



# Municipality of Shawville

By-law number 416  
For the Interpretation and  
Administration of the Planning By-law

**Certified True Copy**



**Crystal Webb  
Secretary-Treasurer**

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## **Chapter 1      DECLARATORY AND INTERPRETIVE PROVISIONS**

### **1.1      Title of the By-law**

By-law Number 416 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      Purpose of this By-law**

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 417 enacting the Zoning By-law, By-law Number 418 enacting the Subdivision By-law and By-law Number 419 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 415 enacting the Planning Program.

### **1.4      Coming into Effect**

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      Applicable 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 Shawville.

### **1.6      Repealed By-laws**

All by-laws and any parts of by-laws governing the interpretation and administration of the planning by-laws are repealed for all intents and purposes and replaced by this By-law.

All other regulatory provisions incompatible with this By-law are also repealed.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 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 the designated officer or by Council.

#### **1.9.2 Upon the Initiative of a Ratepayer**

When a ratepayer requests to have one of the planning by-laws 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 to one of the planning by-laws 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 Documents Appended**

The tables, diagrams, graphs, symbols and any other forms of expression 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 contained in this By-law shall continue to apply.

### **1.12 Inconsistency between the Planning By-laws**

In the case of inconsistency between By-law Number 417 enacting the Zoning By-law, By-law Number 418 enacting the Subdivision By-law and By-law Number 419 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 Interpretive Provisions**

### **Article 2.1 Interpretation of Text**

The titles listed in this by-law are an integral part of it. In cases of contradiction between the text and the titles, the text shall prevail.

It is understood that the present verb tense encompasses the future.

The singular form also refers to the plural form, and vice-versa, unless the meaning clearly shows that it cannot logically apply.

The male gender includes the female gender, unless the context indicates otherwise.

With the use of the words "should" or "shall", the obligation is definite. The word "may" carries the meaning of a possibility.

### **Article 2.2 Measurements Units**

All measurement units in this by-law are indicated under the international units system, i.e. the Metric System.



## **Article 2.3 Terminology**

For the interpretation of this by-law unless the context calls for a different interpretation, the following words and expressions shall have the sense and meaning attributed to them in this article.

### **Lake and Water stream shoreline**

Strip of land alongside a lake or water stream. Commonly referred to as waterfront, it has a depth of 300 meters when alongside a lake and a depth of 100 meters when alongside a water stream. Any wetland contiguous to a lake water stream is an integral part of it.

### **Cultivated Field**

Patch of land used, among other things, to grow hay, grains small berries, fruit trees, grape vines or as grazing land for livestock on which land farming can be done.

### **Water Stream**

All streams of water of steady or intermittent flow, including those that have been created or modified by human intervention.

Are included in this definition: road ditches, party ditches, as defined in Article 1002 of the Quebec Civil Code and drainage ditches that meet the following conditions:

- Used only for drainage and irrigation;
- Only exists due to human intervention;
- Has a watershed surface area of less than 100 hectares

### **CPTAQ**

Commission de protection du territoire agricole du Québec

### **Destructed Tract**

Isolated area of limited size and restructured due to the addition over time of non-agricultural uses and within which there are rare vacant lots that are closed off and cannot be recovered for agricultural purposes.

### **Lau**

Act respecting Land Use Planning and Development

### **Legal Person**

Corporation, Director, Businesses, Non-profit organizations

### **Lot**

Parcel of land identified and delineated on a cadastral map and submitted in accordance with Articles 3036 and 3037 of the Quebec Civil Code



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## **LPTAA**

Act respecting the Preservation of Agricultural Land and Agricultural Activities

## **MDDELCC**

Department of Sustainable Development, the Environment and the Fight against Climate change

## **Wetland**

Area that is inundated or saturated with water for a sufficiently long period of time to influence the nature of the soil and composition of vegetation

The main types of wetlands include, but are not limited to ponds, marches, swamps and peatlands; they differ mainly in the type of vegetation they contain.

## **Fragmentation**

Division of a territory of land into several lots.

## **MRC**

Pontiac Regional County Municipality

## **Replotting**

Regrouping of contiguous lots or parts of lots form a single piece of land.

## **Residence**

Building that is intended for human habitation with only one dwelling (single-family detached residence, including summer cottages, but excluding hunting camps and basic shelters).

## **Public Road**

Piece of land owned by the federal or provincial governments or by the municipality and used for vehicular traffic.

## **Private Road**

Any road that is not under the jurisdiction of a municipality or the government and that gives access to properties that depend on them.

## **TAQ**

Tribunal administrative du Québec

## **Land Unit**

One or more contiguous lots or parts of lots, or that would be contiguous according to Articles 28 and 29 of the LPTAA, and that are part of the same estate.

### **Vacant Land Unit**

Land unit on which there is no immovable property intended for residential purposes (residence or cottage), but that can include a basic shelter one or more ancillary residential buildings, farm, commercial, industrial or institutional buildings.

### **UPA**

Union des producteurs agricoles/Québec Farmer's Association

### **SECTION 1**

Destructured tracts, according to the mapping attached to this by-law, identified in decision number 377560 of the CPTAQ are as follows:

Type 1 destructured tracts; land units can be parceled out according to this by-law;

Type 2 destructured tracts: land units cannot be parceled out and must be vacant as of June 25, 2013

### **SECTION 2**

Dynamic agricultural, viable agricultural and agro-forestry designations correspondence respectively to the dynamic agricultural, viable agricultural and agro-forestry environments of the permanent agricultural zone according to the mapping attached to this by-law and as identified in decision number 377560 of the CPTAQ, which stipulates that the establishment of new residences is possible on vacant land units as of June 25, 2013 that have sufficient surface areas to avoid destructuring of the agricultural zone.

Designation are established as follows:

Dynamic agricultural	Vacant land unit of 100 hectares or more Dynamic agricultural environment
Viable agricultural	Vacant land unit of 10 hectares or more Viable agricultural environment
Agro-forestry	Vacant land unit of 10 hectares or more Agro-forestry environment

### **Permanent Agricultural Zone**

Part of a local municipality's territory within the MRC, described in the technical plans and description developed and adopted in accordance with Articles 49 and 50 of the LPTAA.

Articles 2.2 Measurements Units  
All measurements

## **2.4 Interpretation of Tables, Diagrams, Graphics and Symbols**

Tables, diagrams, graphics and symbols and any other forms of expression 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 expression, 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 contained 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.

## **2.5 Definitions and Interpretations**

All the definitions and interpretations contained in this By-law fully apply to all the planning by-laws.

- 2.5.1 Accessory when used to describe a use, building or structure, shall mean a use, building or structure that is customarily incidental and subordinate to the main use and located on the same lot with such main use.
- 2.5.2 Acquired Rights shall mean the rights accruing to a structure by reason of its non-conforming or non-complying status with respect to this By-law.
- 2.5.3 Adult Entertainment Parlor shall mean any premises or part thereof in which the principal trade which is provided, in pursuance of a trade, calling, business, occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
- 2.5.4 Agricultural Activities shall mean the practice of agriculture, including the practice of allowing land to lie fallow, the storage and use, on a farm, of chemical, organic or mineral products and of farm machinery and equipment for agricultural purposes. Where carried out by a producer on his or her farm with respect to farm products from his or her operation or, secondarily, from the operations of other producer, activities relating to the storage, packaging, processing and sale of farm products are considered to be agricultural activities.
- 2.5.5 Agricultural Commercial Use shall mean a commercial establishment related to agriculture, such as a commercial greenhouse, warehousing, processing of agricultural products, veterinary offices, sugar bushes, and so forth.

2.5.6 Agricultural Operations shall mean the set of production activities managed by a person who is the owner or the lessee of agricultural lands or buildings.

2.5.7 Agricultural Use shall mean the use of land, buildings or structures for:

- (a) the growing of crops, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting and also including the storage and sale of crops;
- (b) the raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding and grazing and including the raising of fish;
- (c) the production of animal products such as milk, eggs, wool, fur or honey, including related activities such as the collection, storage and sale of the products;
- (d) a greenhouse or nursery garden, including storage and sale of the products;
- (e) and also including the use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

The agricultural use shall not be construed to include commercial or industrial activities related to agriculture such as abattoirs, tanneries, grain drying and sale outlets, manufacturing or processing activities involving farm crops or, animal products.

2.5.8 Agricultural Zone shall mean the areas of the Municipality 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.

2.5.9 Agriculture shall mean the cultivation of soil and plants, leaving land not cropped or using it for forestry purposes, or the raising of livestock and, for these purposes, the making, construction or utilization of works, structures or buildings, except immovable used residential purposes.

2.5.10 Alter in reference to:

- (a) a building or part thereof, shall mean to change any one or more of the external dimensions of such building, or to change the type of construction of the exterior walls or roof thereof;
- (b) a lot, shall mean to change the area frontage or depth thereof, to change the width, depth or area of any required yard, landscaped open space or parking

area, or to change the location of any boundary of such lot in respect to a street or lane, whether such alteration is made by conveyance, alienation of any parts of such lot, or otherwise.

The words « altered » and « alteration » shall have corresponding meanings.

- 2.5.11 Animal Hospital shall mean a building or part of a building used by a veterinary surgeon where companion domestic animals (household pets) and birds are kept for treatment, including surgery, and where veterinary drugs and other related products, including pet food, may be sold. The treatment of livestock (cattle, horses. etc.) is specifically excluded.
- 2.5.12 Annex shall mean a structure or building attached to the main building and built on the same lot.
- 2.5.13 Attic shall mean that portion of a building immediately below the roof and wholly or partly within the roof framing.
- 2.5.14 Auditorium shall mean a building or structure where facilities are provided for athletic, civic, educational, political, religions or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre, or similar use.
- 2.5.15 Automobile Service Station shall mean 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 includes minor repairs.
- 2.5.16 Automotive Store shall mean an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in the Zoning By-law.
- 2.5.17 Axis (median) shall mean the longitudinal line marking the centre of a street, road, waterway, railway or any other similar entity having a linear character.
- 2.5.18 Backfill shall mean 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.
- 2.5.19 Balcony (gallery) shall mean a platform projecting from the walls of a building surrounded by a balustrade or barrier and which may be covered by a roof and which may be supported by columns.



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- 2.5.20 Barn shall mean a large farm building for housing animals, storing grain, straw, hay and agricultural machinery.
- 2.5.21 Basement shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the average level of ground adjacent to the exterior walls of the building.
- 2.5.22 Bed and Breakfast shall mean a dwelling used incidentally to provide accommodation and meals to transient travelers but does not include a boarding house, a rooming house, domiciliary hostel, hotel or motel.
- 2.5.23 Block shall mean an area bounded by streets, roads, rivers and/or railways.
- 2.5.24 Boarding House shall mean a dwelling or portion thereof containing not more than four (4) guest rooms, used for the accommodation of the public in which the owner or head lessee supplies for compensation, lodging with or without meals but does not include any other establishment otherwise defined herein.
- 2.5.25 Breeding Farm shall mean a building in which animals are bred, or an enclosure where animals are kept animals for purposes other than pasture, including storage facilities for animal manure, if the case may be.
- 2.5.26 Buildable Area shall mean 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 provincial and regional roads;
  - 3) The side setbacks specific to the zone under consideration;
  - 4) The setbacks specific to flood plains;
  - 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.
- 2.5.27 Building shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods.
- (a) Accessory shall mean a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

- (b) Attached shall mean a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or structures.
  - (c) Detached shall mean a building or structure otherwise complete in itself, which is independent of any other building or structure and located on a distinct lot.
  - (d) Main shall mean the building serving the principal or primary uses for which the lot was purchased, leased or rented.
  - (e) Semi-Detached shall mean a building comprising two (2) adjoining dwellings, which are located on distinct lots.
  - (f) Temporary shall mean a building or structure intended for removal or demolition within a prescribed time, as determined from time to time by Council.
- 2.5.28 Building Contractor's Shop shall mean a place of business for persons employed in building trades and such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, but shall not include a retail business, sales counter nor a wholesale business.
- 2.5.29 Building Line shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of building or structure which may be erected.
- 2.5.30 Building Inspector shall mean the designated officer or employee of the Municipality of Shawville charged with the duty of enforcing the municipal planning by-laws, national codes and provincial regulations pertaining to land use planning and development.
- 2.5.31 Building Supply Outlet shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvements and similar items. This definition shall not include any establishment otherwise deemed herein or specifically named elsewhere in this By-law.
- 2.5.32 Cadastral Operation shall mean 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 compliance with the Cadastre Act (R.S.Q., c. C-1) and with Section 3043 of the Québec Civil Code.

- 2.5.33 Camping shall mean 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 farm in question.
- (a) Ground shall mean a piece of land allowing for a short stay to the users of recreational vehicles, campers, tents, etc.
- 2.5.34 Carport shall mean a covered parking area, attached to a building, which is open on three sides.
- 2.5.35 Carwash shall mean a building or structure containing facilities for washing motor vehicles, either by production line methods and mechanical devices or by self-serve operation.
- 2.5.36 Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average level of ground adjacent to the exterior walls of the building.
- 2.5.37 Church shall mean a building dedicated to religions worship. Accessory uses may include a church hall, church auditorium, a parish hall and an ecclesiastic residence on the same lot.
- 2.5.38 Clinic shall mean one or more buildings or part of a building used solely for the purposes of consultation, diagnosis and treatment of patients. It may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.
- 2.5.39 Club, Commercial shall mean a building or premises used as an athletic, recreational or social club operated for gain or profit.
- 2.5.40 Club, Social shall mean a building or premises used as an athletic, recreational or social club not operated for gain or profit. This definition may include a social service club, a fraternity or sorority, a hostel, a labor union hall or similar use.

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- 2.5.41 Communications Facility shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility.
- 2.5.42 Conservation Uses shall mean those uses which relate directly to the natural environment. These uses are generally attributed to special or significant natural areas that the Municipality wishes to retain and preserve, such as wetlands, areas of natural heritage or scientific significance.
- 2.5.43 Construction By-law shall mean the 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).
- 2.5.44 Converted Dwelling shall mean a building originally designed as a one-family dwelling which has been altered or converted so as to provide therein not more than three (3) dwelling units, with or without separate entrances, none of which shall be located in the cellar of the dwelling but which may be located in the basement.
- 2.5.45 Council shall mean the Council of the Municipality of Shawville.
- 2.5.46 Day Care shall mean a residence (one-dwelling unit) that receives not more than six (6) children, for temporary care and guidance, for a continuous period which does not exceed twenty-four (24) hours.
- 2.5.47 Density shall mean the degree of concentration of dwellings in a specific area.
- a) Gross shall mean 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.
  - b) Net shall mean 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.
- 2.5.48 Department Store shall mean a retail store, primarily engaged in general merchandising at retail of wide range of commodities. At least the three (3) main lines, namely apparel, hardware, and home furnishings should be carried, and other commodities formally carried by such establishments, including dry goods, food products, home appliances, etc. may also be carried.

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- 2.5.49 Dependency shall mean an accessory building used exclusively by the owner or by the operator of an agricultural establishment.
- 2.5.50 Designated Officer shall mean the employee of the Municipality responsible for the application and administration of the by-laws pertaining to land use planning and development, including his or her substitute or assistant.
- 2.5.51 Development shall mean the act or instance of developing, including any developed tract of land (e.g. a new housing area, etc.), the construction of a new building, and the enlargement or movement of an existing building.
- 2.5.52 Display shall mean an exhibition or show of products during a limited period of time corresponding to the hours of operation of a given business.
- a) Indoor shall mean a display situated or carried on within a building or under cover.
- b) Outdoor shall mean a display done or existing out of doors.
- 2.5.53 Dry Cleaning or Laundry Outlet shall mean a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to the process of cleaning or dyeing or pressing.
- 2.5.54 Dry Cleaning or Laundry Plant shall mean a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric, is conducted and (1) in which solvents, which omit no odors or fumes are, or can be, used, and (2) in which no noise or vibration causes a nuisance or inconvenience without the premises. This definition may include a dry cleaning or laundry outlet.
- 2.5.55 Dwelling shall mean a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. This definition shall not include any motel, hotel, rooming house or trailer.
- (a) Accessory shall mean a one-dwelling unit which is accessory to a permitted non-residential use, located on the same lot therewith and is occupied either by the family of the owner of such non-residential use, or by the family of a person employed on the lot where such dwelling is located.
- (b) Additional shall mean 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, if the case may be.
- (c) Apartment shall mean a building containing a number of separate units and

usually having conveniences (as heat and elevators) in common.

- (d) Attached shall mean a building consisting of three (3) or more independent dwelling units other than a town house dwelling.
- (e) Detached shall mean a building comprising one independent unit.
- (f) Duplex shall mean 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.
- (g) Freestanding One-Family shall mean an isolated one-family dwelling which is not adjacent to another dwelling, nor linked to it in any way.
- (h) Modular Home shall mean a prefabricated one-family dwelling placed on a finished and permanent foundation.
- (i) Multiple-Family shall mean a dwelling comprising five (5) units or more, and having a common main entrance or the same civic number.
- (j) Multiple-Storey shall mean 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.

- (k) Multiple-Unit shall mean 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.

- (l) One-Family shall mean a detached building containing only one dwelling unit. This definition shall include a modular home as defined herein.
  - (m) Semi-Detached shall mean a building that is divided horizontally into two (2) dwelling units.
  - (n) Triplex shall mean a building that is divided horizontally into three (3) dwelling units.
  - (o) Two-Family shall mean a building of not more than two dwelling units and shall include a duplex and a semi-detached dwelling.
- 2.5.56 Dwelling House shall mean a house properly speaking or place of residence on the farm of an area of at least twenty-one (21) square meters that does not belong to the owner or operator of the farm in question, or by the stakeholder or manager.
- 2.5.57 Dwelling Unit shall mean one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building but does not include a motel, hotel, rooming house or trailer.
- 2.5.58 Embankment shall mean an operation consisting in placing materials on the top of the land in the purpose of proceeding with landscaping or to fill a cavity.
- 2.5.59 Enlargement shall mean the act or instance of increasing in size or extent the floor area or volume of a building or the area of a piece of land intended for a use.
- 2.5.60 Erect shall mean build, construct, reconstruct, remove or relocate and shall include any preliminary physical operation such as cutting, grading, excavating, filling or draining, or any altering of an existing building by an addition, extension or other structural change, or any work which requires a construction permit.

The words « erected » and « erection » shall have corresponding meanings.



- 2.5.61 Established Building Line shall mean the average setback from the centerline of a street of at least two (2) existing buildings located on lots having street frontage upon said side of the street, provided such buildings are located on the same block and within a continuous strip of land that does not exceed seventy-five (75) meters.
- 2.5.62 Excavation shall mean an act of digging or clearing the ground of which works are designed to change the natural shape of the land.
- 2.5.63 Existing shall mean existing as of the date of final passing of this By-law by Council.
- 2.5.64 Family shall mean one or more individuals whether or not related by blood, marriage or legal adoption, who live together in one dwelling unit and maintain a common household.
- 2.5.65 Fast-Food Restaurant shall mean a small restaurant having a counter, without tables or stools, where light meals are served.
- 2.5.66 Fence shall mean a barrier, railing, or other upright structure enclosing an area of ground, especially to control access to or from a field, yard, etc.
- The setback is prescribed in each zone. The height of the fence in the front setback shall not exceed one point two (1.2) meters. Beyond the front setback the fence, along both side lot lines, shall not exceed a height of one point eight (1.83) meters.
- The fence shall be constructed so as to look aesthetic in appearance. No material such as barb-wire or page wire may be used although hedges are permitted providing they are kept at the regulation height. A description of the fence shall be indicated in the application of permit for final approval.
- Any property or lot with an indoor or outdoor pool must provide fencing in accordance with the Municipal By-law or its successors.
- 2.5.67 Filling Station shall mean 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.
- 2.5.68 Financial Office shall mean the premises of a bank, trust company, finance company, mortgage company or investment company.

2.5.69 Finished Grade shall mean:

- (a) When used with reference to a building, the average evaluation of the finished surface of the ground where it meets the exterior of the front of such building;
- (b) When used with reference to a structure, shall mean the average evaluation surrounding such structure;
- (c) When used with reference to a street, road or highway, means the evaluation of the street, road or highway established by the Municipality or other designated authority.

2.5.70 Flood Plain shall mean a relatively flat plain along a bank of a river or stream that is naturally subject to flooding.

2.5.71 Flood Proofed shall mean the measures taken to ensure that a building or structure is safe from the effects of flooding.

2.5.72 Floor Area shall mean, for a dwelling or dwelling unit, the total area of the stories contained within the outside walls of the dwelling or dwelling unit exclusive of garage, carport, sunroom, veranda, porch, unfinished attic, unfinished basement, or unfinished cellar. For a building other than a dwelling, the floor area shall mean the total area of all the floors contained within the outside walls of the building.

In all cases, only that floor area having a clear height to the ceiling of at least two hundred and twenty (220) centimeters shall be calculated for floor area purposes.

- (a) Gross shall mean 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.

(b) Net shall mean 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.

2.5.73 Footing shall mean the part of a foundation resting directly on the earth.

2.5.74 Foundation shall mean 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.

2.5.75 Frontage shall mean the distance between side lines of a lot bordering the right-of-way of an existing or projected street, public or private. In the case of a lot located in the margin of a lake or river, the frontage is this same measurement taken from the waterside along the high water line.

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- 2.5.76 Garage, Commercial shall mean a building, structure or lot where all activities of an automobile service station may take place, where major repairs of motor vehicles may be performed and where commercial motor vehicles may be stored. Such repairs may include all mechanical repairs as well as body work but shall not include the dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping. As an accessory use, the sale of motor vehicles may also be permitted
- 2.5.77 Garage, Private shall mean an accessory building or part of residential building which is fully enclosed and used for the storage of motor vehicles and house old equipment incidental to the residential occupancy.
- 2.5.78 Golf Course shall mean a public or private area operated for the purpose of playing golf and shall include a driving range and a clubhouse.
- 2.5.79 Greenhouse shall mean a structure having a wooden or metal frame covered in a translucent or transparent material and which is intended for growing plant, fruit, vegetables which are destined for sale.
- 2.5.80 Ground Coverage shall mean the total area of ground which may be occupied by buildings.
- 2.5.81 Ground Floor shall mean 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.
- 2.5.82 Group Home shall mean a single housekeeping unit in a residential dwelling in which three to nine persons (excluding supervisory staff or the receiving family) live as a family under responsible supervision consistent with the particular requirements of its residents. The home is licensed and or approved by the Municipality.
- 2.5.83 Group Housing Project shall mean two or more dwellings but not including apartment converted, duplex, row house, semi-detached or triplex dwellings erected upon the same lot.
- 2.5.84 Habitation shall mean a building or portion of a building intended to shelter persons, and including one or several dwellings.
- 2.5.85 Habitable Room shall mean a room commonly used for cooking, living, dining or sleeping purposes and shall include an enclosed sunroom but shall not

include any garage carport verandah, unfinished attic verandah, unfinished attic, unfinished basement or unfinished cellar or basement.

2.5.86 Height shall mean the elevation above ground, or the measurement from base to top.

(a) Building shall mean the vertical distance measured between finished grade and the highest point of the roof surface of a first roof, or the average level between eaves and ridge of any other type of roof.

(b) Stories shall mean the number of stories included between the basement or ground floor and the roof of a building.

2.5.87 High Water Line shall mean the line used to establish the littoral, lakeshores and riverbanks. The high water line is located at the place where the predominance of aquatic plants takes over from the land plants.

Plants considered to be aquatic are all hydrophilic plants including submerged plants, plants with floating leaves, emerging plants, as well as herbaceous and ligneous plants characteristic of the marshes and swamps opened on bodies of water.

(a) If there are no aquatic plants, the high water line is located at the place where land plants stop in the direction of the body of water;

(b) If there is a retained-water structure, the high water line is located at the operation highest point of the hydraulic work for that part of the body of water located up-river;

(c) If there is a retaining wall legally erected, the high water line is located at the top of the wall;

(d) Failing to establish the high water line on the basis of the preceding criteria, the high water line is the limit of floods happening every two (2) years, which is the equivalent to the line established according to the above-mentioned botanical criteria.

2.5.88 Highway shall mean a public thoroughfare intended for use by vehicular traffic, to ensure transportation between agglomerations.

(a) Provincial shall mean a thoroughfare used for inter-regional transportation under the authority of the Québec Ministry of Transport.

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- (b) Regional shall mean a thoroughfare used for inter-municipal transportation deriving from a provincial highway.
- 2.5.89 Home Occupation shall mean an occupation, trade, business, profession or craft carried on as accessory use to the use of dwelling.
- 2.5.90 Hotel shall mean a building, or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the transient public by furnishing sleeping accommodation with or without kitchens, with or without supplying food, and may include meeting rooms, banquet halls, public dining rooms, and any premises licensed but shall not include boarding, rooming or lodging houses, tavern and apartment dwellings, but shall include motels and motor inns.
- 2.5.91 Housing shall mean the provision of houses, apartments, etc. collectively.
- 2.5.92 Housing Development shall mean the act or process of planning and building a large group of homes.
- 2.5.93 Immovable shall mean an asset which cannot be moved, or which the law considers to be such. An immovable designates any building, structure or land.
- 2.5.94 Industrial Commercial Use shall mean a 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.
- 2.5.95 Industry shall mean an establishment primarily engaged in the fabrication, processing, finishing, refinishing, assembling, or similar production of various articles and commodities, and includes custom workshops, factories, mills, industrial shops and similar production facilities and storage.
- (a) Cottage shall mean the industrial 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.
- (b) Light shall mean 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.

- (c) Medium shall mean the assembly and processing activities that have a little impact on neighbourhood and on the quality of the environment. Outdoors storage is allowed.
- 2.5.96 Institute shall mean a building, structure or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a library, school, college, university, convent, monastery or similar use.
- 2.5.97 Kenel shall mean a building or structure where dogs and cats are raised, boarded or trained, given medical treatment or housed for similar purposes for which compensation is paid and shall include a Humane Society, shelter or pound.
- 2.5.98 Kiosk-Counter shall mean 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.
- 2.5.99 Land shall mean any ground, soil or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).
- 2.5.100 Land Development Plan shall mean 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 Shawville and the Government of Québec.
- 2.5.101 Landscape Open Space shall mean an open space comprised of lawn, natural or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts, patios and pools, but shall not include parking areas, loading spaces, traffic aisles, driveways or ramps for vehicles, or any open space beneath or within a building or structure.
- 2.5.102 Lane means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
- 2.5.103 Littoral shall mean the portion of lakes and watercourses that extends from the high water line to the centre of the body of water.
- 2.5.104 Loading Space shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the use of the lot or any building thereon.



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- 2.5.105 Loft shall mean a space in a building included between the ceiling of the upper floor and the sloped roof of the building.
- 2.5.106 Lot shall mean a parcel or tract of land which is described by a separate or 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 or tract of land described in the deed of transfer by bordering and abutting lands, or the residual portion of a parcel or tract 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.
- (a) Corner shall mean a lot situated at the intersection of two streets having an angle of intersection of not more than one hundred and thirty-five (135) degrees.
- (b) Interior shall mean a lot situated between adjacent lots and having access to one street.
- (c) Through shall mean a lot bounded on two opposite sides by streets, having street frontage on two parallel or approximately parallel streets.
- 2.5.107 Lot Area shall mean the total horizontal area within the lines of a lot.
- 2.5.108 Lot Coverage shall mean the percentage of lot area covered by the ground floor area of all buildings located thereon.
- 2.5.109 Lot Depth shall mean 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 lot frontage.
- 2.5.110 Lot Frontage shall mean the width of lot measured between the intersection of the side lot lines with a line back from and parallel to the front lot line, at a distance equal to the minimum required front yard depth.
- 2.5.112 Lot Line shall mean any boundary of lot or the vertical projection there of.
- (a) Front shall mean, in the case of an interior lot, the lot line that divides a lot from the street. In the case of lot fronting onto two or more streets, the shorter lot line that abuts a street shall be deemed to be the front lot line and in the

case of a corner lot or through lot having lot lines of equal length abutting both streets, either line may be deemed to be the front lot line.

(b) Rear shall mean, in the case of lot having four (4) or more lot lines, the lot line furthest from and opposite the front lot line. If the lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.

(c) Side shall mean any lot lines other than the front lot line and the rear lot line.

2.5.113 Lot Width shall mean the distance between the side lot lines, measured at the front easement.

2.5.114 Mechanical Workshop shall mean an establishment intended for the repair of motor vehicles or any other type of mechanical equipment.

2.5.115 Medical/Dental Office shall mean a building or part of a building wherein health services are provided to the public in the form of medical, paramedical, dental, surgical, physiotherapeutic, or other human health services including associated technician and laboratory facilities, which may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products normally sold in a pharmaceutical outlet, and optical equipment.

2.5.116 Medical Practitioner shall mean a doctor, dentist, chiropractor, chiropodist, optometrist, but shall not include a veterinarian.

2.5.117 Mixed Occupancy shall mean the occupancy of a building or part of a building for several different uses.

2.5.118 Mobile Home shall mean a dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a recreational vehicle, a travel trailer or tent trailer or trailer otherwise designed.

2.5.119 Mobile Home Park shall mean a lot under single management which has been planned, divided into mobile home sites, improved and provided with a communal water and sewer service approved for the placement of mobile homes as a permanent residential use.

2.5.120 Mobile Home Site shall mean the space for the placement of one mobile home and for the exclusive use of its occupants.



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- 2.5.121 Modification shall mean any change, enlargement or remodelling of a building, or any change made to its use.
- 2.5.122 Motel shall mean 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.
- 2.5.123 Motor Home: see « Recreational Vehicle ».
- 2.5.124 Municipality shall mean the Municipality of Shawville.
- 2.5.125 Net Leased Floor Area shall mean the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors and other floors, as measured from the centerline of shared partitions and from the interior face of the exterior walls of the building. Excluded are common mall areas and other common areas not designed or occupied by tenants or sales areas.
- 2.5.126 Non-Complying shall mean a lot, building or structure which, on the date of the final passing of this By-law, did not comply with one or more of the provisions of the zone in which such lot, building or structure is located.
- 2.5.127 Non-Conforming shall mean a use, building or structure which, on the date of the final passing of this By-law, was not a permitted use in the zone where such use, building or structure is located.
- 2.5.128 Noxious Use shall mean an offensive trade.
- 2.5.129 Nursery shall mean a building, structure or lot used for the growing ofset, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.
- 2.5.130 Nursing Home shall mean an establishment wherein food lodging and care are provided, with or without charge to more than nine (9) people, not related to the operator of the facility, because of their age, physical or mental state, or other circumstance requires care, medical or otherwise.
- 2.5.131 Occupancy Certificate shall mean a certificate issued by the Building Inspector or his or her appointed which indicates that the proposed use of land or any building or structure on any such land is in conformity with this By-law.

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- 2.5.132 Office shall mean a building or part of building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but not including the use of manual labor.
- 2.5.133 Opening shall mean 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.
- 2.5.134 Open Space shall mean any portion of lot which is unoccupied by buildings or structures above ground level and is open to the sky.
- 2.5.135 Open Storage shall mean the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of lot.
- 2.5.136 Outdoor Feeding Area shall mean an outdoor area where animals are kept periodically or continuously, and supplied with food coming uniquely from outside this area.
- 2.5.137 Outdoor Terrace shall mean an outdoor site where tables and chairs are provided for patrons, adjacent to a commercial establishment.
- 2.5.138 Owner shall mean 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.
- 2.5.139 Parcel of Land shall mean 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.
- 2.5.140 Park shall mean an area of land consisting largely of open space which may include a recreational area, playground, play field or similar use.
- (a) Public shall mean a park owned and maintained by the Municipality or other public authority.
- (b) Private shall mean a park other than a public park.

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- 2.5.141 Parking Area shall mean an area or structure other than a street used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways, and parking spaces.
- 2.5.142 Parking Lot shall mean any parking area other than a parking area accessory to a permitted use on the same lot, but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.
- 2.5.143 Parking Space shall mean an area exclusive of any aisles or ingress or egress lanes, used for the temporary storage or parking of motor vehicles. Individual parking spaces shall have a minimum width of 2.6 m and a minimum length of 5.5 m.
- 2.5.144 Permits shall mean the documents issued by the designated officer, in accordance with the municipal planning by-laws. The obtaining of a permit 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):
- (a) The building permit is the document required for the construction of a new building, remodelling, enlargement or addition to an existing building.
  - (b) The subdivision permit is the document required to perform a cadastral operation. The Subdivision Permit is granted by resolution of Council.
  - (c) The occupancy certificate is the document required to allow occupancy of a building when the planning by-laws have been respected.
- 2.5.145 Person shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation, and agent or trustee and the heirs, executors or other legal representative of a person to whom the context can apply according to law.
- 2.5.146 Personal Service Establishment shall mean a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlor, dressmaking shop, tailor shop, shoe repair shop, photographed studio, self-service laundry or dry cleaning distribution station or similar use.
- 2.5.147 Pillar shall mean a tall, upright column of stone, wood or metal, used as a support for a building or as an ornament or monument.
- 2.5.148 Place of Entertainment shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating

rink, dance hall, music hall, bingo halls, amusement arcades, but does not include any place of entertainment or amusement otherwise defined or classified herein.

2.5.149 Plan shall mean a large-scale detailed map showing the arrangement or components of a thing.

(a) Layout shall mean 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.

(b) Location shall mean 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.

(c) Subdivision shall mean 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.

2.5.150 Planning By-law shall mean 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.

2.5.151 Planning Program shall mean the planning instrument contemplating the entire territory contained within the Municipality of Shawville, 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 accordance with Section 83 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

2.5.152 Playground shall mean an outdoor area for the children to play on, or any place of recreation, as a resort or tourist area.



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- 2.5.153 Plant Materials shall include all indigenous species of grass, flowers, trees, shrubs, and other natural vegetation.
- 2.5.154 Planting Strip shall mean an area which shall be used for no purpose other than planting and maintaining a row of trees or a continuous un-pierced hedgerow of evergreens or shrubs, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting and maintaining shrubs, flowers, grass or similar vegetation.
- 2.5.155 Protected Heritage Site shall mean a heritage site recognized by a competent authority and identified in the Land Development Plan of the Regional County Municipality of Pontiac or in the Planning Program of the Municipality of Shawville.
- 2.5.156 Protected Immovable shall mean:
- (a) A recreation, sport or culture centre;
  - (b) A municipal park;
  - (c) A public beach or marina;
  - (d) A landed property of an institution within the meaning of the Act respecting Health and Social Services (R.S.Q., c. S-4.2);
  - (e) A campground;
  - (f) Buildings in an outdoor centre or nature centre;
  - (g) A chalet at a ski resort or a clubhouse at a golf course;
  - (h) A church;
  - (i) An accommodation in the meaning of the Act respecting Tourist Accommodations (R.S.Q., c. E-14.2), except a bed and breakfast, a residential hotel or a self-catering accommodation;
  - (j) A building used for wine-tasting purposes in a vineyard or a food service establishment of at least twenty (20) seats with a year-round operation permit, as well as a farm with food service or any other similar form in the case that it does not belong to the owner or the operator of the breeding farm in question.

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- 2.5.157 Public Authority shall mean the Municipality of Shawville and any Boards or Commissions thereof, any company supplying natural gas to the Community, Hydro-Québec or other utility and any Ministry of the Government of Québec and Canada, or other similarly recognized agencies.
- 2.5.158 Public Building shall mean a building belonging to the municipal, regional, provincial or federal government, or to any other government, as well as any building belonging to school or 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).
- 2.5.159 Public Thoroughfare Line shall mean the 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.
- 2.5.160 Public Use shall mean a building, structure or lot used for public services by the Municipality or any Boards or Commissions thereof and any Ministry or Commission of the Governments of Quebec and Canada, any telephone or similarly recognized agencies.
- 2.5.161 Public Utilities shall mean the public services facilities, such as electricity, gas, telephone, water mains and sewers, as well as their accessory equipment.
- 2.5.162 Pump Island shall mean a platform, generally rectangular, made up of concrete, on which gas pumps are installed.
- 2.5.163 Recreation and Tourism Commercial Use shall mean 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.
- 2.5.164 Recreational Facility shall mean any building or structure or specific area planned for, used for or related to intensive recreational activities and shall include campgrounds, picnic areas, outdoor shelters, playground areas and equipment, hiking trails and the like.
- 2.5.165 Recreational Vehicle shall mean any vehicle so constructed that it is no wider than 2.5 m and is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of



persons. The term « Recreational Vehicles » includes the following: motor homes, travel trailers, tent trailers and campers.

- 2.5.166 Recycling Depot shall mean a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which are transferred to another location for reuse. This definition does not include any other type of waste management system.
- 2.5.167 Re-Division shall mean 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).
- 2.5.168 Restaurant shall mean a commercial establishment where meals are prepared, served, and eaten.
- 2.5.169 Restaurant, Drive-In shall mean a building or part of a building where food is prepared and offered for sale to the public for consumption within or outside the building but may also include off-premises consumption. Such use, normally known as a fast food restaurant, is characterized by customer pick up of food at a counter or drive-in through car pick up and does not provide the service of delivering to or waiting on tables or licensed sale and consumption of alcoholic beverages.
- 2.5.170 Restaurant, Take-Out shall mean a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption. However, limited facilities may be permitted for consumption within the building provided such facility is clearly secondary and incidental to the take-out function and delivery function and provided the service of delivery of food to or waiting on tables or licensed sale and consumption of alcoholic beverages is not carried out.
- 2.5.171 Retail Business shall mean an establishment where businesses are conducted directly with the consumer.
- 2.5.172 Retail Convenience Store shall mean a building or part of building used primarily for the sale of grocery and confectionary items and incidentally for the sale of other merchandise as is required to fulfill the day to day needs of surrounding residential area.
- 2.5.173 Retail Store shall mean a building or part of building wherein merchandise is offered or kept for retail sale upon the premises but does not include any establishment otherwise defined or classified within this By-law.

- 2.5.174 Retaining Wall shall mean any wall constructed to retain or support an embankment.
- 2.5.175 Right-of-Way shall mean a 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.
- In the case of a thoroughfare, the right-of-way shall mean an area of the land, belonging to the Municipality of Shawville, 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.
- 2.5.176 Roadway shall mean the width of any thoroughfare, paved or not, and intended for use by vehicular traffic.
- 2.5.177 Rooming House shall mean a building or portion of a building, other than the usual recreation and tourism commercial uses, 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.
- 2.5.178 Rule of Compliance shall mean the rule which allows the Municipality of Shawville 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.
- 2.5.179 Sanitary Sewers shall mean a system of underground conduits, owned and operated either by the Municipality or by the Québec Ministry of the Environment, which carries sewage to a sewage treatment facility.
- 2.5.180 School shall mean any building or building where in teaching, instruction or research may be conducted.
- 2.5.181 Service Bay shall mean a space provided within a building for the repair and maintenance of a vehicle.
- 2.5.182 Service Connection shall mean 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.

- 2.5.183 Service Outlet shall mean a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof.
- 2.5.184 Service Station shall mean 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.
- 2.5.185 Setback shall mean the 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 side lines of the lot, respectively.
- (a) Front shall mean 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.
- (b) Rear shall mean the minimum depth of the rear yard. The prescribed dimension sets a setback parallel to the rear lot line, except in the case of any provision to the contrary.
- (c) Side shall mean the minimum depth of the side yards. The prescribed dimension establishes a setback parallel to the side lot line, except in the case of any provision to the contrary.
- 2.5.186 Sewage Disposal Site shall mean a site which is licensed or approved by the Québec Ministry of the Environment for the use as a disposal site for sewage and includes a sewage treatment plant, sewage lagoon or sludge disposal area.
- 2.5.187 Shed shall mean a one-storey structure usually of wood for storage or shelter goods, animals, etc.
- 2.5.188 Shore shall mean 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 m:

- 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 m high.

The shore has a minimum of 15 m:

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

2.5.189 Sidewalk shall mean a public passageway reserved exclusively for the use of pedestrians, and developed according to the provisions contained in this By-law.

2.5.190 Siding Materials shall mean the materials used to cover the outside of a building.

2.5.191 Sight Triangle shall mean the triangular space formed by the street lines of corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6.0 m from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

2.5.192 Sign shall mean a written message (including a letter, word or number), a pictorial representation (including an illustration, a design, an engraving, a picture or decorative representation), an 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.

(a) Area shall mean 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 50 cm. 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.

- (b) Height shall mean 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.
- 2.5.193 Slope shall mean the ratio between the vertical projection of an incline and its horizontal projection.
- 2.5.194 Snack Bar shall mean a small store, kiosk, or counter, where snacks are sold.
- 2.5.195 Snow Dump shall mean a place for depositing snow after being removed from streets.
- 2.5.196 Special Provision shall mean a provision of a planning 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).
- 2.5.197 Standard shall mean 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.
- 2.5.198 Standardization shall mean 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.
- 2.5.199 Storey shall mean that portion of building, other than a cellar, between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.
- (a) First shall mean the lowest storey of a building above the ground floor, wherein the floor is generally at grade elevation and having its ceiling at least 180 cm above finished grade.
- (b) Half-Storey shall mean 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 225 cm, and is not less than 40 % and not greater than 75 % of the area of the floor beneath.



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- 2.5.200 Storm Sewers shall mean a system of underground conduits which carries storm surface waters and drainage, but excludes sewage and polluted industrial wastes.
- 2.5.201 Street shall mean a thoroughfare under the jurisdiction of either the Municipality of Shawville or the Québec Ministry of Transport, or privately owned. This definition shall not include a lane or private right-of-way.
- (a) Collector shall mean a street intended to channel traffic from local streets within a neighbourhood unit.
  - (b) Dead End shall mean 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.
  - (c) Improved shall mean a municipal road which has been assumed by the Municipality of Shawville or the Québec Ministry of Transport on a regular year-round basis.
  - (d) Line shall mean 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.
  - (e) Private shall mean a street that has not been given up to the Municipality of Shawville.
  - (f) Public shall mean a street belonging to the federal or provincial government, or to the Municipality of Shawville.
- 2.5.202 Structure shall mean an 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.
- 2.5.203 Subdivision shall mean 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. It is also 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.
- 2.5.204 Subdivision By-law shall mean the 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).



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- 2.5.205 Swimming Pool shall mean 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. Swimming pools are subject to the Municipal By-law.
- 2.5.206 Tourist Facilities shall mean facilities and/or buildings and/or structures which offer services intended primarily for tourists and vacationers. This includes tourist lodging facilities; craft and antique shops; one (1) accessory dwelling unit either attached or detached, accessory to and on the same lot as a permitted use; use accessory to the foregoing.
- 2.5.207 Tourist Lodging Establishments shall mean facilities and/or buildings and/or structures to be used for the purpose of sleeping accommodation on a temporary basis by tourists and vacationers, including a hotel, motel, motor inn, campground, cabin, lodge or bed and breakfast; restaurants and laundry accessory thereto.
- 2.5.208 Tourist Home shall mean a building or portion of a building where furnished rooms are rented to a transient clientele, to which meals may be served.
- 2.5.209 Trailer shall mean a trailer caravan, semi-trailer or recreational vehicle, less than 9 m 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.
- 2.5.210 Trailer Park shall mean 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.
- 2.5.211 Twinned Housing shall mean 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.
- 2.5.212 Urbanization Perimeter shall mean the limit planned for the future extension of the urban-type habitat of the Municipality of Shawville, as established in the Land Development Land by the Regional County Municipality of Pontiac, in compliance with Section 5 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).
- 2.5.213 Use shall mean the purpose for which any land, building, structure of any combination thereof is designed, arranged, occupied or maintained.

- (a) Complementary shall mean a permitted use other than the main use in a zone, and which may be conducted on the same lot on which the main use is conducted.
  - (b) Domestic shall mean a use conducted for a gainful purpose which complements the residential use. A use ceases to be domestic when it exhibits external signs of its own development, such as these pertaining 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.
  - (c) Main shall mean 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 building is constructed, except in the case of an industrial use.
  - (d) Mixed shall mean 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.
  - (e) Temporary shall mean a use authorized for pre-established periods of time. A temporary use may not be entirely in compliance with the provisions governing permanent uses.
- 2.5.214 Variance shall mean an exemption from any provision of this By-law in respect to the land, building or structure or the use thereof, which is desirable for the appropriate development of the land, building or structure and which maintains the general intent and purpose of the By-law and of the public policies implemented by the By-law.
- 2.5.215 Vehicle shall mean an automobile, boat, commercial motor vehicle, farm implement, motorcycle, recreational vehicle, snowmobile or trailer.
- 2.5.216 Vehicle Sales or Rental Establishment shall mean an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.
- 2.5.217 Veterinary Establishment shall mean a building or part of a building used by a veterinary surgeon for treating domestic animals, birds or other livestock but shall not include a commercial kennel or research facility.
- 2.5.218 Wall shall mean 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.

- (a) Blind shall mean a wall of a building with no opening.
- (b) Common shall mean a wall belonging to two (2) contiguous properties erected on the line separating two (2) lots.
- (c) Front shall mean 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.

The front wall of a building shall mean 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.

- (d) Rear shall mean 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.
  - (e) Side shall mean 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.
- 2.5.219 Warehouse shall mean a building or portion of building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise or materials.
- 2.5.220 Waste Disposal Site shall mean a place where ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse is disposed for dumped. This definition shall not include a sewage treatment plant, lagoon or sludge disposal area.
- 2.5.221 Water Supply shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances, operated by the Municipality of Shawville and/or the Québec Ministry of the Environment and/or any public utilities commission for public use.
- 2.5.222 Water Supply Plant shall mean a building or structure, approved by the Québec Ministry of the Environment, where water is treated for human consumption.
- 2.5.223 Wetlands shall mean lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (in which there is an abundance of moisture) and has favored the dominance of either hydrophilic or water tolerant plants. The four major categories of wetlands are swamps, marshes, bogs and fens.

- 2.5.224 Wholesale Establishment shall mean a building or part of building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, and materials for resale or business use.
- 2.5.225 Yard shall mean an open uncovered space appurtenant to a building or structure. A yard is surrounded, in whole or in part, by walls, fences or hedges or delineated by lot lines.
- (a) Front shall mean the space extending across the full width of a lot between the front lot line and nearest part of any main building or structure on the lot.
  - (b) Minimum shall mean the space measured from the lot line, the minimum depth of which is regulated by the provisions of this By-law.
  - (c) Rear shall mean the space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot.
  - (d) Side shall mean the space extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.

The exterior side yard shall mean a side yard immediately adjacent to a street.  
The interior side yard shall mean a side yard other than an exterior side yard.

- 2.5.226 Zone shall mean 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.
- (a) Sector shall mean a territorial unit 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 who are qualified voters, following the adoption or the amendment of a by-law bearing on certain subjects of the zoning and subdivision by-laws. The implementation standards for various sectors in a given zone may differ.
- 2.5.227 Zoning shall mean an action of dividing the municipal territory into zones and zone sectors, for the purpose of regulating the shapes, the dimensions and the introduction of buildings, as well as their use and that of the contiguous pieces of land and lots, in accordance with Section 113 of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1). Zoning may also signify the body of regulations pertaining to land use planning and development.
- (a) By-law shall mean the planning by-law adopted by Council, which sets the rules pertaining to zoning, in accordance 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.

- (b) Plan shall mean 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**

The issuance of permits arising from the planning by-laws is the responsibility of the officer designated by Council by the mean of a by-law, in compliance with Section 119 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 Council, shall inspect land occupancies and streets 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 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.
3. To retain copies of all documents pertaining to the administration of this By-law. These documents are part of public records and municipal archives.
4. 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.

5. 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, or by an inspector or engineer of the Québec Ministry of the Environment:



- Percolation study;
  - Granularity study;
  - Water table 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 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 and/or private property or above or below public property, nor construct or place thereupon any structure, any work or store anything there on before having received permit 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 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**

#### **4.1 General Procedure for the Application of a Permit**

All applications for permits 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 project.

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 numbers 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 decimal 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:
  - 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 subdivision 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 the 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 above-mentioned formalities 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 Shawville.
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.
2. The plans of the septic facility or facilities compliant with the provincial regulations on septic facilities, if the case may be.
3. The plans made by a land surveyor member of the Québec Order of Land Surveyors 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.

#### **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 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 Street**

The filing of an application for transfer to the Municipality of the right-of-way for a private street 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 (50) percent of the lots facing on the roadway must be constructed or be under construction.
3. The street must connect with an existing public street and form a part of the existing network.
4. The application is accompanied by a survey plan of the right-of-way for the street, either by the owner of the street or by two-thirds (2/3) of the ratepayers holding two-thirds (2/3) of the municipal assessment of the lots fronting on said street.
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. 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 street to be municipalized is calculated according to its connection with a street 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 street 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 street 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 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 streets must obtain a building permit in good and due form.

It is not necessary to obtain a building permit to perform painting work or 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 or distinct 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 the case may be, is in compliance with the regulations of the Québec Ministry of the Environment 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 does 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 relocated. The owner or contractor must commit himself or herself to make the new foundations fully finished before the relocation of 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 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**

The promoter or the owner of the street must allow the designated officer to have enough time to make the inspections.

- (a) Conception of the street and of the excavation.
- (b) Foundation of the street, 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, the Director General will designate an officer to deal with the owner of the street and to consult an engineer member of the Québec Order of Engineers in order to make the necessary observations and recommendations at the owner's expense.

#### **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-laws 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.

#### **4.3.10 Posting of the Building Permit**

The permit authorizing the building, modification, repair or relocation 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 Permit authorizing the Relocation of a Building**

##### **4.4.1 Obligation to Obtain a Permit for the Relocation of a Building**

Any person wishing to relocate 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 Permit from the designated officer.

The owner who wishes to relocate 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 relocation.

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

Any permit for the relocation 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 Permit of Authorization**

The designated officer shall issue a permit 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 permit of authorization have been paid.
4. In the instance where the structure to be relocated must undergo modification or repairs, a building permit has been applied for and issued prior to such relocation.
5. The owner, the person or the business which is to perform such relocation 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 permit of authorization to relocate a building has, prior to the issuance of said permit of authorization, filed a paid-up public liability insurance policy with the Municipality, 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 Permit of Authorization**

The application for a permit of authorization for the relocation 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 relocated.
2. The name of the person or business which will be performing the relocation 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 relocated.
4. The number of the lot from which the structure is to be relocated.
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 relocation and the time anticipated for relocation of the building.

#### **4.4.4 Validity of the Permit of Authorization**

The permit of authorization for the relocation 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 Permit 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 permit of authorization.

If the application does not comply with the provisions contained in this By-law, the designated officer shall refuse to issue the permit 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 Permit of Authorization for the Change in the Use or the Purpose of an Immovable**

##### **4.5.1 Obligation to Obtain a Permit 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 permit 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 Permit of Authorization**

All applications for a permit 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 permit of authorization.

##### **4.5.3 Conditions Governing the Issuance of the Permit 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 Permit of Authorization**

The designated officer has thirty (30) days to issue the permit 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 Permit of Authorization**

The permit 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 permit of authorization is not refundable.

### **4.6 Permit of Authorization for a Domestic Use**

#### **4.6.1 Obligation to Obtain a Permit 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 permit 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 Permit of Authorization**

All applications for a permit of authorization for a domestic use 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 Permit 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 Permit of Authorization**

The designated officer has thirty (30) days to issue the permit 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 Permit of Authorization**

The permit of authorization for a domestic use 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 permit of authorization.

#### **4.7 Permit of Authorization for a Temporary Use**

##### **4.7.1 Obligation to Obtain a Permit of Authorization for a Temporary Use**

All persons wishing to conduct a temporary use, as described in Division 4.4 of By-law Number 417 enacting the Zoning by-law, must first obtain a permit 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 Permit of Authorization**

All applications for permit 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 Permit of Authorization**

A temporary use is authorized under the following conditions:

1. It is not specifically prohibited on the uses specification grid 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 Permit of Authorization**

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

#### **4.7.5 Expiry Date for the Permit of Authorization**

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

### **4.8 Permit of Authorization to Post Signs**

#### **4.8.1 Obligation to Obtain a Permit 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 permit of authorization from the designated officer, in compliance with the provisions contained in this By-law.

#### **4.8.2 Application for a Permit of Authorization to Post Permanent Signs**

The application for a permit 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 Permit of Authorization**

No permit 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 Permit 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 permit of authorization to post signs. The prior payment of the cost of this permit 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 Permit of Authorization**

The permit of authorization to post signs is valid for a period of six (6) months following its issuance. After this time period has elapsed, if the sign has not been erected, the permit 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 Permit of Authorization for Demolition**

#### **4.9.1 Obligation to Obtain a Permit of Authorization for Demolition**

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

#### **4.9.2 Content of the Application for a Permit of Authorization**

The application for the permit 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 permit 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. 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. Unless the Municipal Town Men can perform a simple water shut off at a present cost of \$25.00.

### **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 Permit of Authorization**

The designated officer has thirty (30) days to issue the permit 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 Permit of Authorization**

The permit of authorization is valid for a period of six (6) months after its date of issue. After this time period, the permit 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 Permit of Occupancy**

### **4.10.1 Definition**

The permit 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 Permit of Occupancy**

Whoever wishes to use or to occupy a building or a plot of land, for any purpose whatever, must first obtain a permit 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 permits of occupancy must be forwarded to the designated officer, and be accompanied by the following information:

- (a) The building permit if 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 Permit of Occupancy**

No permit 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 permit of location has been filed at the municipal office, when required.

#### **4.10.4 Time Limit for the Issuance of the Permit 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 permit 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 permit 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 permit 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 Permit of Occupancy**

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

#### **4.11 Responsibilities and Obligations of the Applicant for a Building Permit**

##### **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**

The list of rates for permits is available at the municipal office. Council can change by resolution the rates for permits at any time.

A permit is not required for the connection of a new structure to the municipal waterworks system. However, additional costs are payable to the Municipality prior to issuing the permit.

### **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 acquired 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 minimum 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 of a building on a non-conforming separate or distinct 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 31<sup>st</sup>, 1982, in compliance with Section 3043 of the Québec Civil Code, 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, if the case may be.
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 lakes 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, are 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.

#### **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 reversed.

#### **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 for a new use.

## **6.3 Provisions regarding the Québec Department of Transport Highway Road Network**

For any land unit contiguous to the right of way of Quebec Department of Transport highway road network, it is necessary to get a permit from the said Department before any subdivision, work or construction may be undertaken. This permit shall indeed be granted before a local municipality may give a subdivision permit or a building permit related to the establishment of a principal building.

# **Chapter 7 RECOURSE AND SANCTIONS**

## **Final Provisions**

### **7.1 Legal Action (NEW ADDITION)**

Under this by-Law, Council authorizes the designated officer to initiate legal proceedings against any person who violated any provision of this by-law and therefore generally allows these officers to issue infraction notices necessary for this purpose as they are responsible for enforcing this by-law.

### **Offense Punishable by a fine**

Anyone who violates any provision of this by-law commits an offense and is liable to a fine

#### **First Offense:**

- A minimum fine of \$300 if the offender is an individual and \$500 if the offender is a legal person
- The maximum fine that may be imposed is \$1000 if the offender is an individual and \$2000 if the offender is a legal person

### **Subsequent Offences;**

- A minimum fine of \$500 for a subsequent offense if the offender is an individual and a minimum fine of \$2000 for a subsequent offense if the offender is a legal person;
- The maximum fine for each subsequent is \$2000 if the offender is an individual and \$4000 if the offender is a legal person

In all cases the costs of prosecution are extra.

The deadlines for payment of fines and fees imposed under this article and the consequences of failure to pay those fines and fees on time are prepared in accordance with the Quebec Code of Penal Procedure

If an offense lasts more than one day, the offense committed each day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day the offense continues under this article.

### **Article 7.2 Alternative Recourses**

In addition to legal prosecution, the MRC may exercise before the civil courts, all other proceeding necessary to enforce the provisions of this By-law. More specifically, the MRC can obtain an order from the Quebec Superior Court to stop a use of land or construction project inconsistent with this By-law and execute the required work, including demolition of any buildings and re-establishment of the land.

The MRC may request permission to perform this work at the expense of the owner of the immovable. The cost of such work is applied against the immovable, all in accordance with the law

### **Article 7.3 Person Party to the Offense**

A person who does or omits to do anything to help a person commit an offense under this By-law or who advises, encourages or incites a person to commit an offense, also commits the offense and is liable to the same fine.

### **Article 7.4 Aiding and Abetting**

A director or officer of a legal person who induces this legal person by an order, authorization, advice or encouragement to refuse or neglect to comply with this By-law commits an offense and is liable to the same fine.



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## **Article 7.5 Misrepresentation**

Also commits an offense and is punishable by fines a person who make a false or misleading declaration to the designated officer in order in order to obtain a certificate of authorization, permit, permission or approval issued under this by-law.

### **Article 1**

The present By-Law Number 416 is amended according to the recommendations from the Planning Advisory Committee

### **Article 2**

A booklet has been prepared by the Planning Advisory Committee for complete text for the amendments to By-Law 348

### **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).