy on the Preservation of Lakeshores, Riverbanks, Littoral and Floodplains;

- To make sure that the periodical emptying of septic tanks is made in accordance with the Regulation on the Disposal and Treatment of Wastewaters from Isolated Dwellings, by keeping an up-to-date register for this purpose;
- To support the development of Limerick islands as a conservation area; to improve this area for recreation and tourism purposes;
- To establish a buffer zone between the operation site of the dolomite quarry and the built environment located in the south, in order to reduce the impact from this activity;
- To identify the flood-risk areas on the municipal territory in order to provide for standards to regulate construction in these areas.

2.4 Preservation and Improvement of the Natural and Architectural Heritage

General Aim of Land Development Policy

Preservation and improvement of the natural and architectural heritage of the Municipality.

Objectives

- To identify and improve the sites and territories of heritage significance in order to contribute in an active way to the setting of a heritage tour in the Municipality;
- To promote the attractions in the Municipality;
- To protect and preserve the heritage sites and buildings;
- Discourage any new construction that would obstruct the view on the Ottawa River, in particular in the most appreciable areas of significance.

Chapter 3 GENERAL POLICIES ON LAND USE AND LAND OCCUPATION DENSITIES

The Planning Program must be in conformity with the general policies on land use of the territory included in the Land Development Plan of the Regional

County Municipality (MRC) of Pontiac. Generally, the general policies on land use are similar to the general policies on land use as defined for the municipal territory.

The determination of the general policies on land use shows the intentions of the Municipality as for the use of the various parts of the territory in order to meet the needs of the community, among others, in residential, cottage, commercial, industrial, recreation and conservation spaces.

The determination of the general policies on land use also allows the Municipality to coordinate the various uses of land, without however be too restrictive as regards the uses and structures that are authorized or prohibited in the Zoning By-law. In fact, by taking account the characteristics of the environment and of the issues that follow from, it is unjustified to define more limitative general policies on land use than those included in the Land Development Plan.

The Planning Program and the by-laws that follow from must allow for the most effective use in the Municipality in order to facilitate the sustainable or durable development of the territory.

For these reasons, the general policies on land use are the following:

PU	Public
C	Commercial
CM	Mixed Commercial
CO	Conservation
R	Residential
RM	Mixed Residential
RT	Recreation and Tourism
IN	Industrial

3.1 Public (P)

The Public General Policy on Land Use corresponds to two areas on the territory of the Municipality included in the urbanization perimeter of the Municipality, as specified in the Land Development Plan of the MRC of Pontiac. In this general policy on land use, only uses in the Public Group (classes P1 and P2), as defined in the Zoning By-law, are allowed. These uses service the whole community.

3.2 Commercial (C)

The aim of this general policy on land use is to allow the establishment of road-type businesses and services that are intended for serving the motorists who are passing through the Municipality and serving the local residents and those in the neighbouring area. As an indication, the allowed uses are those included the Businesses and Services Group, Class C3 – Semi-Industrial Business, as defined in the Zoning By-law. In this general policy on land use, outdoor storage is permitted.

3.3 Mix Commercial (CM)

The Mixed Commercial General Policy on Land Use corresponds to one area in the urbanization perimeter of the Municipality, as specified in the Land Development Plan of the MRC of Pontiac. This general policy on land use includes all the types of businesses and services servicing the whole community, as well as all the types of housing, except mobile homes, trailers and cottages.

The Mixed Commercial General Policy on Land Use allocates a complementary character between the uses of the Businesses and Services Group and those of the Housing Group in the village core, as well as at the intersection of Calumet Street and Highway 301.

3.4 Conservation (CO)

The Conservation General Policy on Land Use includes the Limerick islands and all the islets in the Ottawa River. Only the uses related to the conservation of wildlife and flora, as well as recreation and tourism equipment, are allowed in the Conservation General Policy on Land Use, except a part of the municipal territory that must serve as a buffer zone between the dolomite quarry and the built environment in the south.

3.5 Residential (R)

The Residential General Policy on Land Use corresponds to the residential area in the urbanization perimeter of the Municipality, as specified in the Land

Development Plan of the MRC of Pontiac. This general policy on land use includes all the types of housing, except mobile homes, trailers and cottages. It also includes a part of the municipal territory located outside the urbanization perimeter, to the west of Highway 301, intended for low density residential development.

3.6 Mix Residential (RM)

The Mixed Residential General Policy on Land Use corresponds to a residential area in the urbanization perimeter of the Municipality, as specified in the Land Development Plan of the MRC of Pontiac. This general policy on land Use includes all the types of housing, except mobile homes, trailers and cottages. It also includes the uses of the Businesses and Services Group (classes C1 and C2) and of the Public Group (classes P1, P2, P3 and P4), as defined in the Zoning By-law.

The Mixed Residential General Policy on Land Use allocates a complementary character between the uses of the Housing Group and those of the Businesses and Services Group in that part of the village.

3.7 Recreation and Tourism (RT)

The Recreation Tourism General Policy on Land Use is mainly located along the Ottawa River. The allowed uses are all the types of housing, including mobile homes, trailers and cottages, as well as the use of the Tourism and Recreation Group (class RT1) and of the Public Group (class P3). The allowed uses contribute in this way to the development of recreational and tourist activities in the Municipality, in relation to the development of the Ottawa River waterway.

The aim of the Recreation Tourism General Policy on Land Use is also to create a parks and green spaces network along the Ottawa River in the village core in order to improve these parts of the territory and to meet with the objectives of the Ottawa River Waterway Concept. The priority is given to the preservation of the banks of the Ottawa River.

3.8 Industrial (I)

The Industrial General Policy on Land Use corresponds to the operation site of the dolomite quarry located in the northeast of the Municipality. The extraction of aggregates (sand, gravel, stone), as well as light and medium industrial activities, as defined in the Zoning By-law, are allowed in this general policy on land use.

Chapter 4 PROJECTED LAYOUT AND TYPE OF THE MAIN THOROUGHFARES

Thoroughfares play distinctive roles in the dynamics of traffic of motor vehicles in the Municipality. Some trunk roads, such as highways 301 and 303, provide a regional and provincial connection and accommodate the overflow from the village core. Other traffic lanes are used essentially for internal circulation within the Municipality.

The description of the projected layout and types of the main thoroughfares allows for an overall view of the connection of traffic lanes and of current and projected transportation networks on the municipal territory.

4.1 Provincial Highway System

The Municipality of Portage-du-Fort is located at the junction of highways 301 and 303. In the west, Highway 301 bypasses the village of Portage-du-Fort from north to south from the hydroelectric dam on the Ottawa River. To the north, Highway 301 connects with the other communities of the Pontiac located in the north and in the west. Highway 303 goes through the village of Portage-du-Fort and connects with the village of Shawville located in the northeast. From there, to the east, Highway 148 connects with the City of Gatineau and the balance of the Province of Québec.

The maintenance of highways 301 and 303 is the full responsibility of the Québec Ministry of Transport (MTQ). Highway 301 is a major trucking route in the classification system of the Ministry. Trucks are not allowed on Highway 303 because of the winding course of the road and the strong inclines.

4.2 Municipal Road System

The maintenance of the municipal road system is the full responsibility of the Municipality, except Church, Main, Litchfield and Clarendon streets that are sections of Highway 303, which the maintenance is the full responsibility of the Québec Ministry of Transport (MTQ). The degree of involvement of the Municipality is more important in the case of local streets, which it must maintain on a regular basis. The Municipality is also the prime contractor during the construction of any new street within the system.

4.2.1 Zones of Activities that Generate Traffic

The identification of zones of activities provides information that will assist in the organization of traffic arrangement within the Municipality. In this way, the village core of Portage-du-Fort is the main zone of activities in the Municipality since it houses the majority of retail businesses and services that serve the local residents and the surrounding communities. The post office, the convenience store, the municipal office, the fire station, as well as lodging, tourism and recreation equipment, are found in this zone of activities and the immediate area.

Residential zones located on the fringe of the village core, the cottages area bordering the Ottawa River and the dolomite extraction site form secondary zones of activities that generate traffic in the Municipality.

4.2.2 Classification of the Municipal Road System

The knowledge of the characteristics of the zones of activities that generate traffic permits the Municipality of Portage-du-Fort to identify the collector streets and the local streets on the territory. The classification of these thoroughfares, in relation to their function, permits to better plan the road system and distribution of uses on the whole territory.

The road system of the Municipality is made up of collector streets and local streets. Collector streets are used to connect the zones of activities that generate traffic with the provincial highway system. Local streets serve the residents of a same area within the zones of activities.

4.2.2.1 Collector Streets

In the village, Church, Main and Litchfield streets connect the eastern part with the western part of the Municipality of Portage-du-Fort. To the south, Main Street gives access to Harbour Square, the wharf and the boat launching ramp on the Ottawa River. To the north, Calumet Street makes a connection between the village core and Highway 301 by going through a residential zone found there.

To the west, *Chemin des Outaouais* connects the cottages area bordering the Ottawa River with Highway 301. To the east, Stoney Batter Road gives access to the dolomite extraction site.

4.2.2.2 Local Streets

The local streets serve the residents of a same area in the Municipality. In this way, Osborne, Leather, Patrick, Nancy Lane, Mill, Nelson, John Carmen McCallum, Lillian, Canal, Water Lane, Cemetary, Beckett, Bouvier, Benthley, Gribble, Terry-Fox et David-Brousseau are local streets.

4.2.3 Construction of a New Collector Street

In the long term, the construction of a new collector street, to the west of Highway 301, would allow the opening of a new residential area that may be developed there. The collector street would contribute to the vitality of the village core as the main zone of activities in the Municipality, by linking more directly these parts of the municipal territory.

The main obstacles for the construction of such a collector street are drainage and the steep hills near Highway 301, down below the plateau where clearing and filling work are needed. At the time of developing this part of the municipal territory for residential purposes, it will be important to first obtain a more thorough expert opinion to understand the elements of the natural and human environment susceptible to impose important restrictions to the construction of the collector street.

4.3 Management of Highways 301 and 303 Corridors

The corridors of highways 301 and 303 are spaces that include the rights-of-way of the roads and their infrastructures, as well as the adjacent land. The management of these corridors consists in ensuring a better coherence between the road system management policy of the Québec Ministry of Transport (MTQ) and the land development policies of the Municipality.

4.3.1 Control of Uses and Accesses

The Municipality of Portage-du-Fort is of the opinion that it has a role to play in the management of the highways 301 and 303 corridors by controlling uses and accesses. The Municipality favours urban development in the urbanization perimeter and along all the streets of the municipal road system in order to reduce the restrictions resulting from the land occupation by the proximity of highways 301 and 303.

The Municipality of Portage-du-Fort favours the construction of collector streets or service roads to new zones of development in order to reduce the intersections with highways 301 and 303 and to increase the safety of motorists. In this way, the Municipality will no longer issue building permits as long the applicant does not first obtain his or her access permit from the Québec Ministry of Transport (MTQ).

4.3.2 Reshaping of Highways 301 and 303 and of Intersections

The Municipality of Portage-du-Fort is of the opinion that drainage conservation work and improvement of hazardous curves be undertaken on Highway 301 by the Québec Ministry of Transport (MTQ), on the road section between Highway 148 and Calumet Street, in order to increase the safety of motorists and the accessibility to the village. The Municipality is also of the opinion that the Ministry undertake works for the reshaping of the intersection of Highway 301 and Mill Street in order to increase the visibility and safety of the motorists coming from Ontario.

The low width and the configuration of Highway 303 in the crossing of the village core are a major problem in terms of traffic fluidity and safety of

motorists. This is in this part of the territory that the main zone of activities generating traffic is found in the Municipality because of the uses found there. As for Highway 301, the configuration (incline, curve) of Highway 303 (that corresponds to Litchfield Street in the crossing of the village core) makes the intersection of Calumet Street hazardous because of the lack of visibility there.

4.3.3 Visibility of the Village Core

In order to contribute to the revitalisation of the commercial district and to the development of recreation and tourism in the Municipality, it is important to increase the visibility of the village core of Portage-du-Fort by providing signage (direction towards the downtown area, list of businesses and services available, attractions), as well as reshaping the accesses and intersections.

Chapter 5 ZONES TO RENOVATE, TO RESTORE AND TO PROTECT

The designation of parts of the municipal territory as zones to renovate, to restore and to protect must facilitate the achievement of specific objectives of land development by specifying the actions desirable in relation to the restrictions and the development potential of the community. Their development therefore aims at contributing to the economic development of the Municipality, to improve the quality of the environment and to preserve the exceptional character of these sites.

5.1 Preservation and Improvement of the Stone-Made Buildings in the Village Core

The group of stone-made buildings (churches, houses, mills, etc.) on Church, Mill and Osborne streets shows an era of prosperity when Portage-du-Fort was considered to be the county seat of Pontiac as a good result of the recent arrival of steamboats. Although many buildings were destroyed at the time of the great fire in 1914, some have been rebuilt since then.

Notwithstanding the successive transformations and the degradation of houses in the oldest parts of the Municipality, there remains the fact that the village core of Portage-du-Fort abounds in architectural elements that is important to preserve and to improve. The improvement and renovation of the buildings would allow not only to consolidate the commercial and residential vocation of Church, Mill and Osbourne streets, but also to revitalise the village core and to contribute to the development of tourism in the Municipality. The improvement of the architectural features of the stone-made buildings is likely to develop the feeling of belonging to the Municipality and to give them a new vocation, while meeting the needs of the local residents.

The Municipality may make the residents aware of and give them the information about the current renovation programs. It could also establish a revitalisation and tax credit program to give rise to renovation work on the stone-made buildings located on Church, Mill and Osbourne streets and in the other oldest parts of the Municipality. In any time, the Québec Ministry of Culture and Communications (MCC) may offer a technical assistance for the improvement of these parts.

The village core of Portage-du-Fort may be defined as a priority redevelopment area that could be the subject of a special planning program in the context of a project consisting in the revitalisation and improvement of these parts of the Municipality. This special planning program would include the stone-made buildings area, as well as Main Street, Harbour Square and Veterans' Park, in which is located the wharf and the boat launching ramp.

5.2 Management of the Banks of the Ottawa River for Cottages, Recreation and Conservation Purposes

Apart from the village of Portage-du-Fort, the banks of the Ottawa River form a vast area for cottages, recreation and conservation that is important to protect, considering the historical and environmental significance.

The objective is to maintain a quality environment by exercising a control over what can be done by ensuring that any new construction or land occupation does not alter the value of that zone of interest. Such protection would encourage positive strategies for the development and improvement of this area.

In this way, the Municipality of Portage-du-Fort aims at meeting the objectives of the Ottawa River Waterway Concept through the improvement of the quality of the environment and the preservation of the exceptional character of these parts of the territory that can support a host of recreation and tourism activities.

The shores of the Ottawa River are destined to receive various open-air recreation activities that meet the needs of the local residents, as well as the residents of the neighbouring communities. The banks of the Ottawa River must also remain a special place for the practice of various forms of exercise (walking, cycling, cross-country skiing or other light exercises) that can be easily developed along such exceptional landscapes of the Ottawa River.

Limerick Islands and the marshes located in the northwest of the municipal territory form a vast group of lands that could be developed for conservation purposes in a way that they become a place for environmental recreation and nature interpretation. Interpretation trails on particular themes (hydroelectricity, aquatic life, Ottawa River, etc.) could be developed in order to improve these parts of the territory and to contribute to the development of tourism in the Municipality.

Limerick Islands and the marshes located in the northwest of the municipal territory are also destined to receive various open-air recreation activities which meet the needs of the local residents, as well as the residents coming from the neighbouring communities. Limerick Islands are a favoured site for the practice of various walks allowing benefit from a natural environment rich in biodiversity.

CONCLUSION

The territory of the Municipality of Portage-du-Fort awaits development. Far too often, development happens at the rate and as dictated by the applications for permits, without any real planning or previously thought out implementation criteria. This absence of development planning can generate the creation of an ill-assorted environment poorly integrated, and made up of buildings and outdoor facilities not very well coordinated.

The Planning Program of the Municipality of Portage-du-Fort therefore describes and explains the decisions of the Council concerning the physical organization of its territory. It gives the opportunity to the Municipal Council to define the most harmonious combination of activities on the territory of the Municipality. The Planning Program also allows the Council to make enlightened decisions in the matter of land use planning and development.

In this way, the Planning Program of the Municipality of Portage-du-Fort defines the general aims of land development and the general policies on land use for each part of its territory. It describes the projected layout and the types of the main thoroughfares, and identifies zones for renovation, restoration and protection in order to facilitate the development of recreation and tourism within the Municipality.

MUNICIPALITY OF PORTAGE-DU-FORT

**BY-LAW NUMBER 251-04
ENACTING THE BY-LAW
FOR THE INTERPRETATION AND
ADMINISTRATION OF THE PLANNING BY-LAWS**

ADOPTED ON DECEMBER 8, 2004

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Chapter 1 DECLARATORY AND INTERPRETIVE PROVISIONS

1.1 Title of the By-law

By-law Number 251-04 is entitled: « By-law for the Interpretation and Administration of the Planning By-laws ». This By-law includes the rules for the interpretation and administration of the planning by-laws.

1.2 Objective

In order to facilitate the interpretation and administration of the planning by-laws, this By-law brings together the declaratory provisions and the rules governing interpretation, recourse and sanctions, as well as the administrative provisions common to the planning by-laws.

1.3 Scope of the By-law

This By-law applies in whole or in part to By-law Number 252-04 enacting the Zoning By-law, By-law Number 253-04 enacting the Subdivision By-law and By-law Number 254-04 enacting the Construction By-law.

This By-law is an implementation mechanism designed as part of a rational development policy for the municipal territory included in By-law Number 250-04 enacting the Planning Program.

1.4 Effective Date

This by-law shall become effective, after publication, in accordance with the provisions of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.5 Subject Territory

This By-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all the territory under the jurisdiction of the Municipality of Portage-du-Fort.

1.6 By-law Replaced

All by-laws and any parts of by-laws governing the interpretation and administration of the planning by-laws are repealed for all intents and purposes and replaced by this By-law.

All other regulatory provisions incompatible with this By-law are also repealed.

These replacements do not affect proceedings instituted under the authority of the by-laws thus replaced, which will continue under the authority of the said replaced by-laws until final ruling and execution. They do not affect permits issued under the authority of the by-laws thus replaced.

1.7 Effects of Other By-laws

Any structure built, rebuilt, enlarged, modified or repaired and any parcel of land, or any building occupied or used for the purposes authorized in this By-law, and in the manner thereby authorized, is also subject to the particular provisions of the other municipal by-laws which pertain to them.

1.8 Buildings and Lands Affected

Any lot or part of a lot intended for occupancy, as well as any building or part of a building, and any structure or part of any structure, must be erected in accordance with the provisions contained in this By-law. Any building, any structure or any land for which the occupancy or use is planned for modification must conform to the requirements of this By-law. This By-law applies also to any lot, portion of a lot or building site which is to be divided or re-divided.

1.9 Method of Amending this By-law

1.9.1 Initiating an Amendment to this By-law

Initiating an amendment to this By-law may be performed by a ratepayer, by Council or by the designated officer.

1.9.2 Upon the Initiative of a Ratepayer

When a ratepayer wishes to have one of the planning by-laws be amended, he or she must submit a written application to the designated officer, in which he or she explains the reasons for his or her request.

The designated officer shall study the application and, if he or she judges it to be acceptable, shall give favourable notice and forward the application with all relevant documents to Council, recommending that the necessary steps be taken to proceed with a by-law of amendment, in accordance with the provisions contained in sections 123 to 137 of the Act respecting Land Use Planning and Development (R.S.Q, c. A-19.1).

1.9.3 Application Submitted Directly to Council by a Ratepayer

When an application for an amendment is submitted directly to Council by a ratepayer, Council shall forward it directly to the designated officer for his or her recommendation.

1.9.4 Upon the Initiative of the Designated Officer

When the designated officer desires, on his or her own initiative, to amend one of the planning by-laws, he or she has to give a written recommendation to Council.

If Council agrees with the recommendation, it shall proceed with a by-law of amendment, in accordance with the provisions of sections 123 to 137 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.9.5 Upon the Initiative of Council

When Council desires to amend one of the planning by-laws, it shall advise the designated officer beforehand, and require from him or her, within a deadline which it shall set, an opinion on the by-law which it intends to adopt.

The designated officer shall prepare an opinion on the proposed amendment and shall forward all relevant documents to Council.

Council shall adopt a by-law of amendment, in accordance with the provisions of sections 123 to 127 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.10 Document Appended

The tables, diagrams, graphs, symbols and any other forms of expressions contained in this By-law, as well as the appendices, make up an integral part of this By-law to all intents and purposes.

1.11 Validity

Council shall adopt this By-law in its entirety and also part by part, chapter by chapter, division by division, sub-division by sub-division, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, line by line and word by word, in such manner that if a part, a chapter, a division, a sub-division, a section, a paragraph, a sub-paragraph, a line or a word of this By-law is or should be declared null and void, the other provisions included in this By-law shall continue to apply.

1.12 Inconsistent Planning By-laws

In the case of inconsistency between By-law Number 252-04 enacting the Zoning By-law, By-law Number 253-04 enacting the Subdivision By-law and By-law Number 254-04 enacting the Construction By-law, the provisions of the Zoning By-law shall apply.

1.13 Inconsistency between General and Specific Provisions

In the event of any inconsistency between the general provisions for all zones or for one zone and the provisions specific to each of the zones, the provisions specific to one zone shall apply, unless a specific indication appears to the contrary in a general provision.

1.14 Costs for an Amendment to a Planning By-law

Costs related to an amendment to one of the planning by-laws are born by the ratepayer who submits the application.

Council shall decide whether or not to meet some of the costs depending on the nature and the reasons for the amendment.

Chapter 2 RULES GOVERNING INTERPRETATION

2.1 Interpretation of the Text

The titles contained in this By-law are, for all purposes, an integral part of this By-law. In cases of contradiction between the proper text and the titles, the text shall prevail. The original text in French supersedes the interpretation of the English translation.

- A- The verbs used in the present tense include the future;
- B- The singular includes the plural and vice versa, unless the context indicates otherwise;
- C- The word « MUST » or « SHALL » indicates an absolute obligation; the word « MAY » indicates a possibility of choice;
- D- The expression « ANY PERSON » includes all persons, moral or physical;

- E- The word « MUNICIPALITY » is used to designate the Municipality of Portage-du-Fort;
- F- The word « COUNCIL » is used to designate the Council of the Municipality of Portage-du-Fort;
- G- A uniform numeration system is used through all this By-law. The first number indicates the chapter of the by-law. The second number refers to the division of this chapter. The third number refers to the sub-division of this division. The fourth number identifies the section referred to the sub-division in question.

- 1. CHAPTER
- 1.1 Division
- 1.1.1 Sub-division
- 1.1.1.1 Section

All measurements mentioned in this By-law are expressed according to the International System of Units, the metric system.

2.2 Interpretation of Tables, Diagrams, Graphics and Symbols

Tables, diagrams, graphics and symbols and any other forms of expressions other than the proper text, to which it is referred in this By-law, are an integral part of it for all intents and purposes.

In the event of inconsistency between the text and the tables, diagrams, graphics, symbols and any other forms of expressions, the text shall prevail. In the event of inconsistency between a table and a graphic, the data contained in the table shall prevail.

When a restriction or prohibition included in this By-law, or any of its provisions is found to be incompatible or in contradiction with another provision of this By-law, the most restrictive or prohibitive provision shall apply.

2.3 Definitions

This division includes all the definitions that fully apply to all the planning by-laws.

A

ACCESSORY BUILDING (secondary building)

Building detached from the main building located on the same lot or piece of land than the latter, and primarily used to shelter objects. An accessory building is complementary to the primary use and may not serve for residential purposes, or used temporarily as a dormitory.

ACQUIRED RIGHT

Right recognized within a non-conforming use, a non-conforming lot or a non-conforming structure existing before a by-law or regulation came into force which, thereafter, prohibited this type of use or governed said use, subdivision or structure within a given zone in a different manner.

ADDITIONAL DWELLING

An additional home which may be authorized by the municipal regulation and developed or planned on the basis of a one-family home, in accordance with the provincial regulation on septic facilities.

AGRICULTURAL COMMERCIAL USE

Commercial use related to agriculture, such as a commercial greenhouse, warehousing, processing of agricultural products, veterinary offices, sugar bushes, and so forth.

AGRICULTURAL OPERATIONS

The set of production activities managed by a person who is the owner or the lessee of agricultural lands or buildings.

AGRICULTURAL ZONE

In so far as zoning is concerned, this term is reserved exclusively for areas placed under the jurisdiction of the Act respecting the Preservation of Agricultural Land and Agricultural Activities (R.S.Q., c. P-41.1) and designates this territory. No portion of the agricultural zone is included in the territory of the Municipality of Portage-du-Fort.

ANGLE OR CORNER LOT

Lot located at a street intersection and where the angle of intersection is less than one hundred and thirty-five (135) degrees. A lot located where the street line describes an arc which is subtended by an angle of less than one hundred and thirty-five (135) degrees, is also considered to be a corner lot.

ANGLE TRANSVERSAL LOT

A lot other than an angle or corner lot open onto at least two streets, but not having any rear lot line.

ANNEX

Any accessory structure or building attached to the main building and built on the same lot or piece of land than the latter.

AREA OF A LOT

The surface measurement of a lot included within its front and rear lateral lot lines.

AREA OF OPERATION (quarry, sandpit)

In a quarrying operation, the surface of the ground from which mineral products are extracted, or where crushing and screening operations are conducted, and where the extracted mineral products are loaded and dumped, along with the soil taken from the surface of the land.

ATTIC

Habitable portion of a loft, of which the floor measured in its areas where its height from the floor is at least two hundred and twenty-five (225) centimetres represents not less than forty percent (40 %) and not more than seventy-five percent (75 %) of the floor area of the storey below. The attic represents one-half (1/2) storey for the purposes of calculating the height of the building.

AXIS (median)

Longitudinal line marking the centre of a street, road, waterway, railway or any other similar entity having a linear character.

B

BACKFILL

An action by which material dug is deposited on the surface of the soil in the purpose to proceed to landscape or to fill a cavity.

BALCONY (gallery)

A platform projecting from the walls of a building, surrounded by a balustrade or a barrier, and which may be covered by a roof, which may or may not be supported by columns.

BARN

A building wherein unprocessed grain, straw, hay and agricultural machinery are kept.

BASAL AREA

A land cover unit commonly used in forestry at the time of inventory and tree marking with the help of a prism. The residual basal area is the same measurement after the cut. The residual basal area is expressed in square meters per hectare.

In the case of a tree, the basal area is the cross section of the stem at chest height. In the case of a stand, the basal area is the sum of trees.

BASEMENT

A part of a building or storey located below the level of the adjacent ground and for which over half of the free height measured from the floor to the ceiling is above the median level of the adjacent ground. The basement represents one-half (1/2) a storey for the purpose of calculating the height of a building.

BI-FAMILY DWELLING (vertical duplex)

A building comprising two (2) dwelling units, one of which is placed on top of the other, and having separate entrances opening directly outside, or opening onto a vestibule.

BLIND WALL

A wall of a building with no opening.

BLOCK

A series of sites or lots bordered by thoroughfares, rivers or railways.

BOAT LAUNCHING RAMP

A facility, public or private, intended for the launching of small sailing boats. This type of structure must be approved by the Québec Ministry of the Environment.

BUILDABLE AREA

The residue of the total surface of the lot, once the following areas have been subtracted:

- 1) The front setbacks pertaining to the zone under consideration;
- 2) The front setbacks specific to regional roads;
- 3) The lateral setbacks specific to the zone under consideration;
- 4) The setbacks specific to floodplains;
- 5) The setbacks specific to unstable slopes;

- 6) The riverside protection area for waterways;
- 7) Any other provisions required under the terms of this By-law.

BUILDING

A structure having a roof supported by columns or walls and used to shelter people, animals or objects.

C

CADASTRAL OPERATION

The whole of the procedure intended to perform division, a vertical cadastre, a subdivision, a re-division, a correction, a replacement, a cancellation, an addition, a subdivision and re-division, a cadastral regrouping, including all those made and for which the plan is filed in accordance with the Cadastre Act (R.S.Q., c. C-1) and with Section 3043 of the Québec Civil Code.

CAMPING

An establishment providing the public, in return for compensation, with sites for recreational vehicles or tents, except for camping to the farm belonging to the owner or the operator of the breeding installations in question.

CAMPING GROUND

A piece of land allowing for a short stay to the users of recreational vehicles, campers, tents, etc.

CELLAR

The portion of a building of which more than half of the height measured from the floor to the ceiling is under the average level of the adjacent ground. The basement must not be counted when the number of stories of a building is determined.

COLLECTOR STREET

A street intended to channel traffic from local streets within a neighbourhood unit.

COMMERCE, SERVICE

Premises on which the sale of goods and/or services is conducted.

COMMON WALL

A wall belonging to two (2) contiguous properties erected on the line separating two lots.

COMPLEMENTARY USE

A permitted use other than the dominant use in a zone, and which may be conducted on a lot distinct from the lot on which the dominant use is conducted.

COMPLIANCE (rule of compliance)

Rule which allows the Municipality of Portage-du-Fort to ensure, on the one hand, coherence between the Land Development Plan of the Regional County Municipality of Pontiac and, on the other hand, the Planning Program, the Zoning By-law, the Subdivision By-law and the Construction By-law.

CONSTRUCTION BY-LAW

A planning by-law adopted by Council, which sets the rules relating to building, in compliance with sections 116 and 118 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

CONSTRUCTION LINE

A line set out by this By-law and the amendments thereto on private property, parallel to, and at a certain given distance from, the line of a public thoroughfare, behind which any building or part of a building, foundation walls, principal walls or overhang is to be erected, apart from any structures specifically permitted under the terms of this By-law. The interval located between the construction line and the line of a public thoroughfare sets out the front setback.

COTTAGE INDUSTRY

This category regroups all activities and uses that have no impact on the neighbourhood (noise, smoke, dust, vibration, smell, traffic) and on the quality of the environment. All operations are performed indoors and no goods are stored outdoors. The product resulting from this operation is to be commercialized on site or locally.

D

DEAD-END STREET

A part of a public thoroughfare open to traffic and which does not open onto any other public thoroughfare at one end of its parts.

DEPENDENCY

Accessory building (or secondary building) uses exclusively by the owner or by the occupant of an agricultural establishment.

DEPTH OF A LOT

The average distance between the front and rear lines of a lot. Where there is no rear lot line, this distance is calculated in relation to an imaginary line parallel to the front lot line, running through the lot and having a length of at least sixty percent (60 %) of the minimum required frontage.

DESIGNATED OFFICER

The employee of the Municipality responsible for the application and administration of this By-law, including his or her substitute or assistant.

DEVELOPMENT

The act or instance of developing. It includes any development, the construction a new building, and the enlargement or movement of an existing building.

DISPLAY (outdoor)

The display of products outdoors, during a limited period of time corresponding to the hours of operation of a given business.

DOCK

A facility, public or private, intended for the mooring of small sailing boats.

DOMESTIC USE

A use conducted for a gainful purpose which complements the residential use. The following uses are considered to be domestic: teachers', business and professional offices, word processing agencies, artists' workshops, sewing and design offices, etc. This use ceases to be domestic when it exhibits external signs of its own development, such as these pertain to outdoor storage, the posting of signs or parking. A domestic use is a privilege and does not allow, at any time, any disturbance of the public peace by noise or odours.

DWELLING

A room or suite of rooms in a building, having a separate entrance and intended to serve as a domicile, and provided with its own sanitary facilities, sleeping quarters and facilities for the cooking of food and meal preparation. A dwelling does not include a motel, a hotel, a rooming house or a trailer.

DWELLING HOUSE

A dwelling of at least 21 m² that does not belong to the owner or the operator of the breeding installations in question, or to the shareholder or the manager of these operations.

E

ENLARGEMENT

An act or instance of increasing the floor area or the volume of a building, or the area of a piece of land occupied by a use.

EXCAVATION

An act of digging in the ground or moving earth and destined to change the natural form of the land.

EXTRACTION SITE

A site where are extracted open to the air, for commercial or industrial purposes, or to meet contractual obligations, or to build roads, dams or seals, except for asbestos or metals mines, consolidated or loose minerals, under the terms of the Environment Quality Act (R.S.Q., c. Q-2). Are also included all processing or handling operations which may be connected with extraction operations, whether these include the cutting or grinding of stone, the screening and manufacture of asphalt, cement or concrete.

F

FAST-FOOD RESTAURANT

A small restaurant having a counter, without tables or stools, where light meals are served.

FENCE

Structure separating either two neighbouring properties or not, and is intended to separate a property or part of a property from another property or from other parts of the same property, and/or to prevent access.

FILLING STATION

A commercial establishment intended primarily for the retail sale of gasoline (motor fuel) for automobiles and, accessory, for the sale of related products necessary for the day-to-day operation and maintenance of vehicles.

FOUNDATION

The portion of a structure located underneath the ground floor, and including walls, foundations, footings, pillars and pilings which convey the weight of a building to the ground or to the rock to which these features are attached.

FREESTANDING ONE-FAMILY DWELLING

An isolated one-family dwelling which is not adjacent to another dwelling, nor linked to it in any way.

FRONT LOT LINE

The line of demarcation between a lot or a piece of land and the surface covered by the public thoroughfare. In the case of a lot which does not open onto a public street, the line of demarcation is located on the side where the civic number is posted. For lots located along lakes and waterways, the front lot line is the line adjacent to the shoreline.

FRONT SETBACK

A provision contained in the municipal planning by-laws establishing the minimum depth of the front yard. The prescribed dimension establishes a setback parallel to the front lot line, except in the case of any provision to the contrary. See « LOT ».

FRONT WALL

A wall of a building nearest the front lot line, and parallel to this line, or essentially parallel to it. The line formed by this wall may be irregular.

FRONT WALL OF A BUILDING

The portion of a building which faces on a street in the case of interior lots. In the case of corner lots, this is the portion of the building where the main entrance is located.

FRONT YARD

A space, generally under the open air, located at the front of a main building and delineated according to the characteristics of the lot on which the building is erected.

Case of an interior lot: A space delineated by the lines of the street, the side lot lines and the lateral extension of the facing wall of the main building.

Case of a through lot: See « Case of an interior lot ».

Case of a corner lot: A space delineated by the street lines, the lateral extension of the facing wall toward the interior lateral lot line and the rear extension of the lot to the side wall located on the street side.

FRONTAGE

The measurement between the lateral lines of a lot extending along the line of frontage along a public or private thoroughfare, either existing or planned. In the case of a riverside lot along a lake or waterway, the frontage signifies the straight line between both side lot lines. In the case of a lot located at the intersection of two (2) streets, this measurement must be taken from a single side lot line to the intersection.

The frontage of a lot can also be calculated by using the average width of the road allowance or the width taken at the front setback.

FRONTAGE OF A LOT

The main face of a plot of land facing on the front entrance of a dwelling or the building, and defined outwards by an extension of the front wall, the front lot line and the side lot line.

G

GREENHOUSE

A building having a wood or metal framework, covered in a translucent or transparent material which allows for the entry of solar energy and which is intended to allow plants, fruits or vegetables to be grown.

GROSS DENSITY

The gross density is given by the total number of dwellings included within the perimeter of the property or the territory directly concerned, divided by the area under consideration, including the streets and all land devoted to any public or institutional use in this territory.

GROSS FLOOR AREA

The total area of the floors of the ground floor and the upper storey, measured from the exterior surface of the outside walls or from the axis line of the median walls. The gross floor area also includes:

- A basement or part of a basement used for residential, commercial or industrial purposes;
- A basement or part of a basement used as a recreation room, a storage room or as a laundry room;
- A ground floor or a storey used as a parking lot.

However, the gross floor area does not include:

- A basement or any storey, either in whole or in part, used as a parking lot or as an area used to house mechanical equipment;
- An uninhabitable or unusable attic;
- A balcony, terrace, porch or patio;
- An off-street loading area.

GROUND COVERAGE

The total area of ground which may be occupied by buildings. This area is entered on the specification grid as a percentage.

GROUND FLOOR

A portion of a building that constitutes the first storey erected completely above the average level of the adjacent ground. However, if the average level of the land is lower than that of the street, the first storey is the storey where more than half of the volume is located above the level of the street.

H

HABITABLE ROOM

A room intended primarily for use by persons, according to the minimum dimensions, areas and volumes stipulated by regulation, in provincial hygiene regulations and in the National Building Code of Canada (NBC), NRCC n° 38726F.

HABITATION

A building or portion of a building intended to shelter persons, and including one or several dwellings.

HALF-STOREY

The upper storey of a building wherein the area of the floor measured in those portions where the height of the ceiling is at least two hundred and twenty-five (225) centimetres, and is not less than forty percent (40 %) and not greater than seventy-five percent (75 %) of the area of the floor beneath.

HEIGHT EXPRESSED IN METRES

The vertical distance between the median level of the ground and a horizontal plane, going through:

- The highest part of the assembly of a flat roof;
- The average level between the eaves and the ridge, in the case of a sloped, peaked, mansard or hipped roof.

HEIGHT IN STOREYS

The number of storeys included between the basement or ground floor and the roof of a building. See « ATTIC », « BASEMENT » and « CELLAR ».

HIGH WATER LINE

A line used to delimit the littoral and the lakeshores and river banks. This line is situated at the area where the predominance of land plants takes over from aquatic plants.

Aquatic plants are all the hydrophilic plants. These plants include submerged plants, floating leaves plants, emerging plants and emerged herbaceous and ligneous plants typical to marshes open on bodies of water.

- If there are no aquatic plants, the high water line is situated where the land plants stops toward the body of water;
- In the case of a water-retained structure, the high water line is the maximum level of operation of the hydraulic structure for that part of the body of water located upstream;
- In the case of a legal retaining wall, the line is at the top of the retaining wall;
- Failing to establish the high water line according to the preceding criteria, it corresponds to the water level that floods two years in a row, which then is considered equivalent to the above-mentioned botanical criteria.

HIGHWAY

A generic term designating a thoroughfare intended for use by vehicular traffic, to ensure transportation between agglomerations. A highway is located within a right-of-way and requires, at the time of construction, the carrying out of considerable excavation work, the construction of engineering works and in some cases the moving of persons.

HOTEL

A building or part of a building developed in furnished rooms to house a transient clientele, and provided with a public dining room or a cafe-restaurant.

I

IMMOVABLE

An asset which cannot be moved, or which the law considers to be such. An immovable designates any building, structure or land.

INDUSTRIAL COMMERCIAL USE

Use having an industrial nature which, generally speaking, is incompatible with a residential use, such as a bus garage, trade workshop, supply depot or automobile recycling business.

INTERIOR LOT

A lot situated along a road side, other than an angle lot.

K

KIOSK-COUNTER

A structure made up of shelves and counters, whether sheltered or not and used, on an intermittent basis, for the sale or demonstration of various products.

L

LAND DEVELOPMENT PLAN

The planning instrument which sets out the guidelines for the physical organization of the territory of the Regional County Municipality of Pontiac, by coordinating the

choices and decisions which affect the Municipality of Portage-du-Fort and the Government of Québec.

LATERAL LOT LINE

The line of demarcation between lots or parcels of land. This line is perpendicular to, or almost perpendicular to, the street line, and may be irregular. For lines located along lakes and waterways, the lot lines perpendicular to the river are those which form an angle with the shoreline.

LATERAL SETBACKS

A provision contained in the municipal planning by-laws establishing the minimum depth of the lateral yards. The prescribed dimension establishes a setback parallel to the lateral lot line. See « LOT »

LAYOUT PLAN

A plan showing an up-to-date survey that includes the existing or planned buildings and their layout. The levels, distances and areas must be indicated on it.

LIGHT INDUSTRY

This category regroups all assembly and processing activities and uses that have a low impact on the neighbourhood and on the quality of the environment. Most of the operations are performed indoors.

LITTORAL

The portion of lakes and watercourses that extends from the high water line to the centre of the body of water.

LOCATION PLAN

A plan drawn to scale that shows the buildings, trees, ravines or waterways, easements, etc., indicating the shapes, the dimensions and the areas of buildings, as well as the shapes, the dimensions and the area of the site.

LOFT

A space in a building included between the ceiling of the upper floor and the sloped roof of the building. See « ATTIC ».

LOT

A parcel of land described by a distinct number on the official cadastral plan or on the subdivision plan made and filed in accordance with Section 3043 of the Québec Civil Code, a parcel of land described in the deed of transfer by bordering and abutting lands, or the residual portion of a parcel of land described by any deed of transfer by bordering and abutting lands, along with subdivisions, including those performed and filed in conformance with the Cadastre Act (R.S.Q., c. C-1) and with Section 3043 of the Québec Civil Code.

LOT LINE

The cadastral line used to delimit a parcel of land. This delineation is performed by a land surveyor.

LOT WIDTH

The distance between the lateral lot lines of a piece of land, measured at the front easement.

M

MAIN BUILDING

A building wherein the main use is carried on for the lot or piece of land on which it is built.

MAIN USE (dominant)

The principal use of a lot or a building. With specific exceptions, there can be only one main use per lot. The building used for the main use must be erected before an accessory or secondary building is constructed, except in the case of an industrial use.

MARINA

A public or private facility allowing for the launching and mooring of a least ten (10) small sailing boats. A marina also provides fuel supply services, as well as all services related to a business and to the maintenance of small sailing boats. As a complement, the marina may provide, within a permanent welcoming pavilion, lodging, restaurant and bar services.

MECHANICAL WORKSHOP

An establishment intended for the repair of motor vehicles or any other type of mechanical equipment.

MEDIUM INDUSTRY

This category regroups assembly and processing activities that have a little impact on neighbourhood and on the quality of the environment. Outdoors storage is allowed.

MIXED OCCUPANCY (multiple)

The occupancy of a building or part of a building for several different uses.

MIXED OR MULTIPLE USE

A use authorized for a building for two or several distinct purposes, corresponding to those uses normally conducted in different zones, with all of the foregoing constituting only one main use under the terms of this By-law.

MOBILE HOME

One-family home of least ten (10) metres in length, manufactured in a factory and capable of being transported, intended for use as a dwelling and designed to be moved on its own wheels to the area for which it is intended and to be attached, in perpetuity, to an immovable by means of a physical or a material link to a concrete pad or a permanent foundation. A mobile home includes the septic facilities which meet provincial standards.

MOBILE HOME PARK

A piece of land subdivided into lots, and developed in such a way that there is no more than one dwelling per lot. The minimum area of a lot for the installation of a mobile home is indicated on the specification grid.

MODIFICATION

Any change, enlargement or remodelling of a building, or any change made to its use.

MOTEL

An establishment made up of lodging units, either under the same roof or not, for the use of a transient or stationary clientele. Each of these units constitutes a distinct unit, having its own entrance opening directly outward, and is equipped with plumbing facilities. It may or may not be equipped with cooking facilities for the exclusive of its occupants, with parking for automobiles directly on site.

MULTIPLE-FAMILY DWELLING

A dwelling comprising five (5) units or more, and having a common main entrance or the same civic number.

MULTIPLE-STOREY DWELLING

A home comprising a group of persons, administered by a non-profit corporation or a profit-oriented corporation, or by an individual having a profit motive. In this home, meals are prepared in a common kitchen.

This group comprises:

- Group homes for the physically and mentally challenged;
- Shelters for the elderly;
- Day centres;
- Homes for young people;
- Rooming houses;
- Community residence for religious orders;

- Lodging and rehabilitation centres for challenged people of all types and for the people not adapted socially;
- Transition homes for former convicts;
- Retirement, convalescent and rest homes, orphans' homes and student residences.

Any other dwelling that meets the definition of a group home.

MULTIPLE-UNIT DWELLING

A building comprising a number of superimposed or adjacent dwelling units, each one of which is provided with a separate entrance. This class of use includes duplexes, triplexes, twinned units, row houses and apartment buildings.

MUNICIPALITY

Any organization responsible for the administration of a territory for municipal purposes, to the exclusion of a regional county municipality. In this By-law, the word « MUNICIPALITY» designates the Municipality of Portage-du-Fort.

N

NET DENSITY

The net density is given by the total number of dwellings included in or planned for the area within the perimeter of the property or the territory directly concerned, divided by the area under consideration, excluding the streets and all land devoted to any public or institutional use.

NET FLOOR AREA

The floor area that is used strictly for the purposes of permitted uses. However, this area does not include:

- An entryway, a vestibule or a corridor;
- A mall in the case of a shopping centre;
- The enclosures used for a stairway or an elevator;
- Storage rooms;

- Balconies, terraces, patios and porches;
- Exterior staircases;
- Indoor parking garages located under the average ground level;
- Areas occupied by mechanical, heating, ventilation, air-conditioning and plumbing equipment, etc.;
- Common rooms used for recreational, cultural or social purposes.

NON-CONFORMING STRUCTURE

A structure which does not conform to the provisions of this By-law, but which did conform to the regulations in force when its construction was begun.

NON-CONFORMING USE

An use which is not in compliance with the Zoning, Construction and Subdivision by-laws, which is either in existence or authorized by the Municipality as of the date these planning by-laws come into effect.

O

ONE-FAMILY DWELLING

A dwelling which comprises one single unit and which may include an additional single dwelling unit, in so far as the septic facilities are considered to be adequate. See « DWELLING ».

OPENING

A hole arranged or pierced in a construction, such as an arch, a bay, a pocket, a garret window, a pet door, an evacuation hole, a window recess, a window, a wicket, a peep-hole, a dormer window, a bull's eye, a door, an air vent, a trapdoor, and a fanlight.

OUTDOOR TERRACE

An outdoor site where tables and chairs are provided for patrons, adjacent to a commercial establishment.

OWNER

A person who possesses real property under any title whatsoever, including title as a tenant, as the occupant of a building charged with substitution or a long-term lease, or who occupies Crown Land under the terms of a promise of sale, a permit of occupancy or a rental agreement.

P

PARK AND PLAYGROUND

A space used for the purposes of, or intended for, recreation, relaxation and sports for the public in general. The park is sometimes occupied by community equipment.

PARKING LOT

The indoors or outdoors space within which individual parking stalls are provided, along with passageways to clear traffic.

PARKING LOT (area)

A parking stall or set of parking stalls, including access roads and parking stalls.

PARKING LOT (off-street)

An uncovered ground used for the parking of cars, other than a street or access road.

PARKING STALL

A space required to park a motor vehicle, not including the access roads.

PERMIT AND CERTIFICATE

The documents issued by the designated officer, in accordance with the municipal planning by-laws. The obtaining of a permit or certificate is necessary to exercise

an afferent right when the application or the project in question conforms to the municipal planning by-laws.

According to the Act respecting Land Use and Development (R.S.Q., c. A-19.1):

The building permit is the document required for the construction of a new building, remodelling, enlargement or addition to an existing building.

The subdivision permit is the document required to perform a cadastral operation. The Subdivision Permit is granted by resolution of Council.

The certificate of authorization is the document required for any change in the use or the purpose to which a building is put, for any demolition work, for temporary use, etc.

The occupancy certificate is the document required to allow occupancy of a building when the planning by-laws have been respected.

PIECE OF LAND

The land surface which may be divided into one or several lots or parts of lots, and which are used or may be used for a main use, and constitute one and the same property.

PLANNING BY-LAW

A legal instrument for controlling uses, structures and constructions, land occupation and subdivisions within the municipal territory, in compliance with the general aims of land development policy in the territory of the Municipality and the general policies on land uses and land occupation densities included in the Planning Program.

PLANNING PROGRAM

The planning instrument contemplating the entire territory contained within the Municipality of Portage-du-Fort, made up of written, graphical and cartographic documents, and adopted by Council by means of a by-law. The purpose of the Planning Program, according to the needs of the Municipality, is to set out the potentials and constraints of the milieu and the decisions made by Council in the

field of land use planning and development. The general aims of land development policy in the territory of the Municipality, the general policies on land uses (spatial distribution of various urban or rural functions to which the land is meant for) and land occupation densities (number of dwellings to the hectare or any other parameter of density), as well as the planned layout and the type of the main thoroughfares and transport systems, are part of the obligatory content of the Planning Program, in compliance with Section 83 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

PRIVATE STREET

A street that has not been given up to the Municipality of Portage-du-Fort.

PROTECTED HERITAGE SITE

A heritage site recognized by a competent authority and identified in the Land Development Plan of the Regional County Municipality of Pontiac.

PROVINCIAL HIGHWAY

A highway used for interregional transportation, which access might be limited to level crossings.

PUBLIC BUILDING

A building belonging to the municipal, regional, provincial or federal government, or to any other government, as well as any building belonging to school boards or to church boards, or church property, as well as all buildings listed in the Act respecting the Public Buildings Safety (R.S.Q., c. S-3).

PUBLIC UTILITIES

The public services facilities, such as electricity, gas, telephone, water mains and sewers, as well as their accessory equipment.

PUBLIC STREET

A street belonging to the federal or provincial government, or to the Municipality.

PUBLIC THOROUGHFARE LINE

A line established by means of this By-law, whether standardized or not, which separates private property from a public thoroughfare and is located at a certain given distance from the central axis of the street. The space included between the two street lines, on either side of the central axis, is the road allowance for the public thoroughfare.

PUMP ISLAND

A platform, generally rectangular, made up of concrete, on which gas pumps are installed.

Q

QUARRY

A site where are extracted open to the air, for commercial or industrial purposes, or to meet contractual obligations, or to build roads, dams or seals, except for asbestos or metals mines, consolidated or loose minerals, under the terms of the Environment Quality Act (R.S.Q., c. Q-2). Are also included all processing or handling operations which may be connected with extraction operations, whether these include the cutting or grinding of stone, the screening and manufacture of asphalt, cement or concrete.

R

REAR LOT LINE

The line of demarcation between two lots or pieces of land, or between a lot and a piece of land, and which is neither a front lot line nor a lateral lot line.

REAR SETBACK

A provision contained in the municipal planning by-laws establishing the minimum depth of the rear yard. The prescribed dimension sets a setback parallel to the rear lot line. See « LOT ».

REAR WALL

A wall of a building the nearest the rear line, and parallel or essentially parallel to this line. The line formed by this wall may be irregular.

REAR YARD

A space, generally under the open sky, located at the rear of a main building and delineated in accordance with the features of the lot upon which the building is erected. See « LOT ».

Case of an interior lot: A space delineated by the rear lot line or lines, the side lot lines and the lateral extension of the rear wall or walls of the main building.

Case of a through lot: A space delineated by the line of the road allowance at the rear of the main building, the side lot lines and the lateral extension of the rear wall or walls of the main building.

Case of a corner lot: A space delineated by the rear lot line or lines, the rear extension of the side wall of the main building located on the side of one of the streets and by the lateral extension of the rear wall or walls of the main building.

Case of a transverse corner lot: A space delineated by the street line at the rear of the main building, the interior side lot line, the rear extension of the lateral wall of the main building located on the side of one of the streets and the lateral extension of the rear wall or walls of the main building.

RECREATION AND TOURISM COMMERCIAL USE

A private or public organization linked to the tourist industry and belonging to the accommodation, restaurant or recreational sectors, such as open-air resorts, marinas, skiing centres, conference centres, hotel complexes and restaurants.

RE-DIVISION

A cadastral operation by which a lot or portion of a lot is cancelled and is simultaneously replaced by a new subdivision, according to Section 3043 of the Québec Civil Code and the Cadastre Act (R.S.Q., c. C-1).

REGIONAL HIGHWAY

A highway used for inter-municipal transportation deriving from a provincial highway, which access may be limited to level intersections.

RESTAURANT

A commercial establishment where meals are prepared, served and eaten at tables or counters, in return for payment.

RETAIL BUSINESS

Establishment where businesses are conducted directly with the consumer.

RETAINING WALL

Any wall constructed to retain or support an embankment.

RIGHT-OF-WAY

Strip of land providing access, from the public thoroughfare, to a landlocked lot. This access route must generally be taken from the side on which the journey is the shortest from the landlocked lot to the public thoroughfare.

RIGHT-OF-WAY (of a thoroughfare)

An area of the land, belonging to the Municipality, and extending to any other public or private body intended for passage from one street or another. This area includes the limits or the perimeter of this land.

ROAD

A public or private thoroughfare developed in a specific location for the movement of vehicles. See « STREET » and « HIGHWAY ».

A private road is a road owned by an individual, a group of individuals, a corporation or a private association.

A public road is a road belonging to the Municipality of Portage-du-Fort, the Government of Québec or the Government of Canada, and on which the free movement of goods and persons is permitted.

ROADWAY

The width of any thoroughfare, paved or not, and intended for use by vehicular traffic.

ROOMING HOUSE

A building or portion of a building, other than the usual recreational and tourist businesses, where more than two (2) rooms may be rented as a domicile and no meals are served. A rooming house does not include one-family dwellings in which two (2) bedrooms are rented. See « ADDITIONAL DWELLING » and « ONE-FAMILY DWELLING ».

S

SAND PIT

A site where non-consolidated minerals are extracted open to the air, including sand and gravel, from a natural deposit, for commercial or industrial purposes. See « EXTRACTION SITE »

SEASONAL DWELLING

A residence or home used on an intermittent basis for recreational purposes and which is not the main residence, and which has an area of sixty square (60) metres or more.

SEMI-DETACHED BUILDING

A building comprising two (2) adjoining dwellings, which are located on distinct lots.

SEPTIC FACILITY

A unit serving for the evacuation and purification of waste water and/or household water, and including a pipeline, a septic tank and a purifying element.

SERVICE BAY

Space provided within a building for the repair and maintenance of a vehicle.

SERVICE CONNECTION

The sewer and/or water connection installed between a building and the street or road line, connecting the plumbing facilities with a public or private network.

SERVICE STATION

An establishment intended for the sale of gasoline and other products necessary for the operation of motor vehicles, as well as their washing, lubrication and small repairs thereto.

SETBACK

A provision contained in the municipal planning by-laws setting the minimum width of the rear, front and side yards. The prescribed dimension sets out the line of a setback parallel to the rear, front and lateral lines of the lot, respectively.

SHED

See « ACCESSORY BUILDING ».

SHORE

A strip of land surrounding a lake or watercourse, that extends in-land from the high water line. The width of this shore line is measured horizontally.

The shore has a minimum of 10 metres:

- When the angle of the slop is less than 30 %;

- When the angle is higher than 30 % but we are in presence of a slope of less than 5 metres high.

The shore has a minimum of 15 metres:

- When the slope is greater than 30 %;
- When the angle is greater than 30 % and we have a slope of more than 5 metres high.

SIDEWALK

A public passageway reserved exclusively for the use of pedestrians, and developed according to the provisions contained in this By-law.

SIDE WALL

A wall of a building nearest the lateral lot line, and parallel or essentially parallel to this line. The line of this wall may be irregular.

SIDE YARD

A space, generally under an open sky, located on the lateral side of a principal building and delineated according to the characteristics of the lot on which the building is erected.

Case of an interior lot: A space delineated by the lateral line of the lot, the wall on the lateral side of the main building, the lateral extension of the rear wall and the lateral extension of the facing wall of the main building.

Case of a through lot: See « Case of an interior lot ».

Case of a corner lot: A space located on the interior side of the lot and delineated by the side lot line, the side wall of the main building, the lateral extension of the rear wall and the lateral extension of the facing wall of the main building.

SIDING MATERIALS

Materials used to cover the outside of a building.

SIGN

A written message (including a letter, word or number), a pictorial representation (including an illustration, a design, an engraving, a picture or decorative representation), any emblem (including a coat of arms, symbol or trademark), and a flag (including a banner, bunting or pennant), or any other similar figure or similar characteristics which:

- Is a structure or part of a structure, or which is attached thereto, or which is painted there on, or which is represented in some manner on a building or a structure;
- Is used to warn, inform, announce, introduce, advertise, emphasize or to draw attention;
- Is visible on the exterior of a building.

SIGN (area of)

A surface limited by an effective or imaginary continuous line, surrounding the outer limits of a sign, including any substance used to make this sign stand out from its background, but excluding the mountings. When a sign bears a message or a symbol on two of its faces, the area is that covered by both sides only, provided that the major distance between the sides is not in excess of fifty (50) centimetres. If, on the other hand, the sign is legible on more than two of its sides, the area of each additional surface will be considered to be that of a separate sign.

SIGN (height of)

The height of a sign is the vertical distance between the ground where the sign is mounted and the highest point of the sign. When the ground is at a lower level than that of the street, the height is measured from the street level.

SIGNBOARD

See « SIGN ».

SLOPE

The ratio between the vertical projection of an incline and its horizontal projection.

SNACK BAR

See « FAST-FOOD RESTAURANT ».

SPECIAL PROVISION

A provision of a by-law which makes an exception to one or several rules having a general application. The special provision constitutes or may constitute a subsidiary by-law under the meaning of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

STANDARD (general and minimum)

A provision of the municipal planning by-laws establishing what must be done in a special case, and which may be included in the Complementary Document to the Land Development Plan of the Regional County Municipality of Pontiac.

STANDARDIZATION

The subdivision procedure intended to perform cadastral operations on a property, for use in conformity or not in conformity (as to the size, area or zoning) and for which there is a title registered before the existing subdivision by-law.

STOREY

A part of a building situated above the ground floor and limited by the upper surface of a storey and that of the storey situated immediately above it, or in its absence, by a ceiling. A basement is considered to be half a storey.

STREET

A local thoroughfare (or local road) for motor vehicles, which provides access to neighbouring properties, whether with curbs and sidewalks or not. A street may be public or private.

STREET LINE

The line of demarcation between a lot and a street described and designated on a plan made and deposited in accordance with the provisions of Section 3043 of the Québec Civil Code.

STRUCTURE

Assembly of materials connected with the ground or not, or attached to any object connected with the ground including, but not limited to, signs, signboards, storage tanks, gas pumps, platforms, swimming pools, fences, hangars and buildings.

SUBDIVISION

The cadastral operations of division, subdivision, re-division, replacement, and subdivision and re-division of building lots, or additions to original lots, or cancellations or modifications entered in a reference book.

The cadastral operation by which part of a lot or an entire lot is divided into parts, according to the provisions of Section 3043 of the Québec Civil Code.

SUBDIVISION BY-LAW

A planning by-law adopted by Council, which sets the rules and the standards pertaining to subdivisions, in compliance with Section 115 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

SUBDIVISION PLAN

A plan made by a land surveyor, which illustrates a cadastral operation to divide a piece of land into lots and/or streets according to the provisions of this By-law.

SWIMMING POOL

A basin of water, either inside or outside a building, whether permanent or temporary in nature, designed for swimming, bathing or any other aquatic amusements, and having a minimum depth of forty-five (45) centimetres.

T

TEMPORARY BUILDING

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

TEMPORARY USE

A use authorized for pre-established periods of time. A temporary use may not be entirely in compliance with the provisions governing permanent uses.

TILE BED

The portion of a lot where waste water is drained, and where waste water treatment facilities are installed.

TOURIST HOME

A building or portion of a building where furnished rooms are rented to a transient clientele, to which meals may be served.

TRAILER

A trailer caravan, semi-trailer or recreational vehicle, less than nine (9) metres in length which is used on a temporary basis, unless it is specifically prohibited by the Zoning By-law, for recreational purposes, as a dwelling, an office or as a commercial or industrial establishment, and that may not become an immovable, e.g. which may be towed by a motor vehicle.

TRAILER PARK (campground)

A ground allowing for a short stay by users of travel trailers and recreational vehicles, as well as by users of campers and camper tents.

TRANSVERSAL LOT

All other lots not angled that gives on at least two streets but that don't have a rear lot line.

TWINNED HOUSING

A one-family dwelling linked to another one-family dwelling by a common wall. Both dwellings are located on two contiguous lots having a common line in the area of the common wall.

U

URBANIZATION PERIMETER

The limit planned for the future extension of the urban-type habitat of the Municipality of Portage-du-Fort, as established in the Land Development Land by the Regional County Municipality of Pontiac.

USE

The main function for which an immovable, a building, a structure, an establishment, a premise, a lot or one of their portions is used, occupied or intended or treated in such a way as to be used or occupied.

W

WALL

A vertical structure with framing used to enclose a space and which can also support a load originating in the floors and/or the roof.

WAREHOUSE

A building, structure or part of same used to store and to handle objects or materials.

Y

YARD

An open-air space surrounded, in whole or in part, by walls, fences or hedges or delimited by the lot lines on a lot occupied by a main building. See « REAR YARD », « FRONT YARD » and « SIDE YARD ».

Z

ZONE

A portion of the municipal territory defined according to the uses and constructions presenting a certain degree of compatibility. A zone may be subdivided into sectors.

ZONE (sectors)

Territorial units used for the application of the provisions of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1) pertaining to approval by the way of a referendum by people eligible to vote, following the adoption or the amendment of a by-law bearing on certain subjects of the Zoning By-law. The implementation standards for various sectors in a given zone may differ.

ZONING

An action of dividing the municipal territory into zones and zone sectors, for the purpose of regulating the shapes, the dimensions and the inclusion of buildings, as well as their use and that of the contiguous pieces of land and lots, in compliance with Section 113 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1). The zoning may also signify the body of regulations pertaining to land use planning and development.

ZONING BY-LAW

A planning by-law adopted by Council, which sets the rules pertaining to zoning, in compliance with Section 113 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1) and, when applicable, with the Planning Program.

The Municipality may divide its territory into zones, divide the zones into sectors and specify, for each zone, the structures or the uses which are authorized or prohibited. The Zoning Plan is an integral part of the Zoning By-law.

ZONING PLAN

A plan showing the division of the territory into zones and zone sectors for the purpose of regulating the uses conducted therein.

Chapter 3 ADMINISTRATION OF THE PLANNING BY-LAWS

3.1 Responsibility for the Issuance of Permits and Certificates

The issuance of permits and certificates arising from the planning by-laws regulations is the responsibility of the officer designated for this purpose by Council by the mean of a by-law, in compliance with Section 119, 7th paragraph, of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

3.1.1 Functions of the Designated Officer

The designated officer, his or her representative or any assistant duly authorized by Municipal Council, shall inspect and supervise structures, land occupancies and roads and, to this purpose, the following duties are conferred upon these persons:

1. To administer and apply the planning by-laws in their entirety;
2. To supervise and inspect the layout of streets and roads, subdivisions, land use, landscape development and overall design;
3. To supervise and monitor structures, occupancy of buildings and land use;
4. To keep records with respect to:
 - All applications pertaining to the performance of this By-law;
 - All inspections and all tests;

- All permits and orders issued.
5. To retain copies of all documents pertaining to the administration of this By-law. These documents are part of public records and municipal archives;
 6. To notify the owner in writing in the case where a structure does not conform to the provisions of this By-law, indicating in the aforesaid notice:
 - The reasons for the non-conforming status;
 - The immediate action to be taken within forty-eight (48) hours of the date of receipt of the notice;
 - The permanent measures to be taken within thirty (30) days following the date of receipt of the notice.

The above-mentioned notice may be delivered by hand, or sent by registered mail.

7. To revoke a permit:
 - When one of the conditions necessary for its issuance constitutes a violation;
 - When the permit has been granted in error;
 - When the permit has been granted on the basis of inaccurate information.

3.1.2 Powers of the Designated Officer

The designated officer may:

1. At any reasonable time, visit the site and enter any building constructed or under construction to ensure that the provisions of the municipal planning by-laws have been observed.

Owners and occupants must permit the officer to visit such building and must provide him or her with all the information necessary to perform his or her work;

2. Subject to the provisions contained in this By-law concerning the necessity of providing a notice, to deliver or cause to be delivered to any and all owners, occupants or other parties having responsibility for the site or situated there on, a notice indicating the need to rectify a condition when the officer considers that this condition constitutes a violation of this By-law;
3. Order any owner, occupant or other party having responsibility for the site to suspend any occupancy or any work on the building when the use or the work contravene this By-law, or when the building is considered to be hazardous;
4. Extend the time period normally provided under the terms of this By-law for the restoration to use, the repair or the demolition of a hazardous or run-down structure, by issuing a special authorization when there is evidence that the work will be performed, but valid reasons prevent the completion of the work within the time limits normally allowed under this By-law;
5. Require that the owner submit, at his or her own expense, any or all of the following studies prepared by an engineer who is a member of the Québec Order of Engineers (OIQ), or by an inspector or engineer of the Québec Ministry of the Environment (MENV):
 - Percolation study;
 - Granularity study;
 - Phreatic layer level;
 - Loose material layer;
 - Proximity to existing wells;
 - Load-bearing capacity of the ground;
 - Tests on materials used;
6. Order the stoppage of work or to refuse to issue an occupancy certificate when the results of the above-mentioned tests are not satisfactory;
7. Issue any permit for work which conforms to this By-law, and to refuse to issue any permit for work which does not conform to this By-law, in compliance with Chapter 4 of this By-law;

8. Require from any and all owners a certificate of location issued by a land surveyor member of the Québec Order of Land Surveyors (OAGQ) to make sure that the setbacks are respected when the location of the building seems to be non-conforming.

3.1.3 Prohibitions

1. Whoever does not respect an order or a notice issued by the designated officer, or tolerates a violation of this By-law, commits a violation of this By-law;
2. No person may begin or pursue work mentioned in this By-law, unless the owner or his or her duly authorized representative has obtained a permit to this effect;
3. No person may deviate from the plans and sketches which form a part of the building permit, nor omit or neglect to complete, before occupancy of the premises, the work described in the plans and sketches which have been previously approved, without first obtaining written approval from the designated officer;
4. No person exercising any authority with respect to building, rebuilding, demolition, remodelling, removal, moving or the use of any building may cause, tolerate or maintain any hazardous condition;
5. No person may perform any excavation or other work on public property, or above or below public property, nor construct or place thereupon any structure, any work or store anything there on before having received written authorization to this effect from the administration concerned;
6. No person may allow the limits of the building lot to be modified in such a way as to place the building or a part of the building in violation of this By-law, unless the building or the part concerned has been modified, without having previously obtained the necessary authorization, so that the change in the limits of the property or the approved ground levels do not result in any violation;

7. Whoever knowingly supplies false or misleading information commits a violation of this By-law.

3.1.4 Duties of the Designated Officer

1. The designated officer shall refuse to issue a permit:
 - When the information supplied does not allow him or her to determine whether the project is in conformity with the existing planning by-laws applicable in this instance;
 - When the information supplied is inexact;
 - When this permit contemplates work for a structure intended for a use which is not authorized under the terms of the Zoning by-law;
 - When the structure is in violation of any applicable by-law or other law.
2. The designated officer must inform any and all applicants of the contents of the planning by-laws and the procedures pertaining thereto.

Chapter 4 PROVISIONS PERTAINING TO THE ISSUANCE OF PERMITS AND CERTIFICATES

4.1 General Procedure for the Application of a Permit or Certificate

All applications for permits or certificates must be submitted in writing to the designated officer on the forms supplied for this purpose by the Municipality. Such applications must be accompanied by the required documents, according to the nature of the permit. If the form is properly filled out, the designated officer must:

- a) Stamp the required and dated documents;
- b) Date the application for the permit on the day the application is considered to be complete;

- c) Forward the list of information or documents required in each case, to the applicant for the permit, or to his or her duly authorized representative;
- d) Make a decision on the quality of the documents submitted. The designated officer may require submission of all details and information considered necessary to assess the application and to ensure compliance with the provisions of the existing planning by-laws. It is the duty of the applicant, or of his or her duly authorized representative, to ensure that all necessary documents are submitted. When the file is duly completed, the assessment of the conformity of the application will be performed and the time limit required for the decision to issue the permit will begin as of that date;
- e) Study the conformity of the application with the provisions contained in the existing planning by-laws or any other by-law of the Municipality;
- f) If the application is not in compliance with the provisions of the existing municipal planning by-laws, prepare a report indicating the reasons why the application is not compliant. This report shall be appended to the permit application;
- g) Deliver to the applicant, within the maximum time limit set within this By-law, either the permit for which application had been made, if the application is in compliance or the reason for refusal if the application is not in compliance.

4.1.1 Possible Recourse

An applicant whose application has been rejected may pursue one of the following actions:

1. A modification of the plan;
2. An application for an amendment to one or the other of the existing planning by-laws, at his or her own expense, according to the procedures set out in Section 1.9 of this By-law.

4.2 Subdivision Permit

4.2.1 General Procedure Pertaining to Subdivision

1. A subdivision permit is required for any subdivision permit;
2. For any subdivision project, the application must be preceded by the presentation of a preliminary subdivision plan;
3. When the designated officer, after a notice is given to Council by the latter, is of the opinion that the preliminary subdivision plan is conforming to all the provisions of the existing planning by-laws, he or she authorizes the applicant to make an application for a subdivision permit.

4.2.2 Preliminary Subdivision Plan

Four (4) copies of the preliminary subdivision plan which scale is 1 : 1,000, or any other scale deemed as being reasonable by the designated officer, must be submitted to the latter and include the following information:

1. The lots number and limits of all adjacent lots to the proposed subdivision project, as well as the adjacent lots belonging to the promoter and falling under his control;
2. The existing lots and structures surrounding the proposed subdivision project;
3. The dimensions and total area of the subdivision project, as well as the proposed lot lines and approximate dimensions.
4. The outline, slope and layout of the proposed streets and the existing streets or those streets which have already been approved and which connect with the proposed streets;
5. The ground contours, expressed in the form of topographical curves at intervals of at the most one point five (1.5) metres or at interval considered to be appropriate by the designated officer;

6. The natural features of the lots, such as waterways, drainage ditches, marshes, surface rocks, wooded areas, etc;
7. The outline and elevation of waterlines and the limits of the floodplains, as well as any minimum area required under this By-law and which is to be located above the high water line;
8. The existing and required infrastructures and public services;
9. The easements and rights-of-way;
10. The type of zoning permitted;
11. If applicable, the space reserved for parks, the areas left in their natural state and the respective percentages of these spaces, in relation to the total area of the subdivision;
12. Pedestrian walkways, if applicable;
13. The date, title, scale, astronomical North and scale;
14. The name and address of the owner, as well as his or her signature or written authorization if the application is not being made in his or her name;
15. In the case of lots not served by a public or private sewer system meeting the minimum standards set by the Municipality, a document prepared by an engineer member of the Québec Order of Engineer (OIQ):
 - A geotechnical description of the land contemplated by the proposed subdivision;
 - The approximate location of the wells and inspection holes which will be necessary;
 - An attestation to the effect that each of the lots shown on the plan is capable of meeting the minimum standards on septic facilities set by the Québec Ministry of Environment, subject to a more thorough study, which shall be submitted, on request, to the designated officer.

16. Any other information considered necessary by the Municipality.

4.2.3 Modification of the Preliminary Subdivision Plan

The designated officer is bound to suggest any modifications to be performed to the applicant, if applicable, to bring the preliminary plan into conformity with this By-law. The application for a subdivision permit is deferred as long as the required modifications have not been made.

4.2.4 Obligation to Obtain a Subdivision Permit

1. Any person wishing to conduct a cadastral operation, whether or not this operation includes private or public streets, may not do so before having obtained a subdivision permit which conforms to the procedures used for the issuance of permits stipulated in this By-law.
2. Only the approved subdivision plan constitutes an authorization to submit to the Québec Ministry of Natural Resources, Wildlife and Parks, the plans and books of reference in accordance with the provisions contained in Section 3043 of the Québec Civil Code.
3. A subdivision or cadastral operation performed in violation of this By-law may be cancelled according to the procedures set out in sections 228 and following of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).
4. No plan for the division and/or the re-division of lots, or for the modification or cancellation of books of reference for a subdivision, may be taken into consideration by the Municipality, unless they have been previously been contemplated under the terms of a subdivision permit.
5. The performance of the formalities above-mentioned may not constitute for the Municipality an obligation to agree to the transfer of a proposed street or streets indicated on the plans, to order the opening, nor to assume responsibility for the cost of building and maintaining these streets, or to assume any civil responsibility therefore.

4.2.5 Conditions Governing the Issuance of the Subdivision Permit

The designated officer shall issue the subdivision permit if:

1. The application is in conformity with the Subdivision By-law and with this By-law;
2. The application is accompanied by all plans and documents required by this By-law.
3. The fees for the issuance of the permit have been paid;
4. The proposed streets and roads conform to the Subdivision By-law;
5. The preliminary subdivision plan has been the subject of an approval by the Municipality;
6. The proposed subdivision is conforming to the land use planning development policies included in the Land Development Plan of the Regional County Municipality of Pontiac and in the Planning Program of the Municipality of Portage-du-Fort.
7. The owner of the lot has paid the municipal taxes which are owing and unpaid with regard to the immovable included in the plan;
8. The proposed subdivision is in conformity to the provisions contained in the existing planning by-laws, such as these pertaining to floodplains and unstable slopes;
9. The applicant for the plan has respected the conditions pertaining to parks and playgrounds stipulated under the terms of the Subdivision By-law;
10. A sufficient area on the lots must be favourable to construction for the setting of the main buildings and for the compliance with the minimal setbacks.

4.2.6 Subdivision Plan

Any application for a subdivision permit must be made in writing on the forms supplied for this purpose by the Municipality, and must be accompanied by the following documents:

1. Four (4) copies of the subdivision plan prepared by a land surveyor member of the Québec Order of Land Surveyors (OAGQ);
2. The plans of the septic facility or facilities compliant with the provincial regulations on septic facilities;
3. The plans made by a land surveyor member of the Québec Order of Land Surveyors (OAGQ) indicating the heights and slopes of lots at intervals of at the most two (2) metres;
4. In the case of a subdivision adjoining in whole or in part a waste disposal site, the application must be accompanied by a favourable notice to a use change given by the Québec Ministry of the Environment (MENV).

4.2.7 Time Limit for the Issuance of the Subdivision Permit

The designated officer, as the case may be, has a time limit of thirty (30) days to issue the subdivision permit, beginning with the date on which the application is submitted in accordance with this By-law.

The issuance of the subdivision permit must be accompanied by a copy of the approved subdivision plan and countersigned by the designated officer.

4.2.8 Approval of the Subdivision Plan

When the conditions provided for in Sub-section 4.2.5 of this By-law are respected, the designated officer appends the note « ACCEPTABLE » beside his or her signature on the four (4) copies. Two (2) of these copies are transmitted to Council with the designated officer's notice. Council approves the plans and book of reference, and issue the subdivision permit by the mean of a resolution, in return

for the payment of anticipated fees. A copy of the subdivision plan approved by Council is forwarded to the applicant in the same time as the subdivision permit.

4.2.9 Effects of the Approval of the Subdivision Plan

The approval of the subdivision plan may not constitute an authorization for the Québec Ministry of Natural Resources, Wildlife and Parks to take into consideration the plans and book of reference of a subdivision or re-division, or any modification or re-division.

4.2.10 Exception

Notwithstanding Sub-section 4.2.2, in the case of five (5) cadastral operations and less, the designated officer shall take the application for a subdivision permit into consideration, without such application being accompanied by the information required in sections 4.2.2.11, 4.2.2.12 and 4.2.2.15.

In the instance where the lots adjacent to the cadastral operation contemplated by the permit belong to the developer or fall under his or her responsibility, the designated officer may, at any time, require the submission of a preliminary subdivision plan, as described in Sub-section 4.2.2 of this By-law.

4.2.11 Expiry Date of the Subdivision Permit

Any subdivision permit shall expire if the cadastral operation for which it has been issued is not filed with the Québec Ministry of Natural Resources, Wildlife and Parks within twelve (12) months after the date of issue of said permit.

After this time period has elapsed, a new application for a permit must be made and the amount paid for the original permit is not refundable.

4.2.12 Application for Transfer to the Municipality of the Right-of-Way for an Existing Private Road

The filing of an application for transfer to the Municipality of the right-of-way for a private road is subject to the following conditions:

1. The roadway must conform to the standards set out in the existing Subdivision By-law;
2. Before a written request or petition for transfer is filed, at least fifty percent (50 %) of the lots facing on the roadway must be constructed or be under construction;
3. The road must connect with an existing public road and form a part of the existing network;
4. The application is accompanied by a survey plan of the right-of-way for the road, either by the owner of the road or by two-thirds (2/3) of the ratepayers holding two-thirds (2/3) of the municipal assessment of the lots fronting on said road;
5. A promise from the owner(s) of the right-of-way to cede their rights-of-way for the nominal sum of one dollar (\$ 1.00);
6. In the Recreation and Tourism zones, the anticipated costs related to maintenance must be entirely covered by the percentage of land taxes of the neighbouring properties equivalent to the part of total expenses of the Municipality that is devoted to the maintenance of streets.
 - The total length of the road to be municipalized is calculated according to its connection with a street or road already municipalized;
 - The applicant(s) must pay the administrative costs for the calculation of the revenues;
 - The request is accompanied by a list of properties bordering the road to be municipalized and used to establish the profitability of the transfer to the Municipality.

4.2.13 Other Cases of Transfer

If the owner of the road does not wish to submit to the conditions required by the Municipality, but if two-thirds (2/3) of the ratepayers with two-thirds (2/3) of the municipal evaluation of the lots fronting on said roadway submit a petition to Council requesting the acceptance of said roadway, the Municipality will proceed, at its expense, with the necessary steps under Sub-section 4.2.12 to then recover the costs, by establishing a temporary local improvement tax on each fronting lot.

The total amount of the tax is spread out over a reasonable period of time that does not affect the ratepayers. The period of time and the method of payment are decided by resolution of Council.

4.3 Building Permit

4.3.1 Obligation to Obtain a Building Permit

No person may erect any permanent or temporary structure, modify, repair or remodel any structure or any part of a structure, install a prefabricated building, perform excavation work for building or installing a structure, without having obtained a permit to this effect from the Municipality. Any person wishing to install or to construct a swimming pool or any new roads must obtain a building permit in good and due form.

It is not necessary to obtain a building permit to perform painting work or for small repair work necessary to perform normal maintenance work on structures without changing their dimensions.

4.3.2 Conditions Governing the Issuance of the Building Permit

The designated officer shall issue a building permit if:

1. The application is in conformity with the Zoning and Construction by-laws, and with this By-law;
2. The application is accompanied by all the plans and documents required under the terms of this By-law;

3. The application for a new structure is accompanied by a layout plan;
4. The fees for the obtaining of the building permit have been paid;
5. The site on which each planned structure is to be erected, including any accessory buildings, forms a separate lot on the official cadastral plan or on a subdivision plan drawn up and filed in compliance with Section 3043 of the Québec Civil Code;
6. The lot on which the structure is to be erected is adjacent to an established public street or to a street, a road or a right-of-way acceptable to municipal standard;
7. The structure is in all respects in conformity with the provisions of the By-law;
8. The plans call for the installation of a septic tank with drains and a source of potable water, in compliance with the regulations of the Québec Ministry of the Environment (MENV) and with municipal regulations;
9. A visit to the site by the designated officer proves that the lot is suited to build on;
10. The lot on which a structure is to be erected is not located within a 0-20 recurrence floodplain, or the lot has not been filled in and developed at a level greater than said elevation;
11. The water or sewer services are legally installed in the street bordering the location of the projected construction, or the By-law authorizing their installation is in force. Furthermore, the missing service can be installed in accordance with the regulations pursuant to the Environment Quality Act (R.S.Q., c. Q-2).

In all cases, Section 4.3.2.6 do not apply to islands not served by ford, bridge or ferry.

4.3.3 Content of the Application for a Building Permit

- A. The application for a building permit must be submitted in writing, in three (3) copies, on the official forms of the Municipality. This application, duly dated, must indicate the name, first name and address of the owner or of his or her legal representative, the cadastral description and the dimensions of the lot, the details of the planned work, the probable duration of the work and an estimate of the building costs. In addition, it must be accompanied by two (2) copies of the following documents:
1. A layout plan, drawn to a scale of at least 1:500 of the building(s) on the lot on which construction is planned, indicating the shape and the area of the lot, the official cadastre, the regulation street lines and setbacks. If there are buildings located on these lots already, their exact location must be provided;
 2. The plans, elevations, cross-sections, sketches and plans providing a clear idea of the building project, the use and the use of the lot are required. These plans must be drawn to scale, according to an indelible process;
 3. An estimate of the probable cost of the project;
 4. A picture of the existing building dated less than thirty (30) days in the case of a building to be moved. The owner or contractor must commit himself or herself to make the new foundations fully finished before to start moving the building;
 5. The location of the public or private services, waterways and public or private roadways which are located on the building lot;
 6. The location of the other important physical characteristics, such as slopes, rocks, woods or swamps (natural constraints);
 7. The location plan for the source of potable water and of the septic facility, as well as a sketch of the septic facility;

8. In addition to the above-mentioned plans and sketches, any application for a building permit for a building intended for commercial or industrial purposes, a multiple dwelling or a public use, must be accompanied by plans and sketches, a plan of the parking areas, interior parking and open natural spaces.

The Municipality must provide a receipt to the owner or to his or her representative for the application for a building permit, and for the appended documents.

- B. In the case of an application for a building permit for the construction of a structure in the bed or the shore of a permanent watercourse or of a lake (dam, retaining wall, boat launching ramp, backfilling, etc.), the applicant must first obtain the authorization of the Québec Ministry of the Environment, in compliance with the Environment Act (R.S.Q., c. Q-2).

4.3.4 New Developments

No building permit shall be issued to build on lots fronting on a street until the promoter or the owner of the street shall:

1. Build the foundations of the street and the proper drainage systems, according to municipal standards;
2. Make a safety deposit to the Municipality, of a sufficient value, that may be used to complete the construction of the street in the event that the owner would not meet his or her obligation. The safety deposit or the difference is returned to the owner of the street when the Municipality takes the ownership.

4.3.5 Inspection Stages of the New Street or Road

The promoter or the owner of the street must allow the designated officer to have enough time to make the inspections of the construction of the street after the performance of the following stages:

- a) Conception of the street and of the excavation;
- b) Foundation of the street or road, including the filling up, the lower foundation and the load-bearing part under the foundation;
- c) The drainage system of the street, ditches and major culverts;
- d) The finish of the street surface, as well as culverts in the entrances.

In the case of difficult conditions or if the designated officer disagrees with the owner of the street, Council may call an engineer member of the Québec Order of Engineers (OIQ) to make the necessary observations and recommendations.

4.3.6 Modifications to the Plans

The contractor may not, during this work, modify the authorized layout plans without prior written authorization issued by the designated officer. The latter may not issue said authorization except if the modifications requested are in compliance with the provisions contained in the Zoning and Construction By-law and with this By-law.

4.3.7 Time Limit for the Issuance of the Building Permit

Within a time limit of at least thirty (30) days from the date when the application is considered to be complete, the designated officer must issue the building permit applied for, if the planned work meets the requirements stipulated by the provincial and municipal sanitary authorities, and to the provisions contained in the municipal planning by-laws. If the decision is to the contrary, the designated officer must indicate his or her refusal to the applicant in writing and provide reasons for it.

In either case, the designated officer must return to the applicant a copy of the plans and the documents attached to the application, and keep the other copies in the archives of the Municipality.

4.3.8 Expiry Date of the Building Permit

The permit is valid for a period of twelve (12) months. Any permit shall expire if:

- a) The work for which the building permit has been issued is not started within six (6) months of the issue date of said permit;
- b) The permit is transferred to another person without the written consent of the designated officer;
- c) The work is interrupted for a period of twelve (12) months;
- d) A person who has committed a violation of the Zoning and Construction by-laws and of this By-law does not comply with the notice served to him or her by the designated officer;
- e) The construction is not finished within twelve (12) months of the issue date of said permit.

If a permit expires, the applicant must obtain a new building permit in conformity with the regulations in force when this new application is submitted. The amount paid for the original building permit is not refundable.

4.3.9 Necessity of Verifying the Setback

All permit holders must, as soon as the excavation of the foundations has been started, notify the designated officer who, within twenty-four (24) hours, shall visit the building site and visually ensure that the prescribed setbacks have been observed.

When he or she doubts that the prescribed setbacks have been observed, the designated officer may require a location certificate, prepared by a land surveyor member of the Québec Order Land Surveyors (OAGQ).

4.3.10 Posting of the Building Permit

The permit authorizing the building, modification, repair or movement of any building shall be placed clearly in view during the entire time work is under way, and shall be placed on the lot where said work is performed.

4.3.11 Responsibility of the Owner

The owner is fully responsible for performing or for having performed all building work, in compliance with the provisions contained in this By-law. Commencement of work before the issuance of the building permit is prohibited.

All owners must:

- a) Obtain any building permit or certificate of authorization pertaining to the planned work;
- b) Determine, from the designated officer, the authorized setback for the structure and the level of the street, if erection of a building is proposed;
- c) Permit the designated officer to enter any building or structure being erected and the worksite, at all reasonable times, for the purpose of applying this By-law;
- d) Notify the designated officer in writing within thirty (30) days of the completion of the work described in the building permit.

4.4 Certificate of Authorization for the Movement of a Building

4.4.1 Obligation to Obtain a Certificate of Authorization for the Movement of a Building

Any person wishing to move any structure or building on a lot, from one lot to another, or from outside the Municipality to a location within the Municipality, must first obtain a certificate of authorization from the designated officer.

The owner who wishes to move a building to a location outside the Municipality or to a location within the Municipality must cover the expenses occasioned by the visit of the designated officer, who shall perform an inspection of the building before movement.

Before this building is transported, the concrete foundations on which this building is to be placed must be constructed at the new location.

Any certificate of authorization for the movement of a building must get the designated officer's assent prior to his or her issuance.

In the instance of any doubt or dispute, the designated officer must submit the application to Council.

4.4.2 Conditions Governing the Issuance of the Certificate of Authorization

The designated officer shall issue a certificate of authorization if:

1. The application is in conformity with the Construction and Zoning by-laws, and with this By-law;
2. The application is accompanied by all plans and documents required under the terms of this By-law;
3. The fees for the issuance of the certificate of authorization have been paid;
4. In the instance where the structure to be moved must undergo modification or repairs, a building permit has been applied for and issued prior to such movement;
5. The owner, the person or the business which is to perform such movement has notified the police force or its counterpart, so that this organization may take the necessary action to protect public safety and the good functioning of circulation;
6. Any person applying for a certificate of authorization to move a building has, prior to the issuance of said certificate of authorization, filed a paid-up

public liability insurance policy with the municipal office, having a face amount of one million dollars (\$1,000,000) to cover any and all claims which might be made against the Municipality in case of accidents.

4.4.3 Contents of the Application for a Certificate of Authorization

The application for a certificate of authorization for the movement of a building must be made in writing in two (2) copies on the official municipal forms. This form must be put up within the boundaries of the Municipality, and contain the following documents and information:

1. The name of the owner of the structure to be moved;
2. The name of the person or business which will be performing the moving of the building;
3. A clear, recent photograph, taken within the past thirty (30) days, of the various exterior surfaces of the structure to be moved;
4. The number of the lot from which the structure is to be moved;
5. A layout plan indicating the area where this structure will be installed;
6. The type of structure, the current use thereof and the use which will be made of it;
7. A written description, if the case may be, of the route to be followed, the means used to perform this movement and the time anticipated for movement of the building.

4.4.4 Validity of the Certificate of Authorization

The certificate of authorization for the movement of a building is valid for a period of sixty (60) days, as of the date of its issue.

4.4.5 Time Limit for the Issuance of the Certificate of Authorization

The decision from the designated officer must be given within fifteen (15) days of the date on which the information and the documents required for the application are provided.

If the application complies with the provisions contained in this By-law, the designated officer shall issue the certificate of authorization.

If the application does not comply with the provisions contained in this By-law, the designated officer shall refuse to issue the certificate of authorization and shall advise the applicant of this fact, giving reasons for refusal in writing and suggesting the modifications to be made to bring the application into compliance with this By-law.

4.5 Certificate of Authorization for the Change in the Use or the Purpose of an Immovable

4.5.1 Obligation to Obtain a Certificate of Authorization for the Change in the Use or the Purpose of an Immovable

Any person wishing to proceed with a change in the use or the purpose of an immovable must first obtain a certificate of authorization from the designated officer, certifying that application is in compliance with the requirements of the existing planning by-laws.

Notwithstanding the above, any person planning to perform a change in the use or the purpose of an immovable implies a building, remodelling, enlargement or repair project, is also bound to obtain a building permit.

4.5.2 Content of the Application for a Certificate of Authorization

All applications for a certificate of authorization for the change in the use or the purpose of an immovable must be submitted in writing on the official municipal forms, and be accompanied by scale plans indicating the current uses to which the immovable is put, and the uses contemplated by the application, as well as payment of the fees for the certificate of authorization.

4.5.3 Conditions Governing the Issuance of the Certificate of Authorization

Authorization for a change in the use or the purpose of an immovable is subject to a verification of the conformity with the provisions of the existing planning by-laws, especially as these concern septic facilities.

4.5.4 Time Limit for the Issuance of the Certificate of Authorization

The designated officer has thirty (30) days to issue the certificate of authorization for the change in the use or the purpose of an immovable, beginning from the date on which the application submitted is considered to be complete.

4.5.5 Expiry Date of the Certificate of Authorization

The certificate of authorization for the change in the use or the purpose of an immovable shall expire if the use for which it had been issued is not under way within twelve (12) months of the date on which it was issued.

After this time period has elapsed, the applicant must submit a new application in compliance with the provisions of the by-law in force. The amount paid for the original certificate of authorization is not refundable.

4.6 Certificate of Authorization for a Domestic Use

4.6.1 Obligation to Obtain a Certificate of Authorization for a Domestic Use

Any person wishing to engage in any professional, handicraft, business, artistic or other such activity within a dwelling must first obtain a certificate of authorization from the designated officer, certifying that the application is in compliance with the provisions of the existing planning by-laws.

4.6.2 Content of the Application for the Certificate of Authorization

All applications for a certificate of authorization must be submitted in writing on the official municipal forms, indicating the type of domestic use desired and the place where such activity is to be conducted.

4.6.3 Conditions Governing the Issuance of the Certificate of Authorization

The domestic use must be conducted within the main or accessory building, and the conditions governing the sign, parking, storage and nuisances set out in the Zoning By-law must be respected.

4.6.4 Time Limit for the Issuance of the Certificate of Authorization

The designated officer has thirty (30) days to issue the certificate of authorization for a domestic use, beginning from the date on which this application is submitted, in compliance with this By-law.

4.6.5 Expiry Date of the Certificate of Authorization

The certificate of authorization shall expire if the use for which the application has been made is not under way within six (6) months, beginning from the date of issue of said certificate of authorization.

4.7 Certificate of Authorization for a Temporary Use

4.7.1 Obligation to Obtain a Certificate of Authorization for a Temporary Use

All persons wishing to conduct a temporary use, as described in Division 4.4 of By-law Number 252-04 enacting the Zoning by-law, must first obtain an authorization certificate of authorization from the designated officer, determining the methods used, the location and the duration of the use in question, as well as any other provisions which are considered pertinent by the designated officer.

4.7.2 Content of the Application for the Certificate of Authorization

All applications for certificate of authorization must be submitted in writing on the official municipal forms, indicating the type of use, the period of time permitted and the location of the use.

4.7.3 Conditions Governing the Issuance of the Certificate of Authorization

A temporary use is authorized under the following conditions:

1. It is not specifically prohibited on the specification chart in the zone in question;
2. It does not infringe on the by-law governing nuisances;
3. It does not pose a danger to any future uses, owing to its location;
4. It does not impinge upon the free flow of pedestrian and vehicular traffic;
5. It does not use converted vehicles, such as motor vehicles or buses, for residential purposes;
6. The authorization of a temporary use may be subject to the reserves necessary to fulfil the conditions which have been previously listed.

4.7.4 Time Limit for the Issuance of the Certificate of Authorization

The designated officer has thirty (30) days to issue the certificate, beginning on the date the application is made, in compliance with this By-law.

4.7.5 Expiry Date for the Certificate of Authorization

The certificate of authorization shall expire if the applicant does not abide by the conditions listed when the certificate of authorization is issued.

4.8 Certificate of Authorization to Post Signs

4.8.1 Obligation to Obtain a Certificate of Authorization to Post Signs

Whoever wishes to erect, rebuild, enlarge, modify, move, affix, finish or paint a sign or a signboard on the municipal territory must first obtain a certificate of authorization from the designated officer, in compliance with the provisions contained in this By-law.

4.8.2 Application for a Certificate of Authorization to Post Signs

The application for a certificate must be submitted in writing to the designated officer, on the forms supplied by the Municipality. This application must be accompanied by the following documents and information, and submitted in three (3) copies:

1. The name, the first name and the address of the owner of the immovable or of the vacant lot where the sign is to be located;
2. The name, the first name and the address of the contractor who will be performing the installation work;
3. The scale diagram of the sign showing:
 - Its general dimensions, its area;
 - Its height;
 - The lettering thereupon;
 - The text and its length;
 - The design which it shall bear;
 - The materials used;
 - The fastening of the sign;
 - The layout plan showing the location of the sign in relation to the property lines, to the street and to the main building, if applicable;
 - The height of the main building.

4. As many photographs needed to show:

- The exterior appearance of the immovable where the sign will be posted;
- All the parts of the building walls that are visible from the exterior;
- Any existing sign.

4.8.3 Conditions Governing the Issuance of the Certificate of Authorization

No certificate of authorization may be issued, unless said application conforms to all aspects contained in the existing planning by-laws.

4.8.4 Time Limit for the Issuance of the Certificate of Authorization

If the application is in conformity with the conditions stipulated in sub-divisions 4.8.2 and 4.8.3, the designated officer shall approve said application and forward to the applicant, within thirty (30) days of the receipt of the application, an approved copy of a certificate of authorization to post signs. The prior payment of the cost of this certificate of authorization is required before it is issued. The other approved copies are to be kept in the archives of the Municipality.

4.8.5 Expiry Date of the Certificate of Authorization

The certificate of authorization to post signs is valid for a period of twelve (12) following months after its issuance. After this time period has elapsed, the certificate of authorization shall become null and void and the fees which have been paid to the Municipality are not refundable. The applicant must then submit a new application.

4.9 Certificate of Authorization for Demolition

4.9.1 Obligation to Obtain a Certificate of Authorization for Demolition

Any person wishing to demolish a building or buildings must first obtain a certificate of authorization for demolition from the designated officer.

4.9.2 Content of the Application for a Certificate of Authorization

The application for the certificate of authorization must be submitted to the designated officer in writing on the forms supplied to this end by the Municipality. This application must:

1. Include the name, first name, address and telephone number of the applicant;
2. Be signed by the owner or by his or her authorized representative.

4.9.3 Deposit

Before obtaining a certificate of authorization, the applicant must deposit an amount of one hundred dollars (\$ 100.00) at the municipal office, which will be used to cut off the waterworks system near the main pipe in the street or road. In the case where this work is not required, the full amount of the deposit is handed over to the applicable person after the demolition work.

4.9.4 Clean-Up Work

The applicant must, within thirty (30) days following the end of the demolition work, perform clean-up work on the sidewalk and on the street, if applicable.

4.9.5 Time Limit for the Issuance of the Certificate of Authorization

The designated officer has thirty (30) days to issue the certificate of authorization, beginning with the date on which the application is made, in compliance with this By-law.

4.9.6 Expiry Date of the Certificate of Authorization

The certificate of authorization is valid for a period of six (6) months after its date of issue. After this time period, the certificate of authorization becomes null and void and the fees paid to the Municipality for its issuance are not refundable. The applicant must then submit a new application.

4.10 Certificate of Occupancy

4.10.1 Definition

The certificate of occupancy is the official document issued by the Municipality approving conformity of the structure with the existing planning by-laws, and allows the applicant to occupy the premises on a permanent basis.

4.10.2 Obligation to Obtain a Certificate of Occupancy

Whoever wishes to use or to occupy a building or a plot of land, for any purpose whatever, must first obtain a certificate of occupancy from the designated officer. The applicant must have met the requirements of this By-law as for the issuance of the building permit.

All applications for certificates of occupancy must be forwarded to the designated officer, and be accompanied by the following information:

- a) The building permit, if the building has already been the subject of a building permit;
- b) In the absence of a building permit, all documents required by the designated officer, among those mentioned in Sub-division 4.3.3, according to the specific case.

4.10.3 Conditions Governing the Issuance of the Certificate of Occupancy

No certificate of occupancy may be issued, unless:

- The building and/or the use meet all the requirements contained in the Zoning By-law;
- It meets all the requirements of this By-law, including parking, construction and health standards;
- It is in conformity with the requirements stipulated in provincial laws and regulations;
- The designated officer has performed a final inspection of the building, and has judged that this building is fit for occupancy;
- A certificate of location has been filed at the municipal office, when required.

4.10.4 Time Limit for the Issuance of the Certificate of Occupancy

If the use has not been contemplated by a building permit, and if the application is in compliance with the conditions listed in sub-divisions 4.10.2 and 4.10.3, the designated officer shall approve the certificate of occupancy, and forward it to the applicant within thirty (30) days of the receipt of the application. The designated officer shall then forward to the applicant an approved copy of the application, accompanied by the certificate of occupancy. Two (2) approved copies, after forwarding to Council, shall be submitted to the archives of the Municipality for preservation therein.

If the use has previously been contemplated by a building permit, and if the designated officer considers that the structure is in compliance with the conditions in sub-divisions 4.3.2 and 4.3.3, the signature of the designated officer at the bottom of the building permit, after the final inspection, shall substitute for the certificate of occupancy. If the designated officer considers that the use is non-conforming, he or she must require that necessary corrective works be made to the structure.

4.10.5 Validity of the Certificate of Occupancy

Any certificate of occupancy shall be null and void if there is no occupancy within twelve (12) months following the issue date of the certificate of occupancy.

4.11 Responsibilities and Obligations of the Applicant for a Building Permit or Certificate of Occupancy

4.11.1 Responsibility of the Applicant

Neither the granting of a building permit, nor the approval of the plans and sketches, nor the inspections performed by the designated officer may relieve the owner of a building from his or her responsibility for performing the work or having work performed according to the stipulations contained in this By-law and in the by-laws applying in consequence.

4.11.2 Duties of the Applicant

1. The applicant must allow the designated officer to enter, at any reasonable hour, any building or premises in order to ensure that the terms of this By-law are respected.
2. The applicant must ensure that the plans and sketches contemplated by the building permit are available at all times during working hours at the place where the work is conducted, for inspection purposes by the designated officer, and that the permit, or a true copy thereof, is posted in a clearly visible manner in the premises where the work is being conducted throughout the entire time said work is being conducted.
3. The applicant must advise the designated officer:
 - a) Of his or her intention to perform the work for which inspection is required during the building phase;
 - b) Of his or her intention to cover a work for which inspection is required, before covering said work;

- c) From the conclusion of the work, so that the latter may perform a final inspection.
- 4. The applicant must perform, or cause to be performed, at his or her own expense, the tests and inspections required to prove that the work is in conformity with the requirements stipulated in this By-law. The applicant must forthwith forward to the designated officer a copy of the reports of all tests and inspections.
- 5. When required, the applicant must supply to the designated officer a current certificate of location for the location of the building.
- 6. Upon the designated officer's request, any applicant must uncover and replace, at his or her own expense, any work which has been covered contrary to a request from the designated officer.
- 7. The applicant is obliged to pay for the repair of all damage caused to public property or to any facilities located within the public domain, and which may occur owing to the fact of the work for which a building permit is required under the terms of this By-law.
- 8. No applicant may deviate from the requirements stipulated in this By-law or the conditions governing the issuance of the building permit, or omit to perform the required work, without having previously obtained permission in writing from the designated officer.

4.12 Rates for Permits and Certificates

4.12.1 Subdivision Permit

Each lot \$ 100.00

4.12.2 Building Permit

New dwelling, new residence, new cottage	\$ 200.00
Renovation (less than \$ 2,000.00)	\$ 20.00
Renovation (\$ 2,000.00 to \$ 5,000.00)	\$ 40.00

Renovation (more than \$ 5,000.00)	\$ 75.00
Addition, enlargement ¹	\$ 150.00

1. Including the septic facility if it has be changed for the addition of the third room.

4.12.3 Permit for a Septic Facility

Installation of a septic facility	\$ 100.00
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4.12.4 Amendment to Zoning

Examination of an application for an amendment to zoning and publication	\$ 150.00
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4.12.5 Certificate of Authorization

Issuance of a certificate of authorization	\$ 40.00
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- For:
- Posting of a sign
 - Moving a building
 - Change in the use
 - Domestic use
 - Demolition
 - Temporary use (trailer, camper-trailer)

4.12.6 Certificate of Occupancy

Application made subsequent to a building permit	No fees
In all other cases	No fees

4.12.7 Revision of Rates for Permits and Certificates

The Municipality reserves the right to change its rates for permits and certificates by resolution.

4.12.8 Connection with the Municipal Waterworks System

Neither permit nor certificate is required for the connection of a new structure to the municipal waterworks system. However, \$ 200.00 costs can be payable to the Municipality when the applicant, who have obtained a building permit, makes a request, and when the area is serviced with the municipal waterworks system.

Chapter 5 NON-CONFORMING USES

5.1 Nature of the Derogations

5.1.1 Non-Conforming Use

A use is non-conforming in the case it does not conform to this By-law, in existence at the time of the coming into force of this By-law and in conformity to the by-laws that were applicable at the time of its performance or its approval.

Besides the jurisprudence concerning non-conforming uses and the character of the provisions that could not be prescribed by this By-law against some of these non-conforming uses, this Chapter explains how a use may persist, be changed, replaced or extended.

5.1.2 Non-Conforming Structure

A structure is non-conforming in the case it does not meet the layout standards, the type of building and building materials required in this By-law and in the Construction By-law.

5.1.3 Acquired Rights

1. Any existing use and/or building before the coming into force of the existing planning by-laws is considered to be in conformity with this By-law, and possesses an acquired right.
2. The acquired right on the use or the structure is attached to the property only, and the recognition of this acquired right does not require any intervention from the Municipality.
3. Any structure for which a building permit has been issued before the coming into force of the existing planning by-laws is considered to be in conformity.
4. The acquired right on the non-conforming use or structure is maintained as long as the use or structure exists. It ceases when the use stops or the building is abandoned.
5. A permit granted in violation of the municipal regulations does not create any right.
6. The simple tolerance does not create any acquired right.
7. The acquired right is attached to an immovable and is not affected by the change in ownership.
8. A non-conforming use can not be enlarged over the area that it occupied when the Zoning By-law came into force, in compliance with Division 5.3.

5.2 Non-Conforming Lot

A lot is non-conforming in the case it does not have the area and dimensions prescribed in the Subdivision By-law.

5.2.1 Acquired Rights

1. Any lot that is registered at the Registry Office and on the cadastre before the coming into force of the existing planning by-laws is considered to be in conformity with this By-law, and possesses an acquired right.
2. Any subdivision permit obtained before the coming into force of this By-law is considered to be in conformity with this By-law, and possesses an acquired right.
3. The acquired right, as confirmed in compliance with this By-law, is linked to the property only.
4. The acquired right is conformed at the coming into force of the existing planning by-laws, without any other intervention to the properties that are in compliance with sections 5.2.1.1 and 5.2.1.2 of this By-law.
5. Permissions previously given by the Municipality on non conforming lots are in no way considered to be acquired rights.
6. The acquired right exists as long as it is used.
7. Lots described by bordering and abutting lands that are not registered do not have acquired rights.
8. Following the destruction by fire of a building on a non-conforming separate lot, a building permit may be issued if the new building meets the requirements of the Zoning By-law.

5.3 Privilege

The owner of one or more lots registered prior to October 31st, 1982, in compliance with Section 3043 of the Québec Civil Cod, may obtain a building permit even if the area, width and depth of these lots are smaller than the minimum standards required by the Subdivision By-law, as long as they respect the following conditions:

1. The projected construction meets all the requirements of the existing planning by-laws, except the one concerning the front setback, the side setback or the depth of the backyard.
2. At the time of purchase the lot(s), the area and the width of the lot(s) are in conformity with the Subdivision By-law of the Municipality.
3. Each lot is capable of receiving a septic installation in conformity with the requirements of this By-law.
4. In each case, the minimum side setback and the depth of the backyard can never be less than half of the proposed regulations in the Zoning By-law. The minimum front setback can not be reduced by more than one third of the prescribed regulation size in the By-law. However, under no circumstances, in the case of lots bordering lake or rivers, the setbacks from the waterside can not be reduced beyond the prescribed limits.
5. No vacant or built non-conforming lots, belonging to the same owner, is not adjacent to the lot for which an application for permit is required.
6. The streets must exist.
7. The development is in conformity with the general aims of land development policy included in the Planning Program and with the Zoning Plan of the Municipality.
8. In the case of lots whose area is less, the application for a building permit must be accompanied by a report made by an engineer member of the Québec Order of Engineers (OIQ).

5.4 Modification or Abandoning of a Non-Conforming Use

1. A non-conforming use can not be modified to make it more non-conforming in the sense of this By-law.
2. A non-conforming use can not be extended neither to the inside nor to the outside

3. At any time, a non-conforming use can not be replaced by another non-conforming use.
4. A non-conforming use that would have been modified in a manner to make it conform to the Zoning By-law, can not be performed again on a non-conforming manner.

5.5 Modification or Abandoning of a Non-Conforming Structure

No modifications, consisting to make a structure more non-conforming than it already is, are allowed. However it is possible to renovate and restore any non-conforming structure.

5.6 Destruction of a Non-Conforming Structure

When a non-conforming building is partially or entirely destroyed by fire or by any other disaster may be rebuilt on the same lot or plot of land, on the same foundations and for the same use. Rebuilding must be completed within twenty-four (24) months following the date of the disaster.

5.7 Abandoning of a Non-Conforming Use

There is a loss of an acquired right when the non-conforming use has ceased or abandoned for a period of twelve (12) consecutive months. In such a case, any subsequent use must be in conformity with this By-law.

However, when a structure is of such a nature that the only uses which may be performed thereon are non-conforming uses, and that it is not possible to make this structure conform to this By-law, without performing remodelling work at a cost greater than the true value of said structure, the period of abandon, cease or interruption of the non-conforming use to which any subsequent use must be in conformity to this By-law is set at thirty-six (36) months. At the end of this period, the structure must be modified and remodelled to allow for a use which is in conformity with this By-law, or it shall be demolished.

For a use such as quarrying, the acquired right is lost when the use is interrupted for more than twenty-four (24) consecutive months.

5.8 Variation in Size

Subject to the provisions pertaining to the protection of environment and public safety, when the difference in the dimensions of the structure is five percent (5 %) and less in relation to the minimum and maximum dimensions included in the existing planning by-laws, those dimensions are considered to be in conformity. A variation in dimensions of more than five percent (5 %) makes the structure non-conforming.

However, when the setbacks can be respected, the variation does not apply for a minimum liveable area or for the minimum area on the plot of land that a building must occupy.

Chapter 6 SPECIAL PROVISIONS

6.1 Parcelling Out of a Lot by Alienation

Parcelling out of a lot by alienation is prohibited. However, as long as the residue of the parcelling out of a lot made by alienation remains in conformity with the provisions of this By-law, that parcelling out is allowed when its purpose is to bring into conformity, or to bring closer to conformity, or if the conformity to this By-law is not affected, of the plot of the owner acquiring the parcel or parcels. For the same purpose, a lot or part of a lot can be simultaneously parcelled out to more than one owner and leave no residue.

6.2 Obligation to Cadastre

The cadastre is obligatory for any parcelling out of lots. It is also obligatory before the issuance of a building permit or of a certificate of authorization for a new use.

Chapter 7 RECOURSE AND SANCTIONS

7.1 Violation of the Planning By-laws

When any person violates the provisions of this By-law, the designated officer must:

- a) Order the suspension of the work or of the use;
- b) Notify the owner in writing, providing him or her with instructions pertaining to the violation;
- c) If the owner has not complied with the notice within a period of forty-eight (48) hours, the designated officer must undertake the necessary procedures in order to obtain suspension of the work or the use.

7.2 Recourse

When a violator refuses or neglects to conform to an order issued under the terms of Division 7.1, any competent authority may make a petition to the Québec Superior Court in conformity with sections 227, 232 and 233 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1) for the purpose of:

- a) Ordering the suspension of the work, or the use which is not in conformity with this By-law;
- b) Ordering, at the expense of the owner, the performance of the work required to bring the use into conformity with this By-law or, if there is no other useful alternative, the demolition of the structure or the restoration of the plot of land to its former state;
- c) Authorizing the Municipality to perform the required work, or the demolition of, or the restoration of the parcel of land to its previous condition, should the owner of the building or the immovable fail to perform such work within the required deadline, and to recover from the

owner the expenses incurred through a charge against the immovable registered in the real estate tax.

Any and all violators are also subject, in addition to the sanctions stipulated under the terms of this By-law, to all recourses or sanctions stipulated under the terms of the provincial laws and regulations in force in the Municipality.

7.3 Sanctions

- a) Upon conviction by the Québec Municipal Court of the violator or of any person who has not conformed to the terms of this By-law, said violator is subject to a minimum fine of one hundred dollars (\$ 100.00), not exceeding three hundred dollars (\$ 300.00), plus the administration costs. Failing to pay the fine and the administrative costs, the violator is subject to imprisonment not exceeding one (1) month.
- b) Each day during which the violation of this By-law remains, shall constitute a distinct and separate violation.
- c) Any imprisonment ordered by the Québec Municipal Court as a sanction shall cease as soon as the fine and costs, if applicable, have been paid.

7.4 Recourse under Civil Law

Notwithstanding the recourses through penal action, Council may exercise, before tribunals having civil jurisdiction, all recourses at civil law necessary to ensure that the provisions of this By-law are respected.

MUNICIPALITY OF PORTAGE-DU-FORT

**BY-LAW NUMBER 252-04
ENACTING THE ZONING BY-LAW**

ADOPTED ON DECEMBER 8, 2004

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Chapter 1 DECLARATORY AND INTERPRETIVE PROVISIONS

1.1 Title of the By-law

By-law Number 252-04 is entitled: « Zoning By-law ». The rules of interpretation and administration of the planning by-laws governing this By-law are included in By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws.

1.2 Objectives

For the purpose of providing an orderly framework for the activities conducted by the people who live in or who frequent the Municipality of Portage-du-Fort, this By-law sets out the measures which encourage the desirable development of human establishments by determining the principles governing them, their location and the conditions governing their development.

More specifically, the purpose of this By-law is to promote quality of life and the common good by developing activities related to recreation and tourism on the whole municipal territory, as well as cottages along the Ottawa River.

By-law Number 250-04 enacting the Planning Program presents the general aims of land development policy for the territory of the Municipality of Portage-du-Fort, the general policies on land uses and land occupation densities, and the projected layout and type of the main traffic lanes, in accordance to Section 83 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.3 Subject Territory

This By-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all the territory under the jurisdiction of the Municipality of Portage-du-Fort.

1.4 By-law Replaced

By-law Number 03-92 enacting the Zoning By-law and its amendments, and the plans that accompany them, are abrogated and replaced by this By-law. All other regulatory provisions incompatible with this By-law are also repealed.

These replacements do not affect proceedings instituted under the authority of the by-laws thus replaced, which will continue under the authority of the said replaced by-laws until final ruling and execution. They do not affect permits issued under the authority of the by-laws thus replaced.

1.5 Validity of the By-law

The Council shall adopt this By-law in its entirety and also part by part, chapter by chapter, division by division, sub-division by sub-division, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, line by line and word by word, in such manner that if a part, a chapter, a division, a sub-division, a section, a paragraph, a sub-paragraph, a line or a word of this By-law is or should be declared null and void, the other provisions included in this By-law shall continue to apply.

1.6 Amendment Procedure

The provisions in this By-law may only be adopted, amended or repealed by an approved by-law pursuant to sections 123 to 137 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.7 Division of the Territory for Voting Purposes

At the time of amending this By-law or By-law Number 253-04 enacting the Subdivision By-law susceptible to approval by way of referendum, each zone identified by an appellation number is a voting unit, in accordance with Section 113, Sub-paragraph 2, of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.8 Zoning Plan

The Zoning Plan, which reference number is 252-04-Z, with all the leaflets which compose it, duly authenticated by the Mayor and the Secretary-treasurer of the Municipality, forms an integral part of this By-law for all legal purposes, and is appended to this By-law.

1.9 Appended Documents

For all legal purposes, the following documents form an integral part of this By-law:

- The Planning Program of the Municipality of Portage-du-Fort;
- The Zoning Plan, which reference number is 252-04-Z, made up of leaflets duly authenticated by the Mayor and the Secretary-treasurer, as well as the symbols, codes and other indications which it contains;
- The tables, diagrams, graphs and symbols contained in this By-law, and its appendices;
- The specification chart;
- The regulations set by the Québec Ministry of the Environment pertaining to septic facilities, and the amendments to these regulations;
- The maps contained in the graphic matrix for cadastral identifications.

1.10 Rules of interpretation

Chapter 2 of By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-law strictly applies to this By-law. These rules include sections bearing on the interpretation of the text, tables, diagrams, graphics and symbols, and definitions.

Chapter 2 PROVISIONS PERTAINING TO THE ZONING PLAN

2.1 Division of the Territory

For the purposes of regulating uses, the territory of the Municipality is divided into zones shown on the Zoning Plan, which reference number is 252-04-Z, and identified by a call number. At the time of amending this By-law or By-law Number 253-04 enacting the Subdivision By-law susceptible to approval by way of referendum, each zone identified by an appellation number is a voting unit.

2.1.1 Rules for the Interpretation of the Zoning Plan

1. The Zoning Plan, which reference number is 252-04-Z, shows the division of the municipal territory into zones. Each of these zones is identified by a distinct number.
2. An existing or permitted dominant class of uses within this zone corresponds to each of these zones. The dominant class corresponds to the use attributed to it in By-law Number 253-04 enacting the Planning Program.
3. When these limits do not coincide with, or appear not to coincide with the lines listed in Sub-division 2.1.2., the delimitation of these zones on the maps constitutes the reference. The depth of these zones may not be less than the minimum lot depth stipulated in this By-law for each specific zone.
4. All the zones which have proposed public streets for their limits, as indicated on the Zoning Plan, which reference number is 252-04-Z, will always have these streets for their limits, even if the layout of these streets has been changed when a subdivision plan is approved.
5. All zones which have waterways or bodies of water for their limits, such as these appear on the Zoning Plan, which reference number is 252-04-Z, will always have these waterways or bodies of water for their limits, such as these limits appear on the original zoning plans, even if the limits of these waterways or bodies of water have undergone slight changes.

2.1.2 Rules for the Interpretation of the Zone Limits

The delineation of zones on the Zoning Plan, which reference number is 252-04-Z, is performed using lines or tracings identified in the legend of the plan. When no measurements are indicated, distances are measured using the scale of the plan. In the case of any inexactitude concerning the exact location of these limits, the following rules apply.

2.1.2.1 General Rules

These limits generally coincide with the following lines:

- The axis or extension of the axis of existing, expropriated, approved or proposed streets;
- The axis of waterways;
- The subdivision lines or their extensions;
- The limits of the Municipality of Portage-du-Fort.

2.1.2.2 Special and Exceptional Cases

In the cases where there is any ambiguity, imprecision or confusion pertaining to the zone limits, owing to a re-division of the land, a change in the use of the land, or for any other reasons, the Council may modify these limits by means of a By-law.

2.1.2.3 Modification of Information Elements

The information elements included in the Zoning Plan, which reference number is 252-04-Z, such as hydroelectric and other easements or the cadastre, may be corrected or updated without such action constitutes an amendment to the zoning plan or to this By-law.

2.2 Specification Chart

The specification chart brings together the groups and classes of uses permitted in each zone. It presents standards pertaining to lots and to the construction of buildings, and special provisions. In the case of inconsistency, the information and standards contained in the specification chart shall predominate over those contained in the text of this By-law.

2.2.1 Rules for the Interpretation of the Specification Chart

Perusal and understanding of the uses contained in the specification chart must be performed according to the following rules:

- The permitted uses are identified on the specification chart by a symbol under a zone number;
- The permitted uses are given by groups of uses;
- Each group of uses is made up of several classes of uses.

2.2.2 Dominance

The dominant use entered for each zone expresses, as an indicator, the use or uses which may dominate. Two zones having the same dominant uses may not all have the same authorized uses.

2.2.3 Definition of Abbreviations

Dominant use:

- Residential (RE);
- Mix Residential (RM);
- Commercial (C);
- Mix Commercial (CM);
- Industrial (IN);
- Public (P);

- Recreation and Tourism (RT);
- Conservation (CO).

2.2.4 Use of the Specification Chart

2.2.4.1 Uses Specifically Excluded

Any use indicated under this heading on the specification chart, are specifically prohibited, even if the class to which they belong is authorized within this zone. Unless indicated to the contrary, businesses dealing in parts of junked automobiles and scrap-yards are excluded from all the zones.

2.2.4.2 Uses Specifically Permitted

Any use indicated under this heading on the specification chart, are specifically authorized, notwithstanding the fact that the class to which they belong is not authorized within this zone.

2.2.4.3 Lot

Under this heading are found the features pertaining to subdivisions, namely:

- The minimum area of the lot;
- The minimum width of the lot fronting onto a roadway or a waterway;
- The minimum depth expresses the minimum width of the lot between the road allowance and the rear lot line.

2.2.4.4 Implementation Standards

- The setbacks, the side setbacks and the minimum yard depth are expressed in metres;
- The maximum number of storeys expresses the number of storeys permitted; however, an overage of one-half storey is accepted;

- The minimum floor area is expressed in square metres. It indicates the minimum floor area permitted within the zone.

2.2.4.5 Special Provisions

The specification chart refers to the sections for some special provisions pertaining to setbacks along waterways and in floodplains.

2.2.4.6 Notes and Cross-references

The notes and cross-references written in the lower portion of the specification chart form an integral part of it. They are expressed in letters between parentheses.

Chapter 3 CLASSIFICATION OF USES

In order to facilitate the reading of this By-law, uses are grouped according to their compatibility with regard to their physical characteristics. These groups are the following:

- Housing;
- Commercial and Services;
- Tourism and Recreation;
- Public;
- Industries;

The classes of uses specify the nature of the uses permitted in each group.

3.1 Housing Group

In the Housing Group, the classes of uses include housing types related through their mass or their volume, the density of the occupancy which they represent and their effects on public services such as streets and roads, water delivery systems, sewers, schools, parks, etc.

3.1.1 Low Density – Class R1

This class includes any and all free-standing housing units including one (1) dwelling unit only such as single-family houses and mobile homes.

3.1.2 Medium Density – Class R2

This group includes housing units including two (2) dwelling units or more such as semi-detached houses, apartment duplex, triplex, quadruplex and row housing units including a maximum of four (4) dwelling units.

3.1.3 High Density – Class R3

This group includes all types of multifamily housing units having five (5) or more units such as apartment buildings and row houses.

3.2 Commercial and Services Group

Commercial and service uses related through their nature, their occupancy of lots, the building of structures and the occupancy of buildings are gathered into classes under the Commerce and Services Group.

Establishments which are not included within these categories will be classified by the Council further to the recommendations of the designated officer in charge of the application of the planning by-laws, on the basis of similarity with the services listed in this By-Law. When such a decision is made by the Council, this classification applies throughout the entire territory.

3.2.1 Neighbourhood Business – Class C1

This group includes the uses of the retail sales type and services wherein the radius of action is limited essentially to a residential area and which meet the following requirements:

- All operations are carried out within a building and no merchandise is stored outdoors;
- The merchandise sold is generally transported by customers themselves;
- The use does not present any undesirable effects on the neighbourhood;
- The only motive power used is electricity.

As an indication, the following establishments form a part of this group:

- Retail grocery store;
- Retail store dealing in general merchandises;
- Financial institution automatic teller;
- Bar, brewpub;
- Restaurant;
- Snack bar;
- Convenience store.

Although they do not share all the characteristics of this group, service stations are part of this class of uses.

5.2.2 Municipal Business – Class C2

This class includes the uses of the retail sales type having a radius of action extending throughout the Municipality and which satisfy the following requirements:

- All operations are performed within a building and no merchandise is stored outside ;
- The use does not generate smoke, dust, odours, heat, gases, flashes of light, vibrations or any noises more intense than those found in the street at the limits of the lot.

As an indication, the following establishments, occupations and trades are found within this class:

- All uses included in the Neighbourhood Business – Class C1;
- Travel agency;
- Domestic animals – sale;
- Bank and similar establishments (automatic tellers);
- Bicycles - repair, rental and sale;
- Jewellery;
- Alcoholic beverages – sale;
- Butcher shop;
- Laundry;
- Administrative, government and professional offices;
- Telephone exchanges;

- Cinemas, theatres;
- Medical clinics and other medical and paramedical services;
- Social clubs;
- Hairdressers, barbershops;
- Confectioners;
- Real-estate and stock brokers, insurance;
- Fashion designers;
- Specialty schools (music, singing, body expression, sports, etc.);
- Florists;
- Daycare centres;
- Veterinarians;
- Bookshops;
- Stores dealing in grocery items - retail sale;
- Stores dealing in general merchandises and clothing;
- Liquor stores;
- Furniture and domestic appliances - sale;
- Milliners;
- Pastry shops;
- Pharmacies;
- Restaurants, cafe terraces not providing drive-in service;

-
- Dance halls;
 - Electronic games arcades, billiard halls;
 - Reception halls;
 - Bowling alleys;
 - Entertainment facilities;
 - Beauty salons;
 - Funeral homes;
 - Professional, administrative and financial services;
 - Tobacco – sale;
 - Taxi stands;
 - Caterers;
 - Taverns;
 - Sports – sale;
 - Shopping centres grouping the uses included in the Neighbourhood Business – Class C1 and Municipal Business – Class C2.

3.2.3 Semi-Industrial Business – Class C3

This class includes the uses of the retail sales group for which the radius of action extends throughout the Municipality and which satisfy the following requirements:

- All operations are conducted within a building, but merchandises may be stored outdoors ;

-
- The use does not generate smoke, dust, odours, heat gases, flashes of light, vibrations or any noise more intense than that found in the street at the lot limits.

As an indication, the following establishments, occupations and trades are included in this class:

- Slaughter house;
- Commercial activities related to agriculture;
- Trade workshops (iron-mongers, plumbers, cabinetmakers, electricians, engravers, building contractors);
- Storage;
- Establishments for the sale, washing and repair of automobiles, including body and paint work;
- Wholesalers;
- Handicraft industries;
- Tree nurseries;
- Commercial greenhouses;
- Sale of building materials;
- Businesses and garages for heavy trucks;
- Sale and repair of heavy machinery;
- Sale and repair of agricultural machinery.

Unless there is any indication to the contrary included in the specification grid, businesses engaged in automobile scrapping operations are excluded from the territory as a whole.

3.3 Tourism and Recreation Group

Private or public uses linked with the tourist industry and belonging to the recreation and accommodation sectors make up this group.

3.3.1 Recreation Tourism – Class RT1

Inns, outdoor centres, summer camps, outfitters, beds and breakfast, golf courses, recreational trails, riding academies, campgrounds, ski centres, marinas, boat launching ramps, snowmobile facilities, sugar bushes and boardsailing schools are found within this class.

Bars, brewpubs, restaurants and snack bars are part of this group as long they are accessory to the other uses in this class.

3.3.2 Major Tourism - Class RT2

This class includes hotels, motels, major attractions and amusement parks.

Bars, brewpubs, restaurants and snack bars are part of this group as long they are accessory to the other uses in this class.

3.4 Public Group

All sites and buildings usually falling under public ownership and serving the public as a whole make up this class of uses.

3.4.1 Neighbourhood Public – Class P1

This group includes those public and semi-public uses which, placed under the aegis of organisations of the same type, serve the community as a whole.

As an indication, the uses listed hereinafter make up a part of this class:

- Daycare centres;
- Community halls, recreational facilities and parish halls;
- Places of worship;
- Primary schools and kindergartens.

3.4.2 Community Public – Class P2

This class includes the uses which have an influence extending throughout the Municipality as a whole.

As an indication, the following uses are included in this class:

- Libraries;
- Secondary (high) schools;
- Administrative establishments, provincial and municipal services;
- Museums;
- Cultural facilities;
- Sports facilities : tracks and grassed areas, swimming pools, skating rinks, arenas;
- Post offices;
- Public security facilities;

- Retirement homes, convents, low-rental dwellings, senior citizens' homes.

3.4.3 Parks and Green Spaces – Class P3

This class includes the following uses:

- Green spaces;
- Pedestrian trails and bicycle paths;
- Sites and buildings intended for use in the context of preservation and interpretation of nature;
- Parks and playgrounds;
- Buildings pertaining to one of these uses;
- Public beaches.

3.4.4 Public Utilities – Class P4

This class includes those sites and buildings used to ensure public hygiene and health, such as:

- Dumpsites;
- Aeration basins;
- Sewage farms;
- Filtration facilities;
- Drinkable water intakes;
- Electrical distribution and transformer stations;
- Cable broadcasting stations;

-
- Telephone exchange;
 - Water supply equipment;
 - Street and road services.

3.5 Industries Group

This group includes manufacturing enterprises, factories, workshops, construction sites and warehouses. These activities are divided into three (3) classes, as determined hereinafter, according to the nature of the operations performed, the materials stored and the noxious effects they produce. Industries must at all time respect the standards set by the Québec Ministry of the Environment (MENV). No heavy industries are allowed throughout the entire territory of the Municipality.

3.5.1 Light Industries – Class I1

This class includes the uses and activities related to the assembly and processing of products which have little impacts on the neighbouring area or on the quality of the environment.

Within this class of uses are found industrial plants, manufacturing businesses, workshops, factories, building sites, warehouses and other uses, if they satisfy and continue to satisfy the following requirements:

- Outdoor storage is made within the side and rear yards;
- The noise intensity corresponding to this use must not be greater than the normal noise intensity found in the street and with the traffic flow at the limits of the lot;
- The industrial operation does not induce any emission of smoke;
- Any dust or smoke pass the limits of the lot is prohibited;

-
- No blinding lights, either direct or reflected by the sky or otherwise, emanating from electric arcs, acetylene torches, spotlights or other industrial procedures of the same nature are visible from any area outside the lot limits;
 - No heat emanating from an industrial process may be felt outside the lot limits;
 - No ground vibrations may be perceptible at the lot limits;
 - The use does not present any danger of explosion or fire.

3.5.2 Medium Industries – Class I2

This class includes all activities and uses related to the processing and assembly of products with moderate impact on the neighbouring area and on the quality of the environment. This class includes all establishments:

- Where risks of fire or explosion are low;
- Where one or several noxious effects are suffered by the neighbouring residents, owing to smoke, dust, noises, odours or any other similar harmful elements which are more pronounced than those permitted for the Light Industries – Class I1;
- Which do not pose any dangers caused by toxic emissions;
- Which require a great deal of outdoor storage of raw materials or finished products.

As an indication, this class includes the following uses:

- Industries engaged in the processing of wood.

3.5.3 Extraction Industries – Class I3

This class includes those industrial uses which are a sustained cause of danger, owing to explosions, or which cause harmful effects on the neighbouring area owing to noise, smoke, dust, odour, flashes of light or other undesirable effects.

As an indication, the following make up part of this class:

- Storage of minerals;
- Crushing of minerals;
- Extraction of minerals.

3.6 Complementary Uses

3.6.1 Domestic Use

A domestic use is a professional, handicraft, commercial, artistic or other activity of the same type performed either for profit or on a non-profit basis within a dwelling or a secondary building. The following uses are specifically excluded from domestic uses: convenience stores, grocery stores, restaurants, snack bars, pharmacies, service stations and businesses dealing in general merchandise.

A domestic use ceases to be when its external land use refers to the outdoor storage, posting of signs and parking chapters. The domestic use is a privilege and does not permit any disturbance of the public peace by noise or odours at any time.

3.6.1.1 List of Domestic Uses

- Word processing;
- Telephone sales office;
- Dressmaker;
- Tailor;

- Milliner;
- Beauty treatment;
- Advertising service;
- General and/or specialized contractor's office;
- Management and business consultant's office;
- Real-estate broker;
- Insurance broker;
- Hairdressing salon;
- Artistic activity;
- Shoe repair;
- Photographer;
- Distributor without storage;
- Repair of small electrical appliances;
- Promoter;
- Bed-and-breakfast;
- Home babysitting;
- Artisan;
- Professional services (doctors, lawyers, engineers, urbanists, architects, consultants of various types).

3.6.1.2 Provisions Applicable to Domestic Uses

A domestic use must be compatible with use as a dwelling and with its immediate surroundings. It can be held in a main or secondary building serving for habitation.

If such use has any undesirable effects on the neighbouring residents owing to noise, odours, dust, smoke, light, vibrations or traffic, as well as a danger for the neighbouring residents, the designated officer may request that Québec Superior Court judge issue an order to have the performance of the domestic use stopped.

Unless there are any provisions to the contrary, domestic uses are permitted in the main and secondary building, under the condition that the following standards are respected:

- No displays are to be visible from the exterior;
- No architectural modification of the dwelling is to be visible from the exterior;
- No visible identification from the exterior indicating a domestic use is tolerated, with the exception of a professional sign having a maximum area of five hundred (500) square centimetres. This sign may be lighted only by a white-coloured bulb of the incandescent type, providing continuous illumination;
- No storage of materials or containers outside the buildings is permitted;
- The parking area is limited to five (5) vehicles;
- All other stipulations contained in the zoning and construction by-laws must be respected;
- The use is performed by the occupant(s) residing in the dwelling, and by a non-resident person at the most;
- The domestic use does not have any undesirable effects on the neighbourhood and, this in a non-limiting manner, owing to noise, odours, dust, smoke, light, vibrations or traffic, as well as a danger to the neighbouring residents.

A domestic use must cease if it does not respect all the provisions mentioned in sections 3.6.1.1 and 3.6.1.2 of this By-law.

Any person or organization which infringes upon the provisions relative to domestic uses shall receive written notice from the designated officer, enjoining him or her to conform to these provisions within a period of seven (7) days.

3.6.2 Uses Complementary to Commercial Uses

In commercial and mix commercial zones, the following uses are authorized as being complementary to commercial uses: outdoor terraces attached to buildings and warehouses. In mixed-use commercial zones, dwellings considered to be complementary uses must be in conformance with this By-law.

3.6.3 Uses Complementary to Industrial Uses

In industrial zones, the following uses are authorized, insofar as they are accessories to the main use, and necessary to the performance of this use:

- Administration;
- Reception, storage and shipping of raw materials and finished products;
- Parking for fleets of commercial vehicles;
- Maintenance, inspection and repair of products manufactured and/or distributed by the establishment, including the sale of spare parts;
- Sales counter for manufactured or assembled on the premises;
- Cafeteria for the employees;
- Daycare centre for the employees' children.

Chapter 4 PROVISIONS COMMON TO ALL ZONES

4.1 Setbacks and Yards

4.1.1 Distances for the Peripheral Lot Limits

This By-law stipulates that, in some zones, an obligatory space upon which no buildings are permitted must be provided within the area defined by the peripheral lines of the lot and an interior line parallel to this line, over the entire contour of the lot. The width of this setback is determined for each case in Chapter 7, as well as the uses authorized therein.

4.1.2 Setbacks

4.1.2.1 General Rule

In some zones, this By-law stipulates an obligatory space upon which no buildings are permitted must be provided for each side of the lot, as well as a setback between the line of the street or road and an interior line parallel to this line. The width of this setback is determined for each case in Chapter 7. The provisions contained in Chapter 7 are subject to the provisions contained in this section. The minimum setback is, however, never less than eight (8) metres in the zones that are serviced with water and sewer systems.

4.1.2.2 Particular Rule

On angle lots and transverse lots, the prescribed setbacks must be observed on all sides of the lot bordered by a street or a road.

4.1.3 Side Setbacks

In some zones, an obligatory space upon which no buildings are permitted must be provided between the side lot line and a line parallel to this line. The width of the side setbacks thereby created, as well as the uses authorized for them, are

determined for each zone in Chapter 7. The provisions contained in Chapter 7 are, however, subject to the provisions contained in this section.

4.1.4 Rear Yard

In some zones, an obligatory space upon which no buildings are permitted must be provided between the rear lot line and the rear wall of a building. The depth of the rear yard thereby created is determined for each zone in Chapter 7. The provisions contained in Chapter 7 are, however, subject to the provisions contained in this section.

In the case of corner lots, a side yard and a side setback may be considered as a rear yard.

In the case of transverse lots, one or the other of the front yard and half of the prescribed setback must be considered as a rear yard.

4.1.5 Individual Character of Setbacks and Yards

A setback or a yard may be considered as such, under the terms of this By-law, for one lot only.

4.1.6 Rules Governing Exceptions: Instances Wherein Existing Structures Impinge on Setbacks

Without restricting the application of Sub-section 4.1.2, the rules governing exceptions hereinafter listed prevail when one or more adjacent lots has already been built up, and where the structure or structures impinge on the prescribed setback.

However, this setback can never be less than four (4) metres in all zones.

In the existing areas, the standards applied to establish the front setback are calculated using the following formulae, in which:

- R is the minimum setback for the planned structure;
- r' and r'' are the setbacks in metres for each of the buildings on each of the adjacent lots (if such is the case);
- R' is the setback prescribed by this By-law.

4.1.6.1 Case Where Each of the Adjacent Lots Has Been Built Up

When each one of the adjacent lots has already been built up at the time when a construction permit is applied for, and these buildings impinge upon the setback prescribed in this By-law, the minimum setback for the planned structure between these lots is established by the following formula:

$$R = \frac{r' + r'' + 2R'}{4}$$

4.1.6.2 Instance Where Only One of the Adjacent Lots Has Been Built Up

When only one of the adjacent lots has already been built up and this building impinges upon the setback prescribed in this By-law, the minimum setback for the planned structure located alongside this building is established by the following formula:

$$R = \frac{r' + R'}{2}$$

4.1.7 Visibility at Intersections

A sight triangle is obligatory on each corner lot. Within this triangle, no object, whatever this might be, may be more than zero point seventy-five (0.75) metres in height, in relation to the level of the roadway. This prohibition also applies to signs and to any and all parking areas.

One of the angles of this triangle is formed by each of the existing or proposed property lines. The sides forming this angle must each be eight (8) metres in length, measured from the meeting point of the two (2) street lines or their extensions. The third side of the triangle is a straight line joining the extremities of the two (2) sides.

On a lot located at the intersection of several streets, as many sight triangles are necessary as there are street intersections.

4.1.8 Lots Along Waterways and Lakes

No work and no permanent or temporary structure, except for retaining walls approved by the designated officer according to the standards set by the Québec Ministry of the Environment, and no septic tank or septic facility is permitted within fifteen (15) metres of the high water line. Attached dwellings must always observe a setback of thirty (30) metres from the high water line.

4.1.9 Lots Along Non-Conforming Roadways and Rights-of-Way

Any new building must be built at a minimum distance of eighteen metres (18 m) from the centre of the road or right-of-way, in the case where this building is constructed along a non-conforming road or right-of-way.

4.1.10 Uses Permitted in Setbacks and Yards

As a general rule, no use is permitted within the setbacks and the side setbacks, and these spaces must be free from the ground to the sky. The space located in the front, rear and side yards must be kept free of any and all structures.

Only the following uses are permitted in front, side and rear yards:

- Stairways leading to the ground floor and the basement;
- Eaves and bay windows, insofar as such features do not extend more than sixty (60) centimetres beyond the building line;

-
- Chimneys more than two hundred and forty (240) centimetres in width, built into the wall of the building, provided that these chimneys do not extend outward more than sixty (60) centimetres;
 - Sidewalks, rock gardens, driveways or other landscape developments, fences and retaining walls;
 - Posters and signs;
 - Parking areas;
 - Temporary carports;
 - Porches, verandas, balconies and their eaves; insofar as these features do not impinge more than two metres (2 m) upon the front setback;
 - In rear or side yards, a minimum setback of two (2) metres must be left between the lot line delimiting the lot and the porches, verandas or balconies;

4.1.11 Prohibited Uses

The following uses are specifically prohibited in setbacks and side setbacks, as well as in front and side yards:

- Heating oil tanks;
- Propane cylinders;
- Clotheslines.

4.2 Dimensions of the Main Building

Unless there is any indication to the contrary on the specification chart, the minimum area of a building shall be sixty-five (65) square metres, and the minimum width of the front of the building is seven (7) metres. In the instance of a dwelling more than one (1) storey in height, the minimum floor area is set at thirty-seven (37) square metres and the minimum width of the front of the building is six (6) metres. In all

cases, the calculation of the floor area of a building and the width of the fronts excludes any attached garages.

4.3 Secondary Buildings and Accessory Structures

4.3.1 Definition

For the purposes of this By-law, secondary buildings include, among other things, storage sheds, hangars, private garages, carports, and accessory structures include outdoor barbecues, swimming pools and freestanding structures, private greenhouses in the case they are detached from the main building, annexes and private garages twinned with the main building.

4.3.2 Standards Pertaining to Secondary Buildings

- a) A main building must be built on the lot before a secondary building is erected;
- b) Secondary buildings must be located on the same lot as the main building which they serve;
- c) Secondary buildings are prohibited within the setback and in the front yard, and must be located at least two (2) metres from any side or rear lot line;
- d) The provisions contained in paragraphs a) and b) do not apply in the instance of an agricultural building and of a building used to shelter animals.

4.3.3 Swimming Pool

All swimming pools must be constructed or installed in conformity with these regulations, and must abide by the setbacks which apply in the zone in which these swimming pools are located.

4.3.3.1 Swimming Pool Enclosure

- a) All swimming pools or lots on which swimming pools are built shall be surrounded by an approved fence. The wall of a building may be considered for the section replacing the fence if this wall has one or several doors with a lock which closes automatically and if a latch is located at least one hundred and twenty (120) centimetres from the ground when it is located outside the fence, and one hundred and six (106) centimetres from the ground when it is located within the fence.
- b) All fences surrounding a swimming pool must have a minimum height of one hundred and twenty (120) centimetres. This fence must be built of planks laid side-by-side, chain links or any other material approved as being in conformance with safety standards. These materials must be fitted together sufficiently tightly to prevent passage or climbing. No opening may prevent the passage of a spherical object measuring one hundred (100) millimetres in diameter. No barbed wire or device to produce an electric current may form a part of this fence.
- c) Any entryway to a swimming pool, making up a part of the fence, must be equipped with one or several doors which close automatically, and must be provided with a latch located at least one hundred and twenty (120) centimetres from the ground, when it is located outside the fence, and one hundred and six (106) centimetres when it is located within the fence.
- d) No space greater than fifty (50) millimetres height is permitted below the fence.
- e) The fence must be at least two (2) metres from the swimming pool.
- f) In the case of an above-ground swimming pool, an incorporated fence of seventy-five (75) centimetres in height above the swimming pool, and having a minimum total height of one hundred and twenty (120) centimetres above the adjacent ground may serve as a compulsory fence or for a swimming pool with a raised patio. However, this fence must surround the swimming pool in its entirety, even if the stairway is collapsible.
- g) Sidewalks around the swimming pool must be built out of skid-resistant materials and have a minimum width of sixty (60) centimetres (60 cm).

4.3.3.2 Equipment

- a) Any swimming pool having a depth of forty-five (45) centimetres and more, shall be equipped with a duly approved system to re-circulate and filter water, recognized as safe by governmental authorities and agencies.
- b) A ladder or exit stairs must be installed along every thirty (30) metres of the perimeter of the pool. The materials used for the ladder or the steps must be skid-proof.
- c) Any swimming pool having a depth greater than one hundred and twenty-two (122) centimetres shall be provided with lifesaving equipment, such as belts, perches, vests, etc.;
- d) Lighting of a swimming pool must not disturb in any way adjacent properties;
- e) The drainage of the swimming pool shall not cause undesirable effects for, or create any problems or damage to neighbouring properties. Emptying swimming pools into septic tanks is prohibited.
- f) The installation of an underwater or other lighting system shall conform to the electrical code for the Province of Québec;
- g) The swimming pool and the equipment used for its operation must never emit any disagreeable odour, nor any smoke or gas, nor be too noisy or result in the production of any refuse.

4.3.4 Freestanding Structures

4.3.4.1 General Rule

The provisions of this sub-section apply to antennas, parabolic antennas, windmills and masts. However, all antennas and parabolic antennas intended for industrial, scientific or institutional uses are not subject to the provisions of the following sections.

4.3.4.2 Location

No freestanding structure may overhang a public thoroughfare, nor be installed within the setback or the front yard. However, in the industrial zones, a freestanding structure may be installed in the front yard, provided that the prescribed setback is observed. However, a parabolic antenna and the base to which it is connected must be installed on the ground only. Any other connection is prohibited.

Freestanding structures must abide by the setbacks which apply for the zone in which they are located, and their distance in relation to the lines of the lot must always be equal to their height.

4.3.4.3 Height

The maximum height permitted for a mass is set at twenty (20) metres.

The height of any freestanding structure is calculated from the lowest point of the structure or the base which supports it, up to its highest point.

4.3.4.4 Dangerous Structure

Freestanding structures must be maintained in good condition. The designated officer shall require, when the freestanding structure represents a risk for public, that the structure in question be repaired by its owner.

When the owner of the structure has not conformed to the written notice which he has received from the designated officer within a period of seven (7) days, the designated officer may have this structure demolished or repaired at the owner's expense.

4.4 Temporary Uses

4.4.1 Definition

A temporary use is authorized for pre-established periods of time. A temporary use shall not be completely in conformance with the provisions concerning permanent uses.

4.4.2 Authorized Temporary Uses

The following uses shall be considered as temporary uses:

- Buildings erected to facilitate planned building activities and to shelter small tools and the documents necessary to perform this construction activity;
- Sale of Christmas trees;
- Circuses and carnivals;
- Mobile restaurants or canteens;
- Any temporary or other structures for popular assemblies;
- Buildings used for sales;
- Garages sales;
- Raffles;
- Festivals;
- Sales booth;
- Secondary buildings on vacant lots;
- Trailers and mobile homes used as sales offices for housing units or for the display of commercial products area authorized for a period of at least three (3) months, and permits for use are renewable by the Municipality;
- Granny flats.

The temporary uses also include any other uses similar by their nature to those listed above.

4.4.3 Conditions Governing Authorization

The temporary uses are authorized under the following conditions:

- They are not specifically prohibited in a zone indicated on the specification chart;
- They do not violate regulations governing nuisances;
- They do not pose a danger to any future users because of their location;
- They do not impede the flow of vehicular and pedestrian traffic;
- They do not use converted vehicles, as defined in Sub-division 5.2.2 of By-law Number 254-04 enacting the Construction By-Law.

The authorization of a temporary use must be subject to reserves designed to fill the conditions listed above.

4.4.4 Responsibility for Issuing a Certificate of Authorization

Unless prohibited within the zone, the responsibility for issuing a certificate of authorization for a temporary use lies with Council. This responsibility may be delegated, in whole or in part, to the designated officer.

4.5 Building Relocation

No building or structure shall be moved or relocated within the limits of the Municipality, or from the outside to the inside of the Municipality, unless the building or structure is an authorized use and in conformance with all the conditions applicable to the zone in which the building or structure is to be installed. A certificate to authorize such relocation must be issued in this regard by the designated officer.

4.6 Housing Restrictions

It is prohibited to any person to take up permanent residence in a private garage or in any truck, bus, trailer, recreational vehicle, streetcar, or any other vehicle.

4.7 Dwellings Located at the Rear of a Lot

Only one main building may be erected on a lot, except integrated complexes.

4.8 Additional Dwelling in a Free-Standing Single-Family Dwelling

A maximum of one (1) additional dwelling is authorized in the basement or any of the upper storeys in a free-standing single-family dwelling, subject to the following conditions:

- No major modification is made to the exterior architecture of the building, and the building retains its appearance as a single-family dwelling;
- The main dwelling retains its regulation dimensions of a three-(3) bedroom dwelling;
- The minimum height between the storeys is two hundred and twenty-five (225) centimetres;
- The number of parking places prescribed by this By-law for each of the dwelling units is provided and developed;
- Each dwelling unit is provided with at least two (2) exits. However, a dwelling may be provided with only one (1) exit in the case of an exit separate from any other dwelling unit, and that there is an exit door at ground level or in the proximity.

4.9 Corrective Measures for Defective Septic Facilities

In all zones where the Municipality detects contamination problems related to individual septic facilities which cannot be corrected owing to insufficient lot areas, the Municipality shall oblige the owners to join together as a group and to obtain a

corrective type of group septic facility. In the case of any disagreements or disputes among the owners, the Municipality reserves the right to perform said work and to recover its expenses through a special local improvement tax.

4.10 Conversion of a Cottage Into a Permanent Dwelling

The use of a cottage as a permanent dwelling is authorized, under the condition that the structure is brought into conformance, in all respects, with the provisions of these regulations, with the exception of the standards pertaining to the floor area, and that a cadastral plan accompanies the application for the building permit. In addition, this conversion must conform to the provincial by-law governing septic facilities.

4.11 Development of Open Spaces

All parts of a lot which are not used for vehicular or pedestrian traffic, parking, or are occupied by the structure, must be developed with lawns, patios and/or plantings. In addition, these developments must be continuously maintained in a suitable manner.

- a) The owner must keep the existing trees and the natural features of the site.
- b) Any embankment must not have a slope greater than thirty percent (30 %).
- c) The filling material must be composed of dry materials not subject to decay.
- d) Any lot shall be graded so that it drains toward the public road.

4.12 Outdoor Lighting

4.12.1 General Information

Any outdoor or indoor lighting which causes a nuisance to adjacent properties or which is injurious to activities in the neighbourhood is prohibited.

4.12.2 Spotlights

Any and all spotlights must be provided with a shade, designed to provide perfect focusing of the beam at any point located outside the private property.

4.12.3 Luminous Surfaces

The luminance of luminous surfaces of all shapes, with the exception of fluorescent devices, must never exceed four thousand (4,000) candelas per square metre for an observer placed at any point on the property line.

The luminance of fluorescent lighting devices must never be greater than one thousand (1,000) candelas per square metre for an observer placed at any point on the property line.

4.13 Fences, Walls and Hedges

4.13.1 Materials

Decorative fences in metal, stone, brick, cement blocks, wood, hedges and walls are permitted.

4.13.2 Wood Fences

Wood fences must be constructed out of new and architectural quality materials, and be planed, painted, varnished or stained.

4.13.3 Metal Fences

Metal fences must be ornamental in nature, and their design and finish must be such as to avoid any possibility of injury.

4.13.4 Prohibited Materials

Fences built out of metallic wire (chicken wire), snow fencing, used unpainted sheet metal or with any other similar materials are strictly prohibited.

4.13.5 Barbed Wire

The stringing of barbed wire is prohibited, except in the industrial zones.

4.13.6 Fences, Walls and Hedges on Public Property

- Any hedge, wall, fence or other similar feature found on public property is tolerated at the owner's risk, and any movement required by work for the purposes of public utility shall, after notice, be performed by the owner at his own expense. If the owner refuses or neglects to perform the work necessitated for such movement, this work may be performed by the Municipality at the owner's expense;
- The Municipality may not, either directly or indirectly, be held responsible for any damage which any hedge, wall, fence or other similar accessory installed on public property may suffer, nor may it be held responsible for any damage or bodily injury which persons may suffer there from.

4.13.7 Uses Requiring Security Measures

The height of fences, walls and hedges does not apply to penitentiaries, prisons and corrective facilities, electrical transformer stations and other uses requiring public security measures.

4.13.8 Height of Fences, Walls and Hedges

The height of fences, walls and hedges shall not, at any time, be greater than two (2) metres. However, fences for tennis courts may exceed this requirement, but must not be higher than three (3) metres.

4.13.9 Height Within the Sight Triangle

For corner lots, the height of fences, walls or hedges shall not exceed seventy-five (75) centimetres in the sight triangle.

4.13.10 Outdoor Storage

In zones where outdoor storage is permitted, a fence or a wall, with or without openings, and having a minimum height of one hundred and eighty (180) centimetres must be developed beyond the front setback and at a minimum distance of six (6) metres from the road allowance.

4.13.11 Rural Environment

In the rural environment, snow fences are permitted from November 15 to April 15 of the following year.

Subject to the provisions relating to sight triangles, and notwithstanding any other provisions, the height of fences, walls, hedges, snow fences or windbreaks on farms or agricultural operations may be increased to the height necessary for the smooth running of the operation.

4.13.12 Fire Hydrants

In the areas serviced with or about to be serviced with a water system, the erection of fences and the planting of hedges at a distance of less than one hundred and fifty (150) centimetres from any fire hydrant is prohibited.

4.14 Maintenance and Upkeep of Properties

- a) Any and all buildings must be maintained in good condition and be repaired, as needed.
- b) All properties must be cleaned in the six (6) months following a disaster (fire, strong winds, etc.).

- c) All parcels of land, whether occupied or not, must be left free of ashes, waste water, garbage, debris, dead animals, faecal or organic matter, brush, rubbish, parts of vehicles or any other devices or parts of any abandoned mechanical device.
- d) A lot that has been affected by a demolition must be graded and recovered with at least three (3) centimetres of gravel.
- e) Lots must be maintained free of weeds and harmful and poisonous plants.
- f) No lot shall be used, at any time, for the storage of construction materials, except for the storage during the period for which a building permit concerning these materials is in force.
- g) All lots shall be free of any excavations, piles of earth, stones or all other materials of the same type which is a risk, or can not be recognized as making up an integral portion of the landscaping of the lot.

4.15 Off-Street Parking

4.15.1 General Rule

Any and all uses must be served by a sufficient number of off-street parking places, as determined according to the provisions contained in this By-law.

This requirement applies to any work performed to modify or enlarge a use, to construction work for a new building, as well as a change in use of a building, either in whole or in part. In the case of an enlargement, only the enlarged portion is subject to this requirement.

The parking requirements set out by this By-law have an obligatory and continuous quality. They prevail as long as the uses served remain in existence.

It is illegal for the owner of a use contemplated by these regulations to eliminate, in any way whatever, any parking places prescribed by this Division. It is also illegal to use, without meeting the requirements of this Chapter, any building which, owing to any modification which has been made to it or to any subdivision of a lot, no longer possesses the required number of parking spaces.

A building permit or an occupancy certificate may not be issued before all the provisions contained in this Division have been respected. However, when weather conditions do not permit the immediate development of parking areas, the designated officer shall grant an additional time period not exceeding six (6) months.

4.15.2 Dimensions of Parking Stalls

a) Each parking stall must have the following minimum dimensions:

Length: 5.5 metres;
 Width: 2.5 metres.

b) According to the angle of the parking stalls in relation to the axis of the access road, the minimum dimensions indicated on the table following must be respected when a parking stall is developed.

PARKING STALL ANGLE IN DEGREES					
Angle	90 °	60 °	45 °	30 °	0 °
Stall width (in metres)	2.5	2.5	2.5	2.5	2.5
Stall length (in metres)	5.5	5.5	5.5	5.5	5.5
Stall depth (in metres)	5.5	6.0	5.6	5.0	2.5
Access road width (in metres)	7.3	6.4	5.5	4.6	3.65
Width of one (1) row + one (1) access road (in metres)	12.8	12.4	11.1	9.6	6.15
Width of two (2) rows + two (2) access roads (in metres)	18.3	18.4	16.7	14.6	8.65
Width of three (3) rows + two (2) access roads (in metres)	31.1	30.8	27.8	24.2	14.8
Width of four (4) rows + two (2) access roads (in metres)	36.6	36.8	33.4	29.2	17.3

4.15.3 Access Roads and Driveways

- a) In all case, access roads are prohibited within the sight triangle of an intersection.
- b) Parking of motor vehicles in access roads is prohibited.
- c) Access roads must provide access to parking stalls, in such a way as to allow vehicles to exit, without being required to move another vehicle. Any and all parking stalls must be linked by at least one (1) driveway. Only one access road to the public thoroughfare is permitted for a lot having a frontage on the street equal to or less than forty-five (45) metres. The maximum number of access roads is two (2) for a lot having a frontage between forty-five (45) metres and one hundred (100) metres. This number is increased to three (3) for one (1) lot having a frontage greater than one hundred (100) metres.
- d) If the lot is bordered by more than one thoroughfare, the number of access roads permitted to the thoroughfare is applicable for each of the thoroughfares, without exceeding a total of four (4) roads in total for one and the same terrain.
- e) A two-lane driveway used for both entering and exiting vehicles must have a minimum width of five (5) metres and a maximum width of seven (7) metres.
- f) A single-lane driveway must have a minimum width of three hundred and sixty-five (365) centimetres, and a maximum width of five hundred and fifty (550) centimetres.
- g) The distance between the two driveways must not be less than seven hundred and fifty (750) centimetres.
- h) No pole used for public utilities distribution purposes or any other purposes may be located in a parking stall or in an access road.
- i) Parking areas for six (6) vehicles and more must be laid out in such a way that vehicles may enter and leave while moving in a forward direction.

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- j) All new building which the parking space has more than ten (10) stalls must have one (1) two-lane driveway or two (2) one-lane driveway.

- k) Access roads must not have a slope greater than eight percent (8 %). These roads must not begin their slopes within one (1) metre of the road allowance, nor be located less than six (6) metres from the intersection of two road allowances, so as to conform to the provisions governing the sight triangle.
- l) A distance of sixty (60) centimetres must be observed between the entryway and the nearest side lot line. However, this does not apply in the case of shared driveways.
- m) All driveway or entrances not respecting this By-law at the moment of its coming into force, must conform to this one if a building permit is required and it affects the driveways or entrances.

4.15.4 Number of Parking Stalls Required

The minimum number of parking stalls required varies according to the type and requirements set out in Section 4.15.4.1 of this By-law.

When the product of the calculation used to set the minimum number of parking stalls required is a fraction, the following conventions apply. If the fraction is less than 0.5, the product is rounded off to the next lower whole number. If the fraction is equal to or greater than 0.5, the product is rounded off to the next greater whole number.

The words « square metres » must be interpreted as « square metres of floor area ».

The floor areas to be used to calculate the number of parking stalls required are the gross floor areas for the building.

When a building contains floor areas devoted to various uses, such as a hotel, for instance, the parking stalls required for each of these uses is calculated in relation to each one of these uses.

4.15.4.1 Residential Uses

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- a) Any building containing from one (1) to three (3) dwelling units: one parking stall per dwelling unit, plus one (1) additional parking stall.

- b) Any building containing more than three (3) dwelling units: one and one-half (1.5) parking stalls per dwelling unit.

4.15.4.2 Business and Services Uses

- a) Offices, banks, retail businesses, service stores or any use not indicated hereinafter: one (1) parking stall for every twenty-five (25) square metres of floor area, with a minimum of three (3) parking stalls.
- b) Hotels, motels, cabins, campgrounds: one (1) parking stall per cabin, site, room or apartment, plus one (1) additional place for every twenty (20) square metres of floor space usable by the public.
- c) Theatres, arenas, halls, clubs, recreational establishments, other gathering places: one (1) parking stall for every five (5) seats or every three metres (3 m) of bench space, where fixed seating is not provided.
- d) Restaurants, bars, taverns, nightclubs, dining rooms: one (1) parking stall for every three (3) seats or one (1) parking stall for every ten (10) square metres of floor area, according to the formula which gives the greatest number of parking stalls to be provided.
- e) Industrial uses, wholesaling, storage, woodlots, repair depots: one (1) parking stall for every seventy (70) square metres of floor area, up to a total of two hundred (200) square metres, plus one parking stall for every additional two hundred (200) square metres.
- f) Retail sales establishments:
 - Floor area of less than five hundred (500) square metres: one parking stall for every twenty (20) square metres;
 - For the floor area exceeding five hundred (500) square metres: one parking stall for every fifteen (15) square metres.
- g) Funeral homes: five (5) parking stalls per viewing area, plus one (1) stall every ten (10) square metres of floor area used for viewing purposes.

- h) Convenience stores: one (1) parking stall for every ten (10) square metres of floor area.

4.15.4.3 Public Uses

- a) Elementary schools: one and one-half (1.5) parking stalls per classroom or learning area.
- b) Secondary (high) schools: four (4) parking stalls per classroom.
- c) Hospitals, rest homes, welfare institutions: one (1) parking stall for every three (3) beds or for every forty (40) square metres of floor area, with the formula which gives the greatest number of parking stalls to be provided.
- d) Assembly halls, places of worship: one (1) parking stall for every three (3) seats or one (1) parking stall for every ten (10) square metres of floor area, with the formula which gives the greatest number of parking stalls to be provided.
- e) Libraries: one (1) stall for every fifty (50) square metres of floor area.

4.15.4.4 Recreational Uses

- a) Golf courses: four (4) parking stalls per hole.
- b) Beaches and picnic grounds: one (1) stall for every fifty-five (55) square metres of beach area.
- c) Hiking or cross-country ski trails: twenty-five (25) parking stalls for each developed access to the trails.

4.15.5 Location of Parking Spaces

- a) A parking space must never occupy in whole or in part the road allowance of a public roadway.

- b) A parking space is prohibited within the sight triangle at an intersection.
- c) The parking space serving a use must be located on the same lot as the use served.
- d) In commercial and mix commercial zones, the parking space may be located on an area of ground less than sixty (60) metres from the lot on which the use served is located, if said lots are owned by one and the same owner.
- e) When the off-street parking places is located across from a window opening out of a habitable room in a basement, a grassed margin having a minimum width of two (2) metres must be developed between the parking space and the window, over the entire length of the parking space. In addition, fifty percent (50 %) of the area included in the front yard, including the front setback, must be developed as a grassed area.

4.15.6 Common Parking Areas Between Two or Among Several Uses

The development of a common parking space for two or among several uses may be authorized by the designated officer:

- a) When it has been demonstrated that the permanent nature of this parking space is guaranteed by a notarized easement or a lease registered as irrevocable, except in the case of discontinuation of the use for which the lease or easement has been granted.
- b) When the uses and the common parking space form a single unit of real property.

In the case that a building or a series of buildings form at least two (2) uses of different nature and which the activities are not performed simultaneously, the number of parking stalls required may be lowered to a percentage that not exceed forty percent (40 %) of the total number required, if each use is considered individually, after a report made by the designated officer and a layout plan prepared by a road circulation engineer demonstrate that the parking needs for the uses are not simultaneous and complementary in the use of the parking stalls.

4.15.7 Development and Maintenance of Parking Spaces

All parking areas for a group of six (6) or more parking stalls must be developed and maintained according to the following provisions:

- a) Unpaved surfaces must be covered with a coating, in such a way as to eliminate any possibility that dust may be raised, as well as any formation of mud, in such a way as to render these surfaces suitable for use by vehicular traffic.
- b) On the side or sides of the lot facing one street or more, the owner shall develop, between the parking space and the street, a grassed strip measuring at least one hundred and fifty (150) centimetres in width, measured either from the road allowance or on the lot, or from both of them, and extending through the entire width of the lot, to the exclusion of the access roads.
- c) The maximum number of a series of parking stalls located side by side, and in a rectilinear order or an order which is almost rectilinear, is set at fifteen (15). The minimum distance, in this case, to separate two such rows of parking stalls is three (350) hundred and fifty centimetres.

4.15.8 Underground Drainage

In the areas served with an existing or planned sewer system, any parking space or any group of parking spaces must be provided with an underground drainage system. At least one (1) drain for every thousand (1,000) square metres of parking space is required.

4.16 Loading Areas

4.16.1 General Rule

A building permit can not be issued for any new building, except if loading or unloading areas are provided, in conformity with the provisions contained in this Sub-section.

4.16.2 Provisions Applicable to Loading Areas

Loading, unloading, shipping or receiving of animals or of objects related to a commercial or industrial use must be performed on the same lot as the use in question is being conducted. Such activities must not be conducted within the road allowance of a public roadway.

The owner or the occupant of any terrain, structure or building located in a commercial, mix commercial or industrial zone must provide and maintain loading facilities on these premises, in accordance with the following provisions.

4.16.2.1 Dimensions of Loading Areas

Each loading area must be at least fourteen (14) metres in length, three hundred and fifty (350) centimetres in width, and have a vertical clearance of four hundred and fifty (450) metres.

4.16.2.2 Location of Loading Areas

Loading areas must be located on the same terrain as the buildings or structures which they must serve. These stalls must not form a part of the street or of an obligatory parking space.

4.16.2.3 Surface

Loading areas and access roads must be covered in a stable material, such as concrete, asphalt, crushed stone or gravel.

4.17 Outdoor Storage

- a) Outdoor storage is permitted only in commercial and industrial zones.
- b) Any and all outdoor storage must be surrounded by an opaque fence having a minimum height of one hundred and eighty (180) centimetres.

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- c) Storage is permitted only in rear and side yards, and is not permitted in the setbacks of a lot.
 - d) The areas used for outdoor storage must be excluded from the parking spaces or the loading areas.

4.18 Posting of Signs

4.18.1 Scope

Any and all signs installed within the Municipality must be installed in conformity with the regulations issued to this effect.

4.18.2 General Provisions

The posting of any sign which runs counter to good order, public morality and the observance of generally accepted standards is prohibited.

4.18.3 Obligation to Obtain a Certificate of Authorization to Post Signs

Anyone who intends to erect, rebuild, repair, increase or modify or move a sign must beforehand get a certificate of authorization from the Municipality in accordance with this By-law and in Division 4.8 of By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws.

4.18.4 Signs Authorized Without a Certificate of Authorization

The signs listed hereinafter do not require the obtaining of a certificate of authorization. They are authorized in all areas of the Municipality, but must conform to this By-law:

- a) Permanent or temporary signs erected by a public, municipal, regional, provincial or federal authority.
- b) Signs prescribed by a law or by-law, which area is less than (1) square metre.

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- c) Signs pertaining to an election or to public hearings held under the terms of a legislative act.
 - d) Signs pertaining to traffic, to direct the public and ensure their convenience, provided that such signs are not more than five hundred (500) square centimetres in area, and are placed on the same lot as the use to which they refer.
 - e) Flags of a political, civic, philanthropic, educational or religious organization.
 - f) Signs commemorating an historical event or person, under the condition that such signs are not intended for, or associated with, a commercial use or other gainful purpose, which area is less than one (1) square metre.
 - g) Inscriptions, figures and symbols chiselled into or sculptured on the walls of a building, which area is less than one (1) square metre.
 - h) Signs concerning worship services and other religious activities, which area is less than one (1) square metre.
 - i) A personal identification sign attached to the wall of a building and indicating only the name, the address, the occupation or the trade of the occupant, provided that this sign does not have an area greater than five hundred and fifty (550) square centimetres and is lighted only by a white-coloured light bulb, of the incandescent type and providing continuous light.
 - j) Signs to identify a building, indicating the permitted use, the name and the address of the building or that of the operator, provided that such signs do not have an area greater than two square (2) metres, in public and industrial zones. Letters and numbers on a canopy may not be more than fifteen (15) centimetres in height.
 - k) Temporary signs identifying a construction project, as well as the names of the architect, the engineer, the contractor and the subcontractors for this building project, provided that such signs are not more than three (3) square metres in area. These signs must be removed within fifteen (15) days of the termination of work.

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- l) Temporary signs announcing the sale of a building or of a plot of land or the rental of offices and other facilities within residential, commercial and mix commercial zones, provided that their area is not greater than fifty-five (55) square centimetres. These signs must be erected on the same plot of land as the use to which they refer is being conducted.
 - m) Temporary signs announcing the sale or rental of offices and other premises in the commercial, mix commercial and industrial zones, provided that their area is not greater than three (3) square centimetres. These signs must be erected on the same plot of land as the use to which they refer is being conducted.
 - n) Temporary signs announcing events or advertising civic organizations recognized by resolution of Council, provided that these signs do not have an area greater than three (3) square metres.
 - o) Directional signs, including signs indicating a risk, delivery entrances and other similar signs, provided that these signs do not have an area greater than two (2) square metres and are located on the same plot of land as the main use which they serve is conducted. In other respects, these signs must be set at one hundred and fifty (150) centimetres minimum and two hundred and fifty (250) centimetres in height.
 - p) Electoral signs for a candidate or a political party or for an election campaign, provided that these signs are removed within seven (7) days following the day of election. Posting of signs or posters on trees, electrical or telephone poles is strictly prohibited.

4.18.5 Prohibited Signs

- a) Any sign on a roof.
- b) Any lighted sign having a colour or shape likely to result in confusion with traffic signals.
- c) Any removable sign, having the use of a wheel, sledges or fit to be moved in any way.

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- d) Any flashing sign which imitates the lighted warning devices commonly used on police cars, ambulances and fire vehicles, or any other flashing sign of the same nature as these devices.
 - e) Any sign having a flashing, pivoting or rotating light source.
 - f) Any sign on the sides or summit of a mountain.
 - g) Any advertising message painted on the exterior siding of a building, as well as on the paving or the fences of any property.
 - h) Paper or cardboard signs posted in locations other than on billboards and bulletin boards.
 - i) Any sign advertising a real-estate development located outside the municipal territory.

4.18.6 Location of Signs

Any sign advertising a service or business should be installed on the plot of land where the service is rendered or where the business is conducted. An exception to this rule is the instance of businesses and services having a rental lease for the land on which the sign is located.

- a) No sign may obstruct an emergency passage way. Exterior clearance of at least three (3) metres, measured perpendicularly from doors, windows, stairways, fire hoses and other features is obligatory.
- b) The lower portion of a sign suspended less than thirty (30) centimetres back from the outside line of a sidewalk must be placed at a minimum height of three (3) metres.

4.18.7 Billboards

Billboards and notice boards are not permitted, except along public roadways. Billboards and notice boards are subject to provincial regulations.

4.19 Unstables Slopes

4.19.1 Definition

The Council may designate unstable areas of land in the light of appropriate technical studies.

4.19.2 Responsibility of the Owner

The responsibility for construction work in unstable areas of land devolves completely upon the applicant, who must sign a waiver prior to the issuance of the building permit.

4.19.3 Minimum Standards

The following minimum standards do apply in the unstable areas of land:

- a) In the areas where risks are high, no structure, no subdivision, no septic tank, no embankment or excavation and changes in the vegetation are allowed at the foot and the top of the embankment.
- b) In the areas where risks are medium:
 - The minimum area of lots must be at least four thousand (4,000) square metres;
 - Septic tanks, embankments at the top and excavation at the foot of the embankment are allowed;
 - Clearing of trees of more than one thousand (1,000) square metres per plot is prohibited;
 - Planting of vegetation in parts bared at the time of work must be carried out;
 - Notwithstanding the above, subdivision and construction are only allowed if a study made by an engineer member of the Québec Order of Engineers

(OIQ) demonstrates the feasibility to establish the use with no risk for the safety of individuals and possessions.

- c) In the areas where risks are low:
- Agricultural activities and single-family housing are allowed;
 - All structures must have two (2) stories or less, including the ground floor;
 - The area of each lot must be at least six thousand (6,000) square metres. The area of each lot may be reduced to four thousand (4,000) square metres if a study made by an engineer member of the Québec Order of Engineers (OIQ) demonstrates the feasibility to establish the use with no risk for the safety of individuals and possessions;
 - Clearing of trees of more than one thousand (1,000) square metres per plot is prohibited;
 - Planting of vegetation in parts bared at the time of work must be carried out;
- d) In all types of areas of land where the soils are movable because of clay or sand, which slope exceeds twenty-five percent (25 %), unless a study made by an engineer member of the Québec Order of Engineers (OIQ) demonstrates the feasibility to establish the use with no risk for the safety of individuals and possessions, the following structure are prohibited:
- Construction of residential buildings with two (2) stories or less, unless preserving protection strips equal to twice the height of the embankment at its top and once its height at the base;
 - Construction of residential buildings with more than two (2) stories, non residential buildings, roads and streets, unless preserving protection strips equal to five (5) times the height of the embankment at its top and two (2) times its height at the base;

4.20 Landfill Sites

4.20.1 Provisions Pertaining to Landfill Sites

No construction work is permitted either on or within a radius of five hundred (500) metres of any open or closed sanitary landfill site identified on the Zoning Plan, which reference number is 252-04-Z, except in the case of any building used in connection with the sanitary landfill site.

On the sites used for disposal of waste identified on the Zoning Plan, which reference number is 252-04-Z, any change in the use of the site must be preceded by an application for notice from the Québec Ministry of the Environment (MENV). The performance of this planned use is conditional to the content of the notice from the Minister.

Unidentified sites will have to be shown on the Zoning Plan by the designated officer.

4.21 Protection of the Embankments of Lakes and Watercourses

The following dispositions contribute to protect the water the ecosystem and the resources it supports

4.21.1 Village Core

All permanent lakes and watercourses in the village core are subject to the following standards. The village core corresponds to residential, mix residential, commercial, mix commercial and public zones identified on the Zoning Plan, which reference number is 252-04-Z, except zones R15 and R16.

4.21.1.1 The Shore - Village Core

- a) The shore is a strip of land bordering lakes and watercourses and extending towards the interior of the land from the high water line. The width of the shore is measured horizontally.

The shore is at least ten (10) metres deep:

- When the slope is less than thirty percent (30 %);
- When the slope is more than thirty percent (30 %) and has an embankment of five (5) metres or less in height.

The shore is at least fifteen (15) metres deep:

- When the slope is more than thirty percent (30 %);
- When the slope is more than thirty percent (30 %) and has an embankment of more than five (5) metres in height.

- b) The littoral is that part of lakes and watercourses extending from the high water line towards the centre of the body of water.

4.21.1.2 Minimum Standards – General

The obtaining of an authorization is mandatory for any structure or works capable of destroying or changing vegetal cover of the lakeshores and riverbanks, to bare the land or to affect its stability, or encroach on the littoral. This authorization may be given by the designated officer in the form of a building permit or a separate authorization depending on the nature of the project.

The authorization of the officer designated by Council is granted when he or she considers that the works are conceived in such a way to not create concentrations of erosion and to re-establish the state and the natural aspect of the area, without excavation, drainage, levelling, filling or other works of the same kind.

4.21.1.3 Minimum Standards – The Shore

When the slope of the shore is less than thirty percent (30 %), natural vegetation must be preserved. However, an opening of five (5) metres wide giving access to the lake or watercourse may be developed.

When the slope of the shore is more than thirty percent (30 %), the natural vegetation must be preserved. Only an opening of five (5) metres wide may be developed by pruning trees and bushes, as well as a path or stairs giving access to the lake or watercourse.

When the stabilisation of the shore is required, works must be done in a way to prevent erosion and to re-establish the vegetal cover and natural character of the area.

When the slope, the nature of the soil and the conditions of the land do not allow the re-establishment of the vegetal cover and the natural character of the shore, the stabilisation can be done with the help of ripraps, gabions or finally with the help of a retaining wall. In all cases, the priority must be given to the technique the most susceptible to facilitate the eventual growth of the natural vegetation.

However, the sum of the above-mentioned provisions pertaining to the shore do not apply to works for municipal, industrial or public purposes or for public access purposes, which must be authorized by the Québec Minister of the Environment (MENV) and, as the case may be, by any other ministry concerned.

Repair work and the straightening of an existing road, not subjected to the Environment Quality Act (R.S.Q., c. Q-2) or the Watercourses Act (R.S.Q., c. R-13), may be authorized by the designated officer when it is impossible to extend the infrastructure on that side of the road not adjacent to the lake or watercourse, on condition that no filling or digging is performed within the bed of a lake or watercourse and that any embankment erected in the protection strip is covered with vegetation in order to prevent erosion and furrowing.

4.21.1.4 Minimum Standards – The Littoral

On the littoral, the primary objective is to respect the integrity and the natural character of the area. If works are necessary, they must be conceived in such a way to not be detrimental to the free circulation of water without filling or dragging, which are prohibited.

Only the following structures are allowed in the littoral:

- a) Wharves, shelters or landing stages on piles, posts or cofferdams, or made up of floating platforms. Any part of these structures intended to be submerged or in contact with water may not be made by using tar-lined, painted or chemically treated wooden materials.
- b) Development of watercourse crossings related to fords, culverts and bridges.
- c) Equipment necessary for aquaculture.
- d) Water intakes.
- e) Encroaching on the littoral as necessary for the undertaking of work authorized in the shore.
- f) Cleaning and maintenance works without excavation performed in the watercourses, in accordance with the power and obligations conferred by the Québec Municipal Code.
- g) Structures, works and work for municipal, commercial, industrial, public purposes or for public access purposes, when duly authorized by virtue of the Environment Quality Act (R.S.Q., c. Q-2), the Conservation and Development of Wildlife Act (R.S.Q., c. C-61.1) and the Watercourses Act (R.S.Q., c. R-13), or any other law.

4.21.1.5 Additional Protection Measures

This orientation does not exclude the possibility for the Municipality to adopt additional protection measures to adapt special situations.

4.21.2 Recreation and Tourism and Conservation Zones

All permanent lakes and watercourses, as well as watercourses with intermittent flow, situated in the Tourism and Tourism and Conservation zones identified on the Zoning Plan, which reference number is 254-04-Z, are subjected to the following provisions. Zones R15 and R16 are also subjected to the following provisions.

Identifiable watercourses with intermittent flow are those watercourses along which bush and grass vegetation grows and whose bed dries up periodically.

Minimum standards

- a) On public lands, the policy is that of the « Guide des modalités d'intervention en milieu forestier ».

The policy applies, notably, within a strip of twenty (20) metres wide along lakes and watercourses with permanent flow. This wooded strip is measured on the side of the lake or watercourse from the limit of trees.

For identifiable watercourses with intermittent flow, the bushy or grassy vegetation growing between the high water line and the limit of trees along the watercourses must be preserved.

- b) On private lands, the shore is measured from the high water line according to the slope and the height of the embankment, in accordance with Section 4.21.1.1 of this By-law. A protection strip of at least ten (10) metres from the shore must be preserved.

The felling of trees is allowed in the protection strip as long the standards included in Appendix A of this By-law are also respected.

In the ten (10)-metre protection strip, with the exception of the embankment that must be preserved in its entirety, the felling of trees is allowed up to fifty percent (50 %) of stems of at least ten (10) centimetres in diameter, on the condition that at least fifty percent (50 %) of the forest cover is preserved. All work and works which bear the soil in the protection strip are prohibited, with the exception of work and works mentioned in Section 4.21.2.1, which must be accompanied with re-naturalization measures.

In a fifteen (15)-metre protection strip on the top of the embankment, repair work and the straightening of an existing road, not subjected to the Environment Quality Act (R.S.Q., c. Q-2) or the Watercourses Act (R.S.Q., c. R-13, may be authorized by the Municipality when it is impossible to extend the infrastructure on that side of the road not adjacent to the lake or watercourse, on condition that no filling or digging is performed within the

bed of a lake or watercourse and that any embankment erected in the protection strip is covered with vegetation in order to prevent erosion and furrowing.

4.21.2.1 Minimum Standards

- a) In the agricultural environment, in a three (3)-metre protection strip from the watercourse, all work and works baring the soil are not allowed, with the exception of the following work that must be accompanied with re-naturalization measures:
- Seeding and plantation of vegetal species aimed to ensure a permanent and durable vegetation cover;
 - Stabilisation work of shores through the modification of the embankments and establishment of the vegetation, or any other embankments stabilisation technique;
 - Various methods for harvesting grassy vegetation on the top of the embankment, if they do not bear the soil;
 - Putting up of fences on the top of the embankment;
 - Putting up and construction of outlets for underground or surface drainage networks and pumping stations;
 - Work such as mowing, pruning and selective cutting aimed at controlling the growth or at selecting grassy, bushy and green vegetation by means other than chemical and burning. The work must not endanger the maintenance of the vegetal cover;
 - Development of water crossings (fords, culverts, bridges, waterlines and sewers, gas and oil pipelines, telecommunications and electric lines, etc.);
 - Construction of control accesses to the water;
 - Equipment necessary for aquaculture;
 - Restoration and management of the riparian and aquatic wildlife habitat;

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- Wharves, shelters or landing stages on piles, posts or cofferdams, or made up of floating platforms;
 - Water intakes, outlets and related pumping stations;
 - Work connected to the production and transportation of electricity;
 - Maintenance and repair of existing work;
 - Construction of work for the preservation of the shores, the regulation and stabilisation of waters;
 - Removal of detritus, obstacles and work;
 - Maintenance work for the improvement and management of watercourses carried out by the Québec Government, in accordance with the existing government programs and laws;
 - Any maintenance or repair operations aimed at activities, work and works mentioned in this list.
- b) In the private woodlots within the agricultural environment, the protection strip must be at least ten (10) metres wide, within which harvesting of fifty percent (50 %) of the stems with at least ten (10) centimetres in diameter is allowed.

In this protection strip, all work and works baring the soil are prohibited, with the exception of work mentioned in a) for the agricultural environment, which must be accompanied with re-naturalization measures.

4.21.2.2 Other Protection Measures

In a fifteen (15)-metre wide protection strip on the top of the embankment within the agricultural environment, including the private woodlots, the following work are not allowed:

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- Any construction or enlargement of a building, including a platform, except any construction or enlargement of an livestock operation and manure storage facilities which remain subjected to the Regulation respecting the Prevention of Water Pollution in Livestock Operations;
 - Any equipment for the treatment of wastewater;
 - Any new public or private roadway, except the access to a watercourse crossing, farm and forestry roads, except road construction and improvement work, including the related work to the extent that it does not overflow the existing infrastructure. However, the repair and straightening of an existing road are authorized when it is impossible to extend the infrastructure on that side of the road not adjacent to the watercourse, on condition that no filling or digging is performed within the bed of the watercourse and that any embankment erected in this protection strip is covered with vegetation in order to prevent erosion and furrowing.

4.22 Islands

On public lands, the construction of any new dwelling is allowed on islands, unless it is for the purposes of an outfitter or the use for recreational purposes.

On private islands, the following provisions do apply:

- When a construction project provides for a water supply system with pipes under pressure, a study made by an engineer member of the Québec Order of Engineers (OIQ) must demonstrate that the piece of land is suitable for the installation of a septic tank. The application must also be accompanied with an agreement to service the septic tank;
- The minimal area of any lot must be at least five thousand six hundred (5,600) square metres;
- Independently of the slope, the protection strip along the shore must be at least twenty-five (25) metres;
- No structure is allowed, unless the island has a minimum area of eight thousand (8,000) square metres;

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- All structures must conform to the following implementation standards:
 - Minimum setback: 15 metres
 - Minimum side setback: 15 metres
 - Minimum depth of the rear yard: 15 metres

 - Less than twenty-five percent (25 %) of the entire island may be cleared of forest cover;

 - In the case where forest cover is not sufficient to form a vegetation screen, a minimum width of three (3) metres measured from the high water line must be reforested.

4.23 Special Provisions Pertaining to Peat Bogs and Marshes

No structure, no septic installation or no subdivision is authorized in a peat bog or in a marsh. Furthermore, these areas must not be subject to any types of modifications resulting in changes to their ecosystems. These restrictions do not apply if marketable timber may be harvested on the site, as long the provisions included in Appendix A of this By-law are respected. Commercial harvesting of peat bog is allowed.

4.24 Floodplains

4.24.1 Delineation of Floodplains

In the case of flooding, the designated officer shall delineate the location and the area of flooded areas on the Zoning Plan, which reference number is 254-04-PZ. For the purposes of this By-law, a floodplain shall be considered as any portion of the municipal territory identified as such on the Zoning Plan. When the map drawing on the water levels becomes available by the Québec Ministry of the Environment (MENV), the provisions pertaining to areas prone to flooding every 0 - 20 years and 20 - 100 years contained in the Complementary Document to the Land Development Plan of the Regional County Municipality of Pontiac do apply.

4.24.2 Provision Pertaining to Floodplains

No dwelling in a basement is permitted in the case of an existing structure. Any permanent structure, other than the protective engineering work listed hereafter, is prohibited.

4.24.2.1 Protective Work

In order to protect structures against flooding, dikes and retaining walls may be erected and backfilling work may be performed at the builder's expense, or of the owners affected by such work. This work may not, however, be undertaken except on the recommendation and under the supervision of an engineer member of the Québec Order of Engineers (OIQ) and subject to approval by the appropriate federal and provincial ministries.

4.25 Constraints Areas

In zones where areas present certain constraints to land occupation are found, a buffer zone free of any use is prescribed in order to minimize the effects of the constraint in question. Furthermore, the site or at least the sides of the site in the line of visions must be surrounded with a vegetation screen from a public roadway.

(See the table on the following page)

AREA OF CONSTRAINT	Dwelling	Recreational or tourist site	Stream	Lake River	Public Roadway
Waste disposal site and old dump	500 m	300 m	150 m	300 m	150 m
Septic tank sludge disposal site	500 m	150 m	150 m	300 m	150 m
Snow removal disposal site	150 m	75 m	75 m	150 m	150 m
Mining residue pile	100 m	75 m	-	-	-
Gravel pit, sandpit	150 m	150 m	60 m	60 m	35 m
Asphalt plant	200 m	-	100 m	200 m	-
Quarry	600 m	-	-	-	-
Electric or petroleum station	150 m	60 m	-	-	60 m

4.26 Water Intakes

4.26.1 Immediate and Near Protection Perimeter – Surface Water Extraction

A minimum protection area of thirty (30) metres wide applies to all equipment and installations necessary to the extraction of surface water (lake or river). With the exception the operation of the water intake, no activities, storage, land uses, embankment or excavation are allowed within the protection perimeter. The premises must be adequately fenced and locked, or be protected by other adequate means.

4.26.2 Distance Perimeter – Surface Water Extraction

A minimum protection area is prescribed around the water intake for each of the uses mentioned in the table below.

USES	MINIMUM DISTANCES
	WATER INTAKES
Septic tank sludge disposal site	500 metres
In-trench disposal site	500 metres
Sandpit or gravel pit	1 000 metres
New animal production establishment using liquid or semi-liquid manure	300 metres
New animal production establishment using solid manure	100 metres
Snow removal disposal site	150 metres
Residential and commercial uses	100 metres
Industrial uses	250 metres

4.26.3 Extraction of Underground Waters

Installations for the extraction of underground waters must conform to the Regulation respecting Groundwater Catchment (R.S.Q., c. Q-2, r.18.1.1).

4.27 Artesian Wells

Any new artesian well dug into the rock shall be made waterproof in order to avoid contamination of the ground water.

4.28 Wood Harvesting

In the zones where wood harvesting is allowed, clear cutting must be justified by a silvicultural prescription prepared by a forestry engineer member of the Québec

Order of Forestry Engineers (OIFQ), including the methods to be used for the regeneration, which must be protected.

Chapter 5 SPECIAL CASES

5.1 Special Cases Pertaining to Quarries, Gravel Pits and Sandpits

5.1.1 Minimum Distances

5.1.1.1 Operating areas of any quarry must be located at a minimum distance of six hundred (600) metres from all new dwellings, except in the case of a dwelling belonging to or rented by the owner or to the person operating the quarry.

This paragraph also applies to all gravel pits and sandpits, except that the minimum standard distance is one hundred and fifty (150) metres.

5.1.1.2 Any and all new quarries, gravel pits or sandpits must be located at a minimum distance of one thousand (1,000) metres from any water intake used to supply a water system, unless the operator submits a hydro-geologic assessment in support of his or her application, demonstrating that the new quarry, gravel pit or sandpit does not affect the water intake.

5.1.1.3 The operating area of any new quarry, gravel pit or sandpit must be located at a minimum distance of seventy-five (75) metres from any stream or river, and at least three hundred (300) metres from a lake or swamp.

However, this section does not apply in the case of a new quarry, gravel pit or sandpit if the operator submits an environmental impact assessment in support of his or her application, demonstrating that this operation does not result in soil erosion and does not have an adverse effect on the nesting or gathering areas of wild birds or on fish spawning areas.

5.1.2 Access Roads

Access roads for all quarries, gravel pits or sandpits must be located at a minimum distance of twenty-five (25) metres from any structure or building.

5.1.3 Public Roadway

The operating area for a new quarry must be located at a minimum distance of seventy (70) metres from any public roadway. This distance is set at thirty-five (35) metres in the case of a new gravel pit or sandpit.

Sub-divisions 5.1.1 to 5.1.3 inclusively do not apply in the case of quarries, gravel pits and sandpits used for the purpose of building, rebuilding or maintaining forestry or mining roads. These sub-divisions do not apply also to mineral extraction activities.

5.1.4 Development Standards

All activities pertaining to the operation of quarries, gravel pits or sandpits must abide by the provisions governing such operations in the Environment Quality Act (R.S.Q., c. Q-2) and the provincial regulation on quarries and sandpits (R.S.Q., c. Q-2, r.2).

5.1.5 Certificate of Authorization

The operation of any sandpit or gravel pit must be the subject of a certificate of authorization from the Québec Ministry of the Environment, in accordance with Section 22 of the Environment Quality Act (R.S.Q., c. Q-2).

5.2 Service Stations

5.2.1 General Provision

Notwithstanding the provisions indicated on the specification chart, the standards set out in this division shall take precedence over those specified for the zone.

5.2.2 Implementation Standards

The implementation standards applicable to a service station are those contained in the following table:

Setback

- Building	:	12 metres
- Pumps	:	8 metres
- Canopy	:	8 metres

Side setbacks : 4.5 metres

Rear yard : 10 metres

Land surface coverage : 30 %

Minimum floor area

- Service station	:	65 square metres
- Gas pump	:	8.5 square metres

Lot

Minimum area : 3,800 square metres

Minimum frontage : 50 metres

Minimum depth : 50 metres

Building height : 1 storey

5.2.3 Restrooms

Any and all service stations must be provided with heated restrooms for public use, with distinct facilities for men and for women.

5.2.4 Fuel Tanks

Fuel must be stored in underground tanks, which must not be located under a building. Storage of more than five (5) litres of fuel in a building is prohibited.

5.2.5 Prohibited Uses

The building of a service station may not be used for residential or industrial purposes. All operations must be conducted on the property.

5.2.6 Walls and Roofs

Service stations must have their outside and interior walls built out of brick, stone, concrete or other incombustible material. The roofing material must be fireproof.

The pumps may be covered by a roof contiguous with the principal building.

5.2.7 Access to the Lot

The maximum width of an access road may be of ten (10) metres. The number of access roads to the lot is set at two (2) for each adjacent street, and their location shall be approved by the designated officer.

5.2.8 Signs

Signs must be located at least four hundred and fifty (450) centimetres from the limits of a residential zone.

5.2.9 Development of Open Spaces

With the exception of areas used for parking, manoeuvring and loading, pedestrian walkways and driveways, the entire free surface area of the lot must be grassed and landscaped.

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- a) A minimum of ten percent (10 %) of the lot must be developed as green space.
 - b) The lot must be marked out by a grassed strip having a minimum width of one hundred and fifty (150) centimetres, except for the lot frontage on a public roadway, where the grassed strip must have a minimum width of three (3) metres.
 - c) Grassed surfaces must be protected by concrete curbs having a minimum height of fifteen (15) centimetres in relation to the adjacent paved surface.
 - d) Landscaping of the site must be completed one (1) year after occupancy of the building, at the latest.

5.3 Septic Installations

On the entire municipal territory, septic installations must be built in accordance with the Regulation respecting the Disposal and Treatment of Wastewaters from Isolated Dwellings (R.S.Q., c. Q-2, r.8).

The development of a common septic system may be authorized by the designated officer, subject to approval from the Québec Ministry of the Environment.

5.4 Terraces

5.4.1 General Rule

A terrace may not be developed except as complementary use to a main use relating to an establishment providing restaurant or accommodation services.

5.4.2 Parking Requirements

No parking stall is required for a terrace. However, the minimum number of parking stalls serving the main use may not be reduced to develop the terrace.

5.4.3 Dimensions

The area occupied by a terrace must not be greater than the ground area occupied by the building serving as the main use. Moreover, a terrace may not exceed a ground area of ninety (90) square metres.

5.4.4 Location

A terrace must be located entirely on the same lot on which is performed the main use. It must be set back three (3) metres from the pavement of a public roadway, and set back one hundred and fifty (150) centimetres from all side lot lines and rear lot lines of the property.

5.4.5 Development of Terraces

5.4.5.1 Roofs, Awnings and Canopies

Roofs, awnings and canopies made out of moveable canvas are authorized, on condition that the materials are incombustible.

In addition, when a terrace is covered over, the area of the screening wall must not be greater than twenty-five percent (25 %) of the vertical area of the sides thus formed.

5.4.5.2 Ground Covering

The area occupied by a terrace, with the exception of an unused area, which may be grassed, must be covered in materials which do not result in any production of dust.

5.5 Automobile Graveyards, Scrap-yards and Recycling Depots

5.5.1 General Rule

The Environment Quality Act (R.S.Q., c. Q-2), along with the regulations and amendments which complete it, shall apply and take precedence concerning any nuisance mentioned in this sub-division. This use is permitted only in the specific zones indicated on the specification chart.

5.5.2 Definition

Motor vehicle body

Any disused motor vehicle or a motor vehicle lacking one or several of the components essential to its operation, namely, the engine, the transmission, an axle or any part of the steering or braking system.

Motor vehicle graveyard

A storage area where one or several motor vehicle bodies are kept or stored in an outdoor area for the purpose of removing parts for resale.

5.5.3 Location

- a) The storage of vehicle bodies and outdoor dismantling workshops must be located at a minimum distance of two hundred (200) metres from any dwelling or from any residential area, and at a minimum distance of at least one hundred and fifty (150) metres from any roadway.
- b) Any indoor dismantling workshops may not be located less than thirty (30) metres from any dwelling or from any residential zone.

5.6 Historic Monuments and Heritage Sites

No one may alter, repair, change or demolish in whole or in part a historic monument or building situated in a heritage site before the obtaining of an authorization from Council.

Anyone who poses an action according to the first paragraph must abide by the conditions set by Council in the authorization.

No cemetery of private or public holding may be moved or removed.

Chapter 6 SPECIFIC PROVISIONS PERTAINING TO ZONES

6.1 Residential Zones

6.1.1 Residential Zones (R)

Residential (R) zones include the areas in which the dominant class is housing. A specific class or classes of uses is indicated on the specification chart for each zone.

6.1.2 Mix Residential Zones (RM)

Mixed Residential (RM) zones include the areas in which the dominant class is housing. In these zones, a good proportion of businesses and services are also included. A specific class or classes of uses is indicated on the specification chart for each zone.

6.2 Commercial Zones

6.2.1 Commercial Zones (C)

Commercial (C) zones include the areas in which businesses and services are the dominant class. A specific class or classes of uses is indicated on the specification chart for each zone.

6.2.2 Mix Commercial (CM)

Mix Commercial (CM) zones include the areas in which businesses and services are the dominant class. In these zones, a good proportion of residential uses are also included. A specific class or classes of uses is indicated on the specification chart for each zone.

6.3 Public Zones (P)

Public (P) zones include the zones in which the dominant class of uses includes the public uses necessary to the Municipality, wherein space is reserved for municipal use compatible with the functions of these areas, as well as the areas where public uses having a provincially based nature are conducted.

6.4 Industrial Zones (I)

Industrial (I) zones include the areas in which industrial activities are the dominant use. Industrial zones are intended to allow for the development of industries in the areas specifically designated for this purpose. In these zones, industrial activities are divided into three classes.

6.5 Recreation and Tourism Zones (RT)

The Recreation and Tourism (RT) zones include the areas in which uses and activities related to the development of recreation and tourism with the Housing Group as complementary use. The purpose of these zones is to allow the development of recreation and tourism in some zones in the Municipality.

6.6 Conservation Zones (CO)

Conservation (CO) zones include the areas in which activities related to conservation and the use of the natural environment, are the dominant class. The Conservation zones include Limerick islands. These zones also serve as a buffer zone between incompatible uses with high impact on the neighbourhood.

Chapter 7 SPECIFICATION CHART

Zone Number	1	2	3	4	5	6	7	8	9	10
Dominant Use	CM	RM	R	R	CM	R	C	PU	PU	RT
1. HOUSING GROUPS										
Low Density – Class R1	X	X	X	X		X				X
Medium Density – Class R2	X	X	X	X						
High Density – Class R3	X	X								
2. BUSINESSES AND SERVICES GROUPS										
Neighbourhood – Class C1	X									
Municipal – Class C2	X									
Semi-industrial – Class C3							X			
3. TOURISM AND RECREATION GROUPS										
Recreation – Class RT1	X									X
Major – Class RT2	X				X					
4. INDUSTRIES GROUPS										
Light Industry – Class I1										
Medium Industry – Class I2										
Extractive Industry – Class I3										
5. PUBLIC GROUPS										
Neighbourhood – Class P1	X	X						X		
Community – Class P2	X	X								
Parks and Green Spaces – Class P3	X	X	X	X		X			X	X
Public Utilities – Class P4							X			
USAGES SPECIFICALLY EXCLUDED										
See Notes	A	A	A	A		A				
USES SPECIFICALLY PERMITTED										
See Notes						B				C
LOT										
Minimum Area (m ²)	1,900	1,900	1,900	1,900	1,900	1,900	3,800	3,800	3,800	3,800
Minimum Frontage (m)	30	30	30	30	30	30	50	50	50	50
Minimum Area (m ²) Along Highways 301 and 303			2,800	2,800	2,800	2,800				
Minimum Frontage (m) along Highways 301 and 303			45	45	45	45				
MINIMUM IMPLEMENTATION STANDARDS										
Front Setback (m)	8	8	8	8	15	8	15	15	15	8
Side Setback (m)	2	2	2	2	8	2	8	8	8	2
Floor Area (m ²)	65	65	65	65		65				65
SPECIAL PROVISIONS										
Lakes and Watercourses	X	X								X
Front Setback – Highways 301 and 303				15		15				
Flood Hazard Area	X	X								X

NOTES

USES SPECIFICALLY EXCLUDED

A) Mobile home

USES SPECIFICALLY PERMITTED

B) Snack bar (at the intersection two collector streets only); C) Camping.

Zone Number	11	12	13	14	15	16	17	18	19	20
Dominant Use	I	CO	CO	CO	R	R	RT	RT	CO	R
1. HOUSING GROUPS										
Low Density – Class R1			X		X	X	X	X		X
Medium Density – Class R2										
High Density – Class R3										
2. BUSINESSES AND SERVICES GROUPS										
Neighbourhood – Class C1					X					
Municipal – Class C2										
Semi-industrial – Class C3										
3. TOURISM AND RECREATION GROUPS										
Recreation – Class RT1				X			X			
Major – Class RT2										
4. INDUSTRIES GROUPS										
Light Industry – Class I1	X									
Medium Industry – Class I2	X									
Extractive Industry – Class I3	X									
5. PUBLIC GROUPS										
Neighbourhood – Class P1										
Community – Class P2										
Parks and Green Spaces – Class P3		X	X	X	X	X	X		X	X
Public Utilities – Class P4										
USES SPECIFICALLY EXCLUDED										
See Notes						A		A		
USES SPECIFICALLY PERMITTED										
See Notes										
LOT										
Minimum Area (m ²)	3,800		1,900	3,800	1,900	1,900	1,900	1,900	3,800	1,900
Minimum Frontage (m)	50		30	50	30	30	30	30	50	30
Minimum Area (m ²) along Highways 301 and 303			2,800		2,800	2,800		2,800		2,800
Minimum Frontage (m) along Highways 301 and 303			45		45	45		45		45
MINIMUM IMPLEMENTATION STANDARDS										
Front Setback (m)	15		8	15	8	8	8	8	15	8
Side Setback (m)	8		2	8	2	2	2	2	8	2
Floor Area (m ²)			65		65	65	65	65		65
SPECIAL PROVISIONS										
Lakes and Watercourses	X		X	X		X	X	X	X	
Front Setback – Highways 301 and 303			15		15	15		15		15
Flood Hazard Area				X		X	X	X		

NOTES**USES SPECIFICALLY EXCLUDED**

A) Mobile home

USES SPECIFICALLY PERMITTED

B) Snack bar (at the intersection two collector streets only); C) Camping

**Appendix A PROVISIONS PERTAINING TO THE FELLING OF TREES IN
THE RECREATION AND TOURISM AND CONSERVATION
ZONES**

The following provisions follow from the Complementary Document to the Land development Plan of the Regional County Municipality of Pontiac. These provisions aims at ensuring the sustainable development of the forest and at preserving the environment and the landscapes that are found on the entire municipal territory.

2.1 Provisions Pertaining to the Felling of Trees on Private Lands

The felling of trees on private lands must take into account the following provisions. These provisions affect any individual or legal entity, as well as any private person.

The responsibility to apply the provisions pertaining to the felling of trees on private lands falls to the designated officer. The owner and the operator of the bush lot where the harvest occurs must respect the following provisions.

**2.2 Obtaining of a Certificate of Authorization Related to the Felling of
Trees**

The obtaining of a certificate of authorization related to the felling of trees is not mandatory for harvesting any volume of wood.

**2.3 Coniferous Stands (Except White Pine, Hemlock and Cedar), Poplar
Stands and White Birch Stands, Mixed Stands with Coniferous
Dominance and Mixed Stands with Intolerant Hardwood Dominance**

These stands include a majority of stems of species considered intolerant (better adapted to the sun) and, for this reason, these stands are therefore considered as intolerant stands.

A stand must cover a minimum surface area of two (2) hectares to be considered as such.

For the purposes of this By-law, the following species are, among others, considered as intolerant: poplars, white or paper birches, pines (except white pines), spruces, larches, balsam firs and all other softwoods, with the exception of white pines, hemlocks and cedars which are not considered as intolerant species.

Only a harvest of stems meeting one of the following criteria is allowed within intolerant stands:

A_ Uniform residual basal area of sixteen (16) square metres;

OR

B_ Uniform harvest, on a twenty (20)-year cutting cycle, of one third (1/3) of the stems of each of the commercial species with a diameter at stump height (DSH) of sixteen (16) centimetres and more;

OR

C_ Uniform diameter limit cut based on a diameter at stump height (DSH) of twenty (20) up to a maximum harvest of thirty-five percent (35 %) of stems.

In addition and according to the following criteria, the harvest by blocks in intolerant stands of all commercial stems of a diameter of 20 cm and more at stump height is allowed:

- A maximum of twenty percent (20 %) of the forested area of a lot in blocks not exceeding four (4) hectares.

OR

- A maximum of forty percent (40 %) of the forested area of a lot in blocks not exceeding two (2) hectares.

These blocks must be surrounded with a wooded strip of at least sixty (60) metres where treatment A, B, or C must be applied without gaps within these wooded strips.

A gap is defined as an area that does not have a uniform distribution of five hundred (500) stems of commercial species to the hectare (approximately one stem per 20m² or every 4.5 metres) with a diameter at stump height (DSH) of sixteen (16) centimetres or more and a height or more than seven (7) metres.

Before proceeding with further harvesting in these wooded strips or by blocks in the intolerant stands of the lot, harvested blocks must meet one of the following criteria:

- Uniform distribution of more than one thousand and five hundred (1,500) stems of commercial species to the hectare (approximately one stem every 2.5 metres), which the height reaches more than four (4) metres;

OR

- Uniform distribution of at least five hundred (500) stems of commercial species to the hectare (approximately one stem every 4.5 metres), which the height reaches more than seven (7) metres;

OR

- Uniform distribution of at least three hundred (300) stems of commercial species to the hectare (approximately one stem every 5.5 metres) with a diameter at stump height (DSH) of sixteen (16) centimetres or more;

OR

- A period of five (5) years has elapsed since the harvest.

2.4 White Pine Stands, Hemlock Stands, Cedar Stands, Tolerant Hardwood Stands and Mixed Stands with Tolerant Hardwood Dominance

These stands include a majority of stems of species considered tolerant (better adapted to the shade) or include more than seventy-five percent (75 %) of hardwoods in which the proportion of hardwoods considered tolerant is bigger than the proportion of other hardwoods considered intolerant. For this reason, these stands are therefore considered as tolerant stands.

A stand must cover a minimum surface area of two (2) hectares to be considered as such.

For the purposes of this By-law, the following species are, among others, considered as tolerant: white pines, hemlocks, cedars, maples, yellow birches, beeches, basswoods, black cherries, oaks, hickories, walnuts, butternuts, ashes and elms.

Only a harvest of stems meeting one of the following criteria is allowed within tolerant stands:

A_ Uniform residual basal area of sixteen (16) square metres;

Within tolerant stands, at least sixty percent (60 %) of the residual stems must be tolerant commercial species

OR

B_ Uniform harvest, on a twenty (20)-year cutting cycle, of one third (1/3) of the stems of each of the commercial species with a diameter at stump height (DSH) of sixteen (16) centimetres and more;

OR

C_ Uniform diameter limit cut based on a diameter at stump height (DSH) of thirty-six (36) centimetres for white pines, oaks and sugar maples, and of twenty (26) centimetres for other commercial species.

If more than seventy percent (70 %) of the commercial stems in the stand have a diameter at stump height (DSH) of thirty-six (36) centimetres and more, the maximum harvest must not exceed thirty-five percent (35 %) of the stems.

In addition and according to the following criteria, the harvest by gaps in tolerant stands of all stems of a diameter at stump height (DSH) of sixteen (16) centimetres and more is allowed. A maximum of two (2) gaps to the hectare with a surface area not exceeding four hundred (400) square metres is allowed.

The gaps must be surrounded with a wooded strip of at least twenty-five (25) metres where treatment A, B or C must be applied without gaps within these wooded strips.

A gap is defined as an area that does not have a uniform distribution of five hundred (500) stems of commercial species to the hectare (approximately one stem per 20 m² or every 4.5 metres) with a diameter at stump height (DSH) of sixteen (16) centimetres or more and a height of more than seven (7) metres.

Before proceeding with further harvesting by gaps or in the surrounding wooded strips in the same cutover, harvested gaps must be regenerated. A gap is considered regenerated when it meets the following criteria:

- Uniform distribution of five hundred (500) stems of commercial species to the hectare (approximately one stem per 20 m² or every 4.5 metres) with a diameter at stump height (DSH) of sixteen (16) centimetres or more and a height of more than seven (7) metres.

Gaps may not encroach on wooded strips along public traffic lanes, lakes and watercourses, and those surrounding gaps or blocks.

Bumper trees should be used along skid trails.

2.5 Provisions Applicable to All Types of Stands

2.5.1 Establishment of Roads, Piling and Bucking Areas

The forested area to be bared for the establishment of roads and areas for piling and bucking necessary to harvesting must not exceed twenty percent (20 %) of the total forested surface area of the lot.

Piling and bucking areas must be cleaned of any inorganic matter in the six (6) months following the cut.

2.5.2 Tops of Hills, Slopes of More than Thirty Percent (30 %) and Very Humid or Very Dry Sites

On high ridges and crests or tops of hills, on slopes of more than thirty percent (30 %) and in very humid or very dry sites, only a harvest of stems meeting one of the following criteria is allowed:

A_ Uniform residual basal area of sixteen (16) square metres;

Within tolerant stands, at least sixty percent (60 %) of the residual stems must be of tolerant commercial species of a diameter at stump height (DSH) of sixteen (16) centimetres or more.

OR

B_ Uniform harvest, on a twenty (20)-year cutting cycle, of one third (1/3) of the stems of each of the commercial species with a diameter at stump height (DSH) of sixteen (16) centimetres more;

OR

C_ Uniform diameter limit cut based on a diameter at stump height (DSH) of thirty-six (36) centimetres for white pines, oaks and sugar maples, and of twenty-six (26) centimetres for all other species.

- If more than seventy percent (70 %) of the commercial stems in the stand have a diameter at stump height (DSH) of thirty-six (36) centimetres and more, the maximum harvest must not exceed thirty-five percent (35 %) of the stems.

No gaps are allowed.

- A gap is defined as an area that does not have a uniform distribution of at least five hundred (500) stems of commercial species to the hectare (approximately one stem per 20m² or every 4.5 metres) with a diameter at stump height (DSH) of sixteen (16) centimetres or more and a height of more than 7m.

To prevent erosion, skid trails and roads should must not be parallel to the slope or run straight downhill for long stretches. They must be, at regular intervals, slight direction changes to channel most of the water, which falls on the rolling surface area, outside of it.

The harvesting of stands on thin or humid soils must be done when the soil is sufficiently frozen or in any other manner likely to support the operation machinery without producing ruts in excessive number and without scalping the soil or unduly compacting it.

2.5.3 Wooded Strips along Public Traffic Lanes, Corridors, Sites and Territories of Aesthetic Interest, Drinking Water Supply Sources, Sludge Disposal Sites and Waste Disposal Sites

Within the wooded strips along public traffic lanes, corridors, sites and territories of aesthetic interest, drinking water supply sources, sludge disposal sites and waste disposal sites, only the harvesting in accordance with the terms and conditions provided for in section 2.5.2 (tops of hills, slopes of more than thirty percent (30 %), very humid or dry sites) is allowed.

Piling and bucking areas are not allowed in the wooded strips or in the wooded strips surrounding gaps and blocks.

2.5.4 Special Provisions Pertaining to the Protection of Lakes and Watercourses

Over and above the provisions pertaining to interventions along the shores of lakes and riverbanks and, the following provisions apply:

- a) Along lakes and watercourses with permanent flow, a wooded strip of a minimum width of thirty (30) metres measured from the high water line must be preserved.

Only the harvesting of stems, in accordance with the terms and conditions provided for in section 2.5.2 (tops of hills, slopes of more than thirty percent (30 %), very humid or dry sites) is allowed. Movement of heavy machinery is forbidden within the first twenty (20) metres from the high water line, except for the construction and maintenance of an access road to the lake or watercourse, and the erection of an equipment or infrastructure.

- b) Along watercourses with intermittent flow, a wooded strip of a minimum width of ten (10) metres from the high water line must be preserved.

Only the harvesting of stems, in accordance with the terms and conditions provided for in Section 2.5.2 (tops of hills, slopes of more than thirty percent (30 %), very humid or dry sites), is allowed. Movement of heavy machinery is forbidden therein, except for the construction and maintenance of an access road to the lake or watercourse and the erection of an equipment or infrastructure.

- c) It is forbidden to divert or dig a watercourse, to encroach on a watercourse or a lake, to lower or raise the level of the water of a lake, unless an authorization is obtained from the Municipality, the Regional County Municipality of Pontiac or the Québec Ministry of the environment.
- d) It is forbidden to dump earth, tree felling waste or any other matter in lakes and watercourses. Furthermore, it is forbidden to wash machinery within the wooded strip along lakes and watercourses, to dump oil therein, chemical products or any other polluting matter.
- e) Trees must be felled in a way to avoid that they fall in lakes and watercourses. When this situation occurs, lakes and watercourses must be cleaned and all debris from the operation must be removed.
- f) Watercourse crossings must be built at right angle with watercourse.
- g) It is forbidden to use any watercourse as an access or skidding trail. Adequate bridges, bridging or culverts allowing for the natural flow of water during peak flow must be installed each time a road or a skidding trail crosses a watercourse.

The installation of a bridge, bridging or culvert may not reduce by more than twenty percent (20 %) the width of the watercourse, measured at the high water line. The final work must be stabilized and able to support the traffic without allowing sediment in the water, without eroding the shores and without affecting the present spawning grounds. The diameter of a culvert to be installed must be at least forty-five (45) centimetres or its equivalent, and the extremities of the culvert must protrude from the backfill without exceeding a distance of thirty (30) centimetres.

2.6 Provisions Pertaining to the Preservation of the Forest Cover along Public Traffic Lanes

A wooded strip of a minimum width of thirty (30) metres must be preserved along public traffic lanes. Only the harvesting of stems, in accordance with the terms and conditions provided for in Section 2.5.2 (tops of hills, slopes of more than thirty (30 %), very humid or dry sites) is allowed.

2.7 Provisions Pertaining to the Preservation of the Forest Cover along Drinking Water Supply Sources, Sludge Disposal Sites and Waste Disposal Sites.

A wooded strip of a minimum width of thirty (30) metres must be preserved along water supply sources, sludge disposal sites and waste disposal sites. Only the harvesting of stems, in accordance with the terms and conditions provided for in section 2.5.2 (tops of hills, slopes of more than thirty percent (30 %), very humid or dry sites) is allowed.

The Municipality may enforce additional protection measures for its supply sources in order to limit the undermining of the quality of drinking water. Every lot owner must conform to these additional protection measures during the harvesting of ligneous matter.

2.8 Special Provisions Pertaining to Piling and Bucking Areas

- a) Piling and bucking areas must be cleaned of any inorganic matter as soon as possible after the forestry operations, without exceeding a time limit of six (6) months.
- b) Piling and bucking areas may not encroach into the wooded strips along a public traffic lanes, corridors, sites and territories of aesthetic interest, drinking water supply sources, sludge disposal sites and waste disposal sites.

-
- c) Notwithstanding the previous paragraph, piling and bucking areas may not encroach into the wooded strips along public traffic lanes, along lakes and watercourses or those surrounding gaps or blocks, unless an authorization is obtained from the Municipality which, taking into account the topography of the site, will establish the necessity.

2.9 Special Provisions on Buildings Plots

For any wooded lot already built for residential purposes or about to be, at least one third (1/3) of the stems of a diameter of sixteen (16) centimetres and more measured at the height of stump (DSH) must be preserved.

- When the plot is located along a lake or a watercourse, the wooded strip is not included in the one-third (1/3) of stems rule;
- This provision does not apply within the residential, mix residential, commercial, mix commercial and public zones identified on the Zoning Plan, which reference number is 252-04-Z.

2.10 Exceptions and Exemptions

The previous provisions do not apply within the residential, mix residential, commercial, mix commercial and public zones identified on the Zoning Plan, which reference number is 252-04-Z.

Stands affected in volume or quality by natural causes (wind-felled trees, fire, insect, epidemic, diseases) may be exceptions to these rules and may be the subject of special intervention measures for the surface area affected. A silvicultural prescription signed by a forestry engineer member of the Québec Order of Forestry Engineers (OIFQ) for these special measures must be submitted to the Municipality. This prescription must also include measures for the return to production of the surface area affected.

For any exemption to the standards mentioned previously, it is necessary to submit to the Municipality a silvicultural prescription signed by a forestry engineer member of the Québec Order of Forestry Engineer (OIFQ) in which he or she explains the need to depart from the previous provisions and the terms and conditions of

implementation of these special measures, starting at the intervention up to the return to production of the surface area affected.

Felling of trees for the erection of a building or for any other use in conformity with the zoning by-law of the Municipality, for public purposes or for the maintenance of public rights-of-way, is not aimed by this By-law.

A clear cut is allowed when it aims at allowing the use of the soil for purposes of agricultural production or development. To do this, the application for the certificate of authorization must be accompanied by a written evaluation prepared by an agronomist member of the Québec Order of Agronomists (OAQ) and the authorization of the Municipality with respect to the forestry land use designation.

Notwithstanding the preceding paragraphs, the designated officer may approve the location of access roads to the lot and of piling areas along public traffic lanes under his or her jurisdiction.

2.11 General Provisions Pertaining the Transportation of Wood

The owner of the lot and the forestry operator assume the responsibility incurred according to the regulations in force when damage due to wood harvesting occurs to a public traffic lane under the jurisdiction of the Municipality.

During the thaw period or any other period of the year when the load capacity of the roads is weakened, the Municipality reserve the right to regulate the transportation of wood on all roads under its jurisdiction.

MUNICIPALITY OF PORTAGE-DU-FORT

**BY-LAW NUMBER 253-04
ENACTING THE SUBDIVISION BY-LAW**

ADOPTED ON DECEMBER 8, 2004

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Chapter 1 DECLARATORY AND INTERPRETIVE PROVISIONS

1.1 Title of the By-law

By-law Number 253-04 is entitled: « Subdivision By-law ». The rules of interpretation and administration of the planning by-laws governing this By-law are included in By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws.

1.2 Objectives

This By-law is intended to ensure consistent development of the municipal territory through rational subdivision of land.

This By-law is intended specifically to ensure that each structure or primary use occupies a separate lot to facilitate sound administration of the Municipality with regard to the zoning and construction by-laws for municipal taxation purposes.

1.3 Subject Territory

This By-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all the territory under the jurisdiction of the Municipality of Portage-du-Fort.

1.4 By-law Replaced

All by-laws or any parts of by-laws governing subdivision are repealed for all intents and purposes, and replaced by this By-law.

All other regulatory provisions incompatible with this By-law are also repealed.

These replacements do not affect proceedings instituted under the authority of the by-laws thus replaced, which will continue under the authority of said replaced by-laws until final ruling and execution. They do not affect permits issued under the authority of the by-laws thus replaced.

1.5 Validity of the By-law

The Council shall adopt this By-law in its entirety and also part by part, chapter by chapter, division by division, sub-division by sub-division, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, line by line and word by word, in such manner that if a part, a chapter, a division, a sub-division, a section, a paragraph, a sub-paragraph, a line or a word of this By-law is or should be declared null and void, the other provisions included in this By-law shall continue to apply.

1.6 Amendment Procedure

The provisions in this By-law may only be adopted, amended or repealed by an approved by-law pursuant to sections 123 to 137 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

Chapter 2 RULES OF INTERPRETATION

2.1 Interpretation of the Text

The titles contained in this By-law are, for all purposes, an integral part of this By-law. In cases of contradiction between the proper text and the titles, the text shall prevail. The original text in French supersedes the interpretation of the English translation.

- A- The verbs used in the present tense include the future;
- B- The singular includes the plural and vice versa, unless the context indicates otherwise;
- C- The word « MUST » or « SHALL » indicates an absolute obligation; the word « MAY » indicates a possibility of choice;
- D- The expression « ANY PERSON » includes all persons, moral or physical;

- E- The word « MUNICIPALITY » is used to designate the Municipality of Portage-du-Fort;
- F- The word « COUNCIL » is used to designate the Council of the Municipality of Portage-du-Fort;
- G- A uniform numeration system is used through all this By-law. The first number indicates the chapter of the by-law. The second number refers to the division of this chapter. The third number refers to the sub-division of this division. The fourth number identifies the section referred to the sub-division in question.

- 1. CHAPTER
- 1.5 Division
- 1.5.1 Sub-division
- 1.5.1.1 Section

All measurements mentioned in this By-law are expressed according to the International System of Units, the metric system.

2.2 Interpretation of Tables, Diagrams, Graphics and Symbols

Tables, diagrams, graphics and symbols and any other forms of expressions other than the proper text, to which it is referred in this By-law, are an integral part of it for all intents and purposes.

In the event of inconsistency between the text and the tables, diagrams, graphics, symbols and any other forms of expressions, the text shall prevail. In the event of inconsistency between a table and a graphic, the data contained in the table shall prevail.

When a restriction or prohibition included in this By-law, or any of its provision is found to be incompatible or in contradiction with another provision of this By-law, the most restrictive or prohibitive provision shall apply.

2.3 Definitions

Division 2.3 of By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws applies to this By-law as it is quoted to the full extent.

Chapter 3 PROVISIONS ON STREETS AND SERVICES

3.1 Preconditions for the Approval of a Plan Relating to a Cadastral Operation

Any cadastral operation in a specific area must provide for the preservation of natural elements that give the environment its character.

3.1.1 Transfer of Land for the Development of Parks, Playgrounds or Natural Areas

As a precondition for approval of a plan relating to a cadastral operation other than a cancellation, correction or replacement, whether or not it provides for streets, the owner of the land covered by the plan must transfer to the Municipality free of charge, for the development of parks, playgrounds or natural areas, an area equal to five percent (5 %) of the land area contained in the proposed plan. The land thus transferred must be located in an area which, in the opinion of Council, is suited to the establishment of a park, playground or natural area.

3.1.1.1 Monetary Compensation

Instead of the land required above, Council may demand from the land owner payment of a sum of money equal to five percent (5 %) of the registered value on the assessment roll for the land contained in the plan relating to the cadastral operation. The value of the land for purposes of collecting this sum is obtained from the value entered on the assessment roll of the Regional County Municipality of Pontiac.

Depending on the specific needs of the Municipality, Council may require that the owner pay part of the compensation due in money and the balance in transferred land provided the total turned over to the Municipality is equal to either of the requirements stipulated in the preceding paragraph.

The proceeds of this payment must be placed in a special fund which shall only be used for the purchase or development of parks, playgrounds or natural areas. The lands transferred to the Municipality shall only be used for parks, playgrounds or natural spaces. The Municipality is permitted to sell at auction, by public tender, or in any other way approved by the *Commission municipale du Québec*, lands acquired under Sub-division 3.1.1 of this By-law, if not required for the development of parks, playgrounds or natural areas. The proceeds from this sale must be placed in the special fund of the Municipality.

3.1.1.2 Registered Contract

The owner is liable for the costs of the registered contract for the assignment of parks, playgrounds and natural areas.

3.1.1.3 Cases Not Requiring Transfer of Land or Monetary Compensation

In the following cases, no transfer of land or monetary compensation is required for:

- a) The cadastral operations for cancellation, correction or replacement executed pursuant to Section 3043 of the Québec Civil Code;
- b) The cadastral identification of parks, playgrounds and natural areas for public purposes;
- c) The cadastral identification of parcels of land for public purposes filed by the Municipality or any other government agency, after an agreement with Council;
- d) Lands for which the space required for parks, playgrounds and natural areas has already been transferred to the Municipality or for which the monetary compensation has been paid;

- e) The cadastral operations for lot additions pursuant to Section 3043 of the Québec Civil Code;
- f) The cadastral identification of a built-up lot and the new cadastral identification of a built-up site registered subsequent to a change in boundaries that does not create a new building lot;
- g) The new cadastral identification of a vacant site registered subsequent to a change in its boundaries that does not create a new building lot.

3.1.2 Existing or Required Easements

Existing or required easements for passage of energy or communications transmission facilities must be shown on an attached plan showing the subject lots.

3.1.3 Responsibility for the Construction of Streets and Roads

All new streets and roads located in a residential subdivision must be built at the developer's expense to the specifications of the existing planning by-laws.

3.1.4 Street Maintenance

All new streets in a residential subdivision must be maintained by the developer and/or the residents in compliance with the standards and requirements set by Council.

The Municipality shall take on the responsibility for a new street only when at least fifty percent (50 %) of the lots served by this new street are built up or under construction, or if there is a signed agreement between the developer and the Municipality regarding street maintenance. In all cases, the By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws do apply.

3.1.5 Registered Streets

No street allowance will be approved by the Municipality unless it has first been registered by and at the expense of the owner of the property.

3.1.6 Municipal Taxes Due

The owner of the property must pay the unpaid municipal taxes due for real property included in the plan relating to a cadastral operation.

3.2 Provisions Pertaining to Thoroughfares

Street allowances must be designed in such a way that their assigned function in the Planning Program complies with the Québec Municipal Code.

All other geometric characteristics of streets other than those identified in this Chapter must meet the Canadian road geometric design standards. As well, the rights-of-way must also meet the same requirements for the streets, except the width of the built road that is used as a right-of-way.

3.2.1 Layout of Streets Based on Soil Type

The layout of streets must avoid wooded areas, peat bogs, swamps, unstable land and any land with poor drainage or subject to flooding, landslides, rock slide and surface subsidence. It must also avoid the outcrops and, in general, any land with no sufficient thickness of loose deposits or crumbly rocks to dig at a reasonable cost the trenches necessary for the passage of ducts of public utility.

3.2.2 Layout of Streets Based on Relief

1. The gradient of the street can not be less than zero point five percent (0.5 %); the gradient of any street must not exceed ten percent (10 %).

2. If only one layout is possible and if safe for motorists, the Municipality may grant special authorization for gradients up to fifteen percent (15 %). A report made by an engineer member of the Québec Order of Engineers (OIQ) must justify this special measure. Furthermore, this part of the roadway must be asphalted.
2. All gradients within thirty (30) metres of an intersection must not exceed five percent (5 %).

3.2.3 Layout of Streets and Roads Based on Lakes and Watercourses

No street or road may be located at less than seventy (70) metres from the high water line of perennial watercourses and lakes. In areas subject to flooding, the layout of streets must avoid the flood zone of 0-20 years of recurrence. The natural high water line is that observed when there is no flooding.

However, in the areas already built up or areas which represent important physical constraints, the street may be built at a minimum distance of thirty (30) metres from the high water line of perennial watercourses and lakes.

3.2.4 Classification and Width of Streets and Roads

The municipal road system is ordered and classified by the characteristics, primary function and importance of the thoroughfares that make up the system.

Any street appearing on a preliminary subdivision project must be classified by Council according to the street categories set out below.

3.2.4.1 Rights-of-Way

The right-of-way is a thoroughfare belonging to a property owner or certified as a right-of-way. This right-of-way must have a minimum width of six (6) metres.

3.2.4.2 Local Street

The local street is a thoroughfare belonging to the road system of the Municipality that includes any local street or road whose primary function is to give access to neighbouring properties. This thoroughfare is characterized by a low-width allowance and by a broken or curved line used to limit the speed and the flow of motor vehicle traffic.

3.2.4.3 Collector Street

The collector street is a thoroughfare belonging to the road system of the Municipality whose primary function is to serve as a link to the local streets and to provincial highways, while providing access to bordering properties. In general, the collector street is characterized by a medium-width allowance and by a straighter and more line than local streets.

The collector streets are designed to support heavy traffic. These streets allow flowing freely traffic from one part of the municipal territory to another.

3.2.4.4 Width of Thoroughfare Allowances

Any thoroughfare is based on the classification described in sections 3.2.4.1, 3.2.4.2 and 3.2.4.3. All thoroughfares must respect the following characteristics:

Allowance Width

CHARACTERISTICS	Minimum Width	Maximum Width
Right-of-way	6 metres	None
Local street	15 metres	20 metres
Collector street	20 metres	24 metres

The width of the road surface must not be less than six (6) metres, except for parking lot access roads which must comply with the provisions on parking lots, access roads and service entrances.

3.2.5 Sidewalks and Walkways

Where sidewalks are required, they must meet the following dimensions:

- a) For any thoroughfare with an allowance of more than eighteen (18) metres, the sidewalk must be at least one point two (1.2) metres wide;
- b) For any thoroughfare with an allowance of more than twenty-three (23) metres, the minimum width is increased to one point five (1.5) metres.

3.2.6 Curves, Right-Angle Intersections and Visibility

Intersections and curves must comply with the Canadian road geometric design standards. However, the following prescriptions must be respected:

- a) Intersections of more than two thoroughfares must be avoided; T-shaped intersections are desirable;
- b) The angle of intersection should not be less than seventy-five (75) degrees, and right-angle intersections are desirable; the alignment must be maintained over a distance of thirty (30) metres;
- c) No intersection shall be located on the convex (inside) side of a curve with a radius of less than one hundred eighty (180) metres, or on the concave (outside) side of a curve with a radius of less than one hundred twenty (120) metres;
- d) In general, no curve is allowed within thirty (30) metres of a thoroughfare intersecting an existing or proposed thoroughfare; the angle of intersection with that thoroughfare must be ninety (90) degrees;
- e) All intersections on a street with an easement of twenty (20) metres or more must have a sight triangle along the street of at least sixty (60) metres; all intersections on a street with an easement of fifteen (15) metres must have a sight triangle of at least thirty-five (35) metres;
- f) On a same thoroughfare, the centres of two intersections must be spaced at a minimum of sixty (60) metres apart;

- g) No intersection is allowed on thoroughfares with a gradient of more than eight percent (8 %). A sight triangle of thirty-five (35) metres must be provided between the top of the gradient and any intersection.

3.2.7 Junction Curves at Intersections

The minimum radius of junction curves at intersections shall be as follows:

- a) Twelve (12) metres at the junction of a provincial highway and a collector street;
- b) Seven (7) metres at the junction of two (2) collector streets or two (2) local streets;
- c) Six (6) metres at the junction of one local street and another local street, or a right-of-way;
- d) Any street for industrial use on which heavy traffic can be dense shall have a junction curves at intersections of at least twelve (12) metres.

3.2.8 Dead Ends

- a) The systematic use of dead ends is prohibited. However, dead ends shall be used where they provide a practical or economic solution for using a lot with a form, relief or location not suited to the use of a through street. The circle of the dead-end must have an allowance of forty-five point seventy-five (45.75) metres in diameter; the paved surface must have a minimum radius of ten (10) metres;
- b) The length of the dead end streets shall not be more than four hundred (400) metres;
- c) The length of the dead end streets is measured from the right-of-way of the existing street or road, from the exit on the intersection to the end of turning circle.

Chapter 4 STANDARDS FOR BLOCKS AND LOTS

4.1 Block Geometry

4.1.1 Blocks Width

Blocks width must be set in keeping with the provisions of this By-law regarding the minimum lot depth and the minimum distance between street intersections. In the case of residential blocks, this width must be sufficient to allow two back-to-back rows.

4.1.2 Blocks Length

Maximum length of the blocks shall not exceed five hundred forty (540) metres.

4.1.3 Blocks Orientation

To promote maximum sun exposure, blocks should be oriented within thirty (30) degrees of an east-west axis.

4.1.4 Lot Lines Orientation

In general, the side lot lines should be perpendicular to the street line. However, in order to ease gradients, equalize lot areas or open up a view, side lot lines may be oblique to street lines. Under no circumstances shall this deviation be justified by the fact that lot centre lines described in the official cadastre are also oblique to the street line.

4.1.5 Walkways and Rights-of-Way

Upon the request of Council, the owners are bound to transfer to the Municipality by a deed drawn up by a solicitor, at the assignor's expense, a footpath of a width of at least three (3) metres. Council determines the location of walkways wherever it deems appropriate to facilitate pedestrian traffic and provide access to public

buildings, parks, playgrounds, natural spaces and to any other public location.

4.1.6 Damage to Survey Markers

Anyone damaging or moving a municipal survey marker in any way must notify the Municipality immediately and cover the cost of replacement.

4.1.7 Lot Servicing

No dwelling shall be erected on a lot without direct access to a street.

4.2 Provisions Pertaining to Lots

4.2.1 Lot Frontage on Curves

The frontage of lots with side lot lines converging toward the street because of a curve in the street or a physical constraint may be reduced to a minimum of fifty percent (50 %) of the prescribed standard provided the area complies with all other applicable provisions of this By-law.

However, under no circumstances, the lot frontage must not be less than ten (10) metres for detached and semi-detached buildings and six (6) metres for row buildings.

4.2.2 Lot Dimensions in Cadastral Operations

The subdivision standards enacted under this By-law do not apply when the proposed and authorized land use does not involve, because of its nature, the need for a septic installation. As an example, the following uses meet that criterion: streets, telecommunication, cable-distribution, water, sewers or municipal recreation.

Notwithstanding the preceding paragraph, land use or construction will only be permitted on separate lots or plots of land made up of existing lots. All subdivision of land must be subject to cadastral registration in the book of reference.

No subdivision permit shall be issued unless each lot meets the following requirements.

4.2.2.1 Dimensions of New Subdivisions Located at Less than 100 Metres from a Watercourse or Less than 300 Metres from a Lake

a) Residential and/or commercial use

CHARACTERISTICS	Not serviced	Partly serviced	Serviced
Minimal area	3 800 m	1,900 m ²	600 m ²
Minimum frontage	50 m	30 m	20 m
Average minimum depth	60 m	60 m	30 m

b) Industrial and/or institutional use

CHARACTERISTICS	Not serviced	Partly serviced	Serviced
Minimal area	3,800 m ²	3,000 m ²	1,500 m ²
Minimum frontage	50 m	50 m	30m
Average minimum depth	60 m	60m	30m

4.2.2.2 Dimensions of New Subdivisions Located at More than 100 Metres from a Watercourse or More than 300 Metres from a Lake

The dimensions of new subdivisions located at more than one hundred (100) metres from a watercourse or more than three hundred (300) metres from a lake are the same as those in Section 4.2.2.1.

4.2.2.3 Dimensions of New Subdivisions Located on Highways 301 and 303

The dimensions of new subdivisions located on highways 301 and 303 are the same as those in Section 4.2.2.1.

4.2.2.4 Calculation of the Adjacent Part to Lakes and Watercourses

Along lakes or watercourses, the following provisions do apply:

1. In all case, lots must have an average width of forty-five (45) metres;
2. Side lot lines must be perpendicular to the shore as much as possible;
3. Lots must have a minimum frontage of forty-five (45) metres abutting the shore; this width is measured along a straight line between the points where the two side lot lines touch the shore at the natural high water line;
4. Lots may have more than four (4) sides and the front line may consist of more than one side; the front lot line and the shoreline shall be a straight line over a minimum length of forty-five (45) metres; the distance to the centre of the lot must never be less than thirty (30) metres.

MUNICIPALITY OF PORTAGE-DU-FORT

**BY-LAW NUMBER 254-04
ENACTING THE CONSTRUCTION BY-LAW**

ADOPTED ON DECEMBER 8, 2004

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Appendix 1 **LIST OF CODES USED AS REFERENCES TO BY-LAW 23
NUMBER 254-04 ENACTING THE CONSTRUCTION
BY-LAW**

Chapter 1 DECLARATORY AND INTERPRETIVE PROVISIONS

1.1 Title of the By-law

By-law Number 254-04 is entitled: « Construction By-law ». The rules of interpretation and administration of the planning by-laws governing this By-law are included in By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws.

1.2 Objective

This By-law is intended to ensure consistent development of the municipal territory by specifying the applicable building standards to ensure the sanitation and safety of buildings.

1.3 Subject Territory

This By-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all the territory under the jurisdiction of the Municipality of Portage-du-Fort.

1.4 By-law Replaced

All by-laws or any parts of by-laws governing construction are repealed for all intents and purposes and replaced by this By-law.

All other regulatory provisions incompatible with this By-law are also repealed.

These replacements do not affect proceedings instituted under the authority of the by-laws thus replaced, which will continue under the authority of the said replaced by-laws until final ruling and execution. They do not affect permits issued under the authority of the by-laws thus replaced.

1.5 Validity of the By-law

The Council shall adopt this By-law in its entirety and also part by part, chapter by chapter, division by division, sub-division by sub-division, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, line by line and word by word, in such manner that if a part, a chapter, a division, a sub-division, a section, a paragraph, a sub-paragraph, a line or a word of this By-law is or should be declared null and void, the other provisions included in this By-law shall continue to apply.

1.6 Amendment Procedure

The provisions in this By-law may only be adopted, amended or repealed by an approved by-law pursuant to sections 123 to 137 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

1.7 Interpretative Provisions

In the case of inconsistency between the Construction By-law and the Zoning By-law, the provisions of the Zoning By-law shall prevail.

Chapter 2 RULES OF INTERPRETATION

2.1 Interpretation of the Text

The titles contained in this By-law are, for all purposes, an integral part of this By-law. In cases of contradiction between the proper text and the titles, the text shall prevail. The original text in French supersedes the interpretation of the English translation.

- A- The verbs used in the present tense include the future;
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All measurements mentioned in this By-law are expressed according to the International System of Units, the metric system.

2.2 Interpretation of Tables, Diagrams, Graphics and Symbols

Tables, diagrams, graphics and symbols and any other forms of expressions other than the proper text, to which it is referred in this By-law, are an integral part of it for all intents and purposes.

In the event of inconsistency between the text and the tables, diagrams, graphics, symbols and any other forms of expressions, the text shall prevail. In the event of inconsistency between a table and a graphic, the data contained in the table shall prevail.

When a restriction or prohibition included in this By-law, or any of its provision is found to be incompatible or in contradiction with another provision of this By-law, the most restrictive or prohibitive provision shall apply.

2.3 Definitions

Division 2.3 of By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws applies to this By-law as it is quoted to the full extent.

Chapter 3 ADMINISTRATIVE PROVISIONS

3.1 National Building Code and Other Codes

The National Building Code of Canada 1995 (NBC), NRCC n° 38726, and amendments, is used as reference to this By-law as it is quoted to the full extend. All the other codes are used as references to this By-law.

- a) Sub-division 2.3.4 of the National Building Code of Canada is amended by the addition of the following section:

Plans and specifications prepared by an architect member of the Québec Order of Architects (OAQ) for architectural work, and by an engineer member of the Québec Order of Engineers (OIQ) for engineering work, must be submitted for construction, enlargement, reconstruction, renovation or modification of any public building under the terms of the Public Buildings Safety Act (R.S.Q., c. S-3), the Architects Act (R.S.Q., c. A-21) and the Engineers Act (R.S.Q., c. I-9).

- b) Section 5.6 of the National Building Code of Canada applies with the addition of the following provisions :

5.6 Exterior Siding Materials

5.6.1 Prohibited Materials

- a) *Tar or mineral papers, or other similar papers;*
- b) *Paper imitating or tending to imitate stone, brick or other natural materials , in packages, rolls, sheets or other forms;*
- c) *Asphalt shingles as wall cladding;*
- d) *Rigid, thermal or other insulation;*
- e) *Plywood and wood chip panels;*
- f) *Non-architectural metal panels;*
- g) *Non-architectural concrete blocks.*

3.2 Application of the National Building Code of Canada and Role of the Other Agencies

3.2.1 Québec Ministry of Labour

The Québec Ministry of Labour oversees the application of the Public Buildings Safety Act (R.S.Q., c. S-3). The General Directorate of Inspection intervenes in the analysis of plans and specifications, and in the inspection of the structure and safety of public buildings as defined under Section 2 of the Act.

The Québec Ministry of Labour also conducts analysis of plans and specifications for the construction of industrial and commercial buildings. In this case, building inspection is performed on request only.

In all cases, the Québec Ministry of Labour intervenes primarily under the fire safety requirements of the National Building Code of Canada. These requirements are grouped in Part 3 and sections 9.9 (evacuation means) and 9.10 (fire safety), if the small buildings are considered public buildings.

3.2.2 Canada Mortgage and Housing Corporation (CHMC)

The Canada Mortgage and Housing Corporation ensures that buildings it finances be inspected for compliance with the requirements of the National Building Code.

3.2.3 Société d'habitation du Québec (SHQ)

The *Société d'habitation du Québec* is the main authority responsible for construction of low-rent housing (LRH). The SHQ conducts analysis of plans and specifications, as well as inspection when construction of housing is contracted to independent contractors and when buildings are not considered public buildings.

3.2.4 Designated Officer

The designated officer must ensure strict application of the Construction By-law. The designated officer must determine the projected use of the building to define the jurisdiction of the Municipality.

3.3 Flammable Liquid Facilities

Flammable liquid facilities are subject to the standards of the National Fire Code of Canada 1995 (NFC), NRCC, n° 38727F

3.4 Petroleum Products Distribution Centres

The petroleum products distribution centres are subject to the provisions on gas stations and service stations included in the National Fire Code of Canada 1995 (NFC), NRCC, n° 38727F, and in the Petroleum Products Trade Act (R.S.Q., c. C-31), the Petroleum Products Trade Regulation (R.R.Q., c. C-31, r.2).

3.5 Equivalency

Construction methods or materials other than those mentioned in this By-law are authorized if deemed equivalent and satisfactory by laboratory testing or tests conducted by a recognized agency.

3.6 Scope

In addition of the provisions specified for the issuance of building permits in By-law Number 251-04 enacting the By-law for the Interpretation and Administration of the Planning By-laws, this By-law applies to:

- a) Any building damaged by fire, earthquake or any other cause for which work is required, and to reconstruction of the damaged parts of the building;
- b) Any building inside or near which a hazardous condition exists, and for which work is necessary to eliminate this hazardous condition;
- c) All construction and parts of a building.

This By-law does not apply to:

- a) Public works executed in a street;
- b) Public utility poles and pylons, freestanding television, radio or other public telecommunication transmission structures or antennae;
- c) Dams and hydroelectric or water control structures, and mechanical or other equipment not specifically mentioned in this By-law.

In the case of seasonal dwellings, all requirements of this By-law governing permanent residences must be respected, except thermal insulation standards and standards for foundations. Pilings supporting building may be allowed provided these pilings are not affected by ground frost or deteriorated by other elements.

Chapter 4 SPECIAL PROVISIONS

4.1 Deterioration of Land and Water Resources

Notwithstanding any other provision of this By-law, any use likely to directly cause abusive deterioration of land and water resources is prohibited.

4.2 Snow and Ice

All property owners or tenants are required to remove snow and ice from roofs of houses or other buildings bordering a public thoroughfare if this poses a danger to the public. In the event of negligence or refusal to comply, the Municipality may have the work done at the owner's or tenant's expense.

4.3 Outdoor Stairways

Outdoor stairways are prohibited on the front and side walls of a building for all storey, except the ground floor. However, metal emergency exit stairways are permitted on the sides of public buildings where they existed prior this By-law coming into force.

In the case of structures existing prior to this By-law coming into force, stairways leading to the upper storey may be installed on the front and side walls provided they are completely enclosed, form an integral part of the main building and respect setback requirements.

4.4 Grade and Alignment

All persons planning to erect or enlarge a structure along a public thoroughfare at the front or side of the lot, or to relocate a structure, must obtain from the designated officer, if applicable, the relevant information on the street grade and sewer levels and the street alignment.

The property owner must ensure that until all work is complete, stakes, monuments and other alignment or grade markers are maintained. If applicable, the property owner must replace said stakes or monuments at his or her own expense.

4.5 Building Relocation

If the building to be relocated must move over municipal streets, a certificate of authorization must first be obtained for this purpose. Before this certificate is issued, the designated officer must inspect the condition of the building.

All costs incurred by the Municipality with regard to relocation of a building are the responsibility of the property owner.

4.6 Road Works

All planned work must comply with the requirements of the schedule of conditions and general specifications in the standards (volumes I, II and III) of the Québec Ministry of Transport and the provisions of By-law Number 253-04 enacting the Subdivision By-law.

4.7 Driveways and Culverts

4.7.1 Obligatory Permit

All property owners must obtain a building permit when installing a driveway and culvert on any street within the Municipality, except highways 301 and 303 under the jurisdiction of the Québec Ministry of Transport (MTQ). In the latter case, the property owner must obtain a building permit from the regional office of the Ministry in Gatineau for the obtaining of an access certificate.

4.7.2 Driveways Width

1. Private driveways must have a minimum width of six (6) metres;

2. The surface suitable for vehicles on an industrial site must have a minimum width of eight (8) metres.

4.7.3 Culvert Dimensions

The diameter of culverts passing under driveways for all lots on streets of the Municipality must not be less than three hundred (300) millimetres.

During site inspection, the designated officer may in certain cases require that said culvert have a diameter greater than that specified in this By-law.

4.7.4 Installation and Maintenance

When use of the land commences, the property owner or user must install the culvert at his or her own expenses. However, when the Municipality performs repair work on roads, the culvert shall be paid by the owner or occupant but shall be installed by the Municipality. The Municipality shall then supply all fill to install the culverts.

The designated officer is authorized to contact the owner or occupant of any property with access to the public streets:

- a) To give notification that work will be performed and to obtain written approval;
- b) To require compliance with the provisions of the existing planning by-laws.

If the property owner or occupant is absent or fails to give approval within thirty (30) days, the Municipality shall have the work performed and forward to him or her, an invoice for the cost of the culvert.

In the case of emergencies, the designated officer may act without giving prior notice.

Maintenance of driveways built or not by the Municipality, is the responsibility of the property owner or the tenant. The latter must maintain his or her

driveway in good condition to avoid any damage to the street surface. Any unauthorized alterations to a driveway may lead to proceedings resulting in demolition at the property owner's expense.

The property owner or tenant is responsible at all times for damage to the Municipality's street caused by his or her own fault or negligence.

4.8 Septic Facilities

All septic facilities must comply with the requirements of the provincial regulation on the disposal and treatment of wastewaters from isolated dwellings (R.R.Q., c. Q-2, r.8).

4.9 Firewalls

When two buildings abut, they must be separated by an intervening firebreak wall of stone, concrete, concrete block or solid brick.

4.10 Exterior Development

4.10.1 Landscaping of Yards and Cleared Areas

Yards and cleared areas must be landscaped in keeping with the surrounding buildings and lands.

4.10.2 Connection to Public Utilities

Landscaping, such as sidewalks, private walkways and private driveways, must be connected to public utilities pursuant to the following standards.

4.10.2.1 Slopes

In general, driveways must not have a slope in excess of fifty percent (50 %) on a distance of (5) metres from roadway.

4.10.2.2 Drainage

Each lot must be developed in such a way that rainwater or runoff drains to public sewers or ditches provided for this purpose. In any time, the Municipality is not responsible for surface water backing up on properties or into dwellings.

4.10.2.3 Check Valves

Throughout the Municipality, drainage systems of all new construction must be equipped with check valves. Check-valves must be installed in a manner that provides easy access in any time. No other kind of check valves is allowed on a drain pipe of a building. The check valves must be made to prevent back-up of surface water in the building.

4.11 Sanitation Standards Applicable to Campgrounds

The standards applicable to campgrounds are those contained in the Plumbing Code, and the standards applicable to bathing are those contained in the regulation on public wading and swimming pools of the Québec Ministry of the Environment. The regulation on public wading and swimming pools and the Plumbing Code form an integral part of this By-law.

Chapter 5 PROVISIONS PERTAINING TO BUILDINGS

5.1 Standards Pertaining to Buildings

5.1.1 Exits

Any dwelling must have at least (2) exits in the event of emergency. This includes the main entrance of the building.

5.1.2 Foundations and Footings

Foundations for any building, adjacent building or wing must be made of poured concrete, concrete blocks or wood treated for this purpose. The foundations must be continuous and rest on solid rock, be banked, or recessed into the earth to a minimum depth of one point four metres (1.4 m).

Concrete blocks with a minimum thickness of twenty (20) centimetres may be used with rough-cast on the outside face of the wall, and must rest on an adequate footing of poured concrete or any other technique or material approved by the National Building Code of Canada.

An exception to this rule is made for detached auxiliary buildings such as garages, carports, hangars, sheds, garden sheds, as well as temporary and seasonal dwellings.

For a seasonal dwelling, pilings supporting the building may be allowed if constructed in manner that prevents damage by ground frost. The structure of the seasonal dwelling must be provided with adequate foundations to be converted to permanent dwelling. A report made by an engineer member of the Québec Order of Engineers (OIQ) must confirm the solidity of the structure.

All other foundation types must be approved by an engineer member of the Québec Order of Engineers (OIQ).

5.1.3 Treatment of Exposed Surfaces

1. The exterior cladding of any building specified in the building plan submitted for approval must be installed within a maximum period of twelve (12) months after the building permit is issued;
2. The exterior wood surfaces of all buildings must be protected from the weather with paint, varnish or oil, or covered with other protection or exterior finishing materials recognized and authorized by this By-law.

5.1.4 Smoke Detectors

The installation of smoke detectors is mandatory for each dwelling unit and every storey in all structures. The smoke detectors must be approved as meeting ULC, UL or FM standards, and must be installed in such a manner that they service all rooms used for sleeping, on all the living floors.

Smoke detectors must be installed in vestibules, hallways or rooms accessing bedrooms (centre of ceiling or in all other locations recommended by the manufacturer).

Smoke detectors may be connected to the electrical service supply or may operate on batteries.

5.1.5 Energy Conservation in New Homes

The provisions included in Division 1 of Chapter 3 of the Act respecting the Conservation of Energy in New Buildings (R.R.Q., c. E-1.1, r.1), apply to all new single-family homes and form an integral part of this By-law.

5.1.5.1 Application

This section applies to all new dwellings, enlargement and renovation of a building requiring that the exterior envelope be opened.

5.1.5.2 Vapour Barrier

1. Subject to Section 5.1.4.1, a vapour barrier must be placed against the interior face of the insulation;
2. Lightweight insulation of a plastic material installed on a masonry or concrete wall may be used subject to the following conditions:
 - a) That a continuous vapour barrier be permanently provided at all joints and at the perimeter;

- b) That the vapour barrier be covered immediately with a sheet of gypsum drywall to protect it from perforation.

5.2 Building Architecture

5.2.1 Semi-Cylindrical Buildings

In the entire Municipality, all residential and institutional buildings in the general form of a horizontal semi-cylinder, whose walls and roof form a single element and whose cross-section is a continuous, fairly circular or elliptical line, are prohibited.

5.2.2 Building Shape

All residential buildings in the shape of an animal, a fruit or tending to symbolize in form an animal or a fruit, are prohibited throughout the Municipality.

The shape of buildings must harmonize with that of adjacent buildings.

The conversion of any highway vehicle, including buses and vans, into a building is prohibited throughout the Municipality. This includes highway vehicles from which certain parts such as wheels, engines, or any other part, have been removed.

5.2.3 Obstruction of Sidewalks or Thoroughfares

No door or gate, when open, may in any way obstruct a sidewalk or public thoroughfare.

The Municipality may have removed, at the owner's or tenant's expenses, steps, stairs, porches, banisters, verandas, building or other structures encroaching on the street allowance or obstructing the public thoroughfare.

5.3 Provisions Pertaining to Building Occupancies

5.3.1 Occupancy of Basements in Residential Buildings

The development of residential dwellings independent of the primary dwelling, in the basement of a residential building, must meet the provisions and standards of this By-law. At least half the vertical basement clearance required by the National Building Code of Canada must be above the average level of the adjacent grade.

5.3.2 Miscellaneous Businesses in Basements and Cellars

No retail business is authorized in basements or cellars of residences, except authorized domestic uses. No dwelling unit may be developed in a cellar.

5.3.3 Construction Prohibited Under Garages

Construction of cellars, bedrooms or dwellings under a garage is prohibited.

5.3.4 Mixed-Use Buildings

In a building containing a residential use combined with a use belonging to Businesses and Services Group as defined in By-law Number 252-04 enacting the Zoning By-law, each of the two uses must have a separate entrance. This rule does not apply to domestic uses, for which the dwelling entrance and commercial use may share the same entrance.

5.3.5 Carport Dimensions

Garages or carports designed for a single automobile must have a usable width of at least two point seventy-five metres (2.75 m). This minimum width must be increased to three (3) metres when a door is installed in the side wall of the garage. The minimum usable width must be increased by two point five metres (2.5 m) for each additional automobile.

Carports must have a usable depth of at least five (5) metres.

5.4 Standards Pertaining to Vacant Buildings and Lands

5.4.1 Dangerous and Derelict Structures

No dangerous or derelict structure should be maintained in such a state as to endanger personal safety.

A dangerous structure must be strengthened immediately or made inaccessible after being noted. The property owner must take all steps to protect public safety, at his or her own expenses. Such measures may include installation of barricades, flashing lights, braces, supports or guard railings.

The application of temporary measures specified in the second paragraph notwithstanding, a dangerous or derelict structure must be restored, repaired or demolished no later than ninety (90) days after the dangerous condition is noted.

5.4.2 Unoccupied, Incomplete or Abandoned Structures

Any unoccupied, incomplete or abandoned structure must be suitably closed or barricaded. Any construction not completed must be barricaded within thirty (30) days of the work completion.

5.4.3 Hazardous Materials Storage Facilities

Any building or part of a building used or planned for the storage of hazardous materials (dynamite, naphtha, oil, etc) must be equipped with sprinklers or any other suitable fire extinction equipment, and must have special protection in keeping with the nature of the risk present and comply with approved safety standards. No public building may be used for a hazardous purpose.

Any hazardous substance may be stored, used or handled provided the use meets all requirements of this By-law, and is enclosed within a fireproof compartment with an area not exceeding three hundred (300) square metres.

5.4.4 Maintenance of Vacant Buildings and Lands

All property owners must ensure that their land and erected buildings are properly maintained and clean. They must ensure that the land is not littered with branches, brush, weeds, refuse, paper or any other debris.

If, after a first notification, a property owner fails to comply with this By-law, the designated officer may, after obtaining an order from the Québec Municipal or Superior Court, have the land and buildings thereon cleaned at the owner's expense.

5.4.5 Unused Foundations

Unused foundations of a burned or relocated building must be levelled within two (2) months following the fire or the move, and the basement filled or, if usable, capped by the property owner. Unused foundations, including basements, must be surrounded by a fence or butted wood boards of one point five metres (1.5 m) high to avoid any danger to public safety.

5.4.6 Building Destroyed by Fire

Any building partly or entirely destroyed by fire, or any other disaster, may be rebuilt on the same lot or the same parcel of land, the same foundations and for the same use if reconstruction work are completed within a period of twenty four (24) months after the disaster.

5.4.7 Building Demolition

5.4.7.1 Disconnection of Public Utilities

All persons requesting a certificate of authorization for the demolition of a building, as condition for the issuance of the certificate of authorization, provide the designated officer with evidence that they have notified all companies supplying electrical, telephone, cable distribution or other services that might be affected by this demolition work.

If this work requires disconnection of one of these services, such disconnection must comply with the instruction issued by each of the companies in question.

5.4.7.2 Required Measures After Demolition

No more than (30) thirty days after completion of demolition work, the lot must be cleaned of all debris or materials. Excavations left open must be backfilled to grade level.

If debris from demolition of foundations is used to backfill excavations, this backfilled area must be covered with a layer of earth of two hundred fifty (250) millimetres deep up to the level of the grade of adjacent lots.

5.5 Provisions Pertaining to Mobile Homes

5.5.1 Building Standards

The following provisions apply to mobile homes located in zones specifically designated to this purpose in By-law Number 252-04 enacting the Zoning By-law.

5.5.1.1 Mobile Home Platform

A level platform must be provided on each lot, and must be designated to evenly bear the maximum design load of a mobile home in all seasons, with no settling or other movement.

5.5.1.2 Supporting Structures and Foundations

Mobile homes must be permanently attached in the manner of an immovable by nature, by physical connection to a concrete slab or permanent foundation, to prevent any movement caused by ground frost and to support the design load at points of the frame indicated by the manufacturer or established by CSA standards.

5.5.1.3 Anchors

Metal eyelet anchors, toggle bolts or anchor bolts embedded in site-cast concrete shall be provided at all corners of the mobile home platform and where required to securely fasten the mobile home and enable it to resist wind stress. Such anchoring devices shall be attached by a cable or any other approved device.

5.5.1.4 Foundation Height

The foundation on which a mobile home is placed must not exceed one (1) metre in height.

5.5.1.5 Grading and Runoff

All area under the mobile home and under extensions must be covered with asphalt or well tamped gravel. The entire lot surrounding the mobile home platform must be graded in such a manner that surface water drains away from the platform. When the mobile home platform is covered with gravel, a low wall must be installed in the lower portion of the service space to prevent the gravel from spreading.

5.5.1.6 Projections and Secondary Buildings

All projections and auxiliary buildings must be erected in compliance with the requirements of this By-law, and must be approved by the designated officer. All projections and auxiliary buildings must be prefabricated, of a quality equivalent to that of the mobile home, and must be pre painted or pre-finished in a style and construction that complements the main building.

Projections must not obstruct required openings for light and ventilation or prevent inspection of the mobile home's equipment or utility connections, or encroach on required side setbacks.

5.5.1.7 Service Space

All fastening devices and other visible road or transportation equipment must be removed within (30) thirty days after the unit is placed on a platform. The service space must be enclosed within the same time period.

All mobile homes must be provided with a service space extending from the underside of the unit to the ground and with a removable panel of at least (1) metre in width and sixty (60) centimetres in height to provide access to service connections to water supply and wastewaters disposal. The service space must be enclosed in a material with a protective coating approved by the designated officer.

5.5.1.8 Stairways

All mobile homes must be equipped with stairs, landings and railings leading to all entrances, pursuant to Section 9.8 of the National Building Code of Canada. Stairways must be at least one (1) metre wide and must be painted if not made of concrete or aluminium.

5.5.1.9 Tanks

No mobile home may be equipped with more than one (1) oil tank. The dimension, shape and volume of the tank must meet recognized standards. The use of cans, barrels and other similar containers as tanks is prohibited.

The oil or gas tank must be placed underground. Where this is not possible, this equipment must be installed in the rear yard. In this case, it must be surrounded with an enclosure or enclosed in an addition in a manner to not be visible from the adjacent mobile homes.

5.5.1.10 Connection to Water Supply and Septic Facilities

All mobile homes must be connected to a water supply and to a septic facility in compliance with the provincial regulation on the disposal and treatment of wastewaters from isolated dwellings (R.R.Q., c. Q-2, r.8).

Appendix 1

LIST OF CODES USED AS REFERENCES TO BY-LAW NUMBER 254-04 ENACTING THE CONSTRUCTION BY-LAW

NATIONAL BUILDING CODE
PLUMBING CODE
CANADIAN ELECTRICAL CODE
NATIONAL FIRE PREVENTION CODE
PROPANE EQUIPMENT INSTALLATION CODE