



MUNICIPALITY OF THE TOWNSHIP OF WENTWORTH

BUILDING BY-LAW NUMBER 2018-009

The English version is a translation and has no legal value as the French version always takes precedence.

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TABLE OF CONTENTS

CHAPTER 1	GENERAL PROVISIONS.....	1
SECTION 1.1	– LEGAL PROVISIONS.....	1
1.	By-Law Title and Number	1
2.	Superseded By-Laws	1
3.	Territory Covered	1
4.	Persons Concerned.....	1
5.	Partial Nullity of the By-Law	1
6.	The By-Law and Laws	1
7.	Precedence	2
SECTION 1.2	– ADMINISTRATIVE PROVISIONS	2
8.	Administration and Application of the By-Law.....	2
9.	Duties of the Designated Officer	2
SECTION 1.3	– INTERPRETATIVE PROVISIONS	2
10.	General Rule	2
11.	Specific Rule in Case of Contradiction	2
12.	Unit of Measure.....	3
13.	Terminology	3
CHAPTER 2	CONSTRUCTION STANDARDS	5
SECTION 2.1	– QUEBEC CONSTRUCTION CODE	5
14.	Application of the Quebec Construction Code.....	5
15.	Amendment to the Quebec Construction Code	5
SECTION 2.2	– WATER COLLECTION AND MANAGEMENT	5
16.	Surface and Groundwater catchment Installation	5
17.	Septic System Installation	5
18.	Geothermal Installation	6
19.	Surface Water and Runoff Management.....	6
SECTION 2.3	– SUSTAINABLE CONSTRUCTION TECHNIQUES	6
20.	Insulation Materials	6
21.	Green or Vegetation-covered Roofs.....	6
22.	Low-flush Toilets	6
SECTION 2.4	– OTHER BUILDING STANDARDS.....	6
23.	Installation of a Distribution Board (Electric Panel)	6
24.	Electric Vehicle Charging Station	6
SECTION 2.5	– BUILDING FORTIFICATIONS.....	7

25. Scope	7
26. Prohibited Materials.....	7
27. Cessation of Use	8
SECTION 2.6 –MOBILE HOME STANDARDS.....	8
28. Height	8
29. Technical Space Enclosure.....	8
30. Platform	8
31. Anchorage	8
32. Sanitary Space Enclosure.....	8
33. Leveling and Water Flow	8
CHAPTER 3 SECURITY STANDARDS	10
SECTION 3.1 –APPLICANT AND OWNER RESPONSIBILITIES.....	10
34. Worksite Security	10
35. Machinery and Tools on the Property	10
36. Temporary Occupation of Public Property	10
37. Deposit of Materials	10
38. Construction Debris	11
39. Clean-up	11
SECTION 3.2 – DANGEROUS, INCOMPLETE OR BURNED DOWN BUILDINGS.....	11
40. Burned Down, Destroyed or Dangerous Buildings.....	11
41. Excavation or Foundation	11
42. Incomplete or Abandoned Building	11
43. Construction Demolition.....	11
CHAPTER 4 ACQUIRED RIGHTS.....	12
SECTION 4.1 – GENERAL PROVISIONS	12
44. Scope	12
CHAPTER 5 FINAL PROVISIONS	13
SECTION 5.1 – SANCTIONS AND PENALTIES	13
45. Sanctions	13
46. Septic System Installation Sanctions	13
47. Water Collection and Geothermal Installations.....	13
48. Civil Law Recourse.....	13
49. Penal Actions.....	14
SECTION 5.2 – EFFECTIVE DATE.....	14
50. Effective Date	14

CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 –LEGAL PROVISIONS

1. **By-Law Title and Number**

The title of the present By-Law is the Building By-Law whose number is 2018-009.

2. **Superseded By-Laws**

The present By-Law supersedes and repeals, for all legal purposes, Building By-Law Number 93 of the Municipality of the Township of Wentworth and its amendments.

Such replacements and repeals do not modify the penal procedures instituted under the authority of the superseded or repealed By-Laws, which will continue under the authority of said superseded or repealed By-Laws until final judgement and execution.

3. **Territory Covered**

The present By-Law governs the entire territory under the jurisdiction of the Municipality of the Township of Wentworth.

4. **Persons Concerned**

The present By-Law concerns all physical and corporate persons.

5. **Partial Nullity of the By-Law**

In the event that one section, clause or provision would be declared null and void by a recognized tribunal, the validity of all other parts, clauses or provisions would not be questioned.

The Council has adopted this By-Law, article by article, and would have decreed the remainder of the By-Law, even if one section or all of one or numerous articles were null and void.

6. **The By-Law and Laws**

No article of this By-Law can exclude a person from the application of a Canada or Quebec Law.

7. Precedence

When a provision of this By-Law is inconsistent with any other municipal By-Law, the most restrictive or prohibitive provision must apply. When provisions of this By-Law are incompatible, the specific provision applies in relation to the general provision.

SECTION 1.2 – ADMINISTRATIVE PROVISIONS

8. Administration and Application of the By-Law

The administration and application of this By-Law shall be entrusted, by resolution of the Municipal Council, to any person hereinafter referred to as a "designated officer".

9. Duties of the Designated Officer

The duties of the designated officer are set out in the Planning Administration By-Law.

SECTION 1.3 – INTERPRETIVE PROVISIONS

10. General Rule

The general rules of interpretation of the By-Law are:

- 1) the present tense of a verb includes the future tense;
- 2) the singular includes the plural and vice-versa unless the meaning clearly shows that it is not logical;
- 3) with the use of the word "must", the obligation is absolute; the word "can" has an elective meaning;
- 4) the word "whoever" includes any natural person or corporate person;
- 5) the masculine gender includes the two (2) sexes unless the context shows otherwise.

11. Specific Rule in the event of Contradiction

Unless otherwise indicated, the following specific rules apply in the event of contradiction:

- 1) between two standards or provisions within this By-Law or a Planning By-Law, the most specific or restrictive provision applies;
- 2) between the text and a title, the text has precedence;
- 3) between the text and any other form of expression, the text has precedence;
- 4) between a chart and a graph or sketch, the chart has precedence;
- 5) between the text and a specification grid, the grid has precedence;

6) between the specification grid and the Zoning Plan, the grid has precedence.

12. Unit of Measure

All dimensions given in this By-Law are indicated in metric measure.

13. Terminology

For the purposes of comprehension of all the terms used, reference must be made to the rules of interpretation described in the Zoning By-Law.

CHAPTER 2 CONSTRUCTION STANDARDS

SECTION 2.1 – QUEBEC CONSTRUCTION CODE

14. Application of the Quebec Construction Code

The following parts, sections, subsections and articles of the Quebec Construction Code - Chapter 1, Building and National Building Code - Canada 2010 (as amended) apply to buildings exempted from the application of the *Loi sur le bâtiment* (LRQ, c-B1-1):

- 1) Parts 1 and 2;
- 2) Section 3.8 of Part 3 for the construction, renovation, expansion or alteration of a main building housing with a recreo-tourist use.
- 3) Part 9;
- 4) Part 11.

The Québec Construction Code - Chapter I, Building and National Building Code of Canada 2010 (as amended), a copy of which is attached as Annex A to this By-Law.

15. Amendment to the Quebec Construction Code

The codes or parts of codes annexed to this By-Law, include all their amendments on the effective date of this By-Law. An amendment to a provision of these codes, adopted after the date of entry into force of this By-Law, shall form an integral part of this By-Law. This amendment comes into force on the date fixed by resolution of the Municipal Council

SECTION 2.2 - WATER COLLECTION AND MANAGEMENT

16. Surface and Groundwater catchment Installation

All surface and groundwater catchment installations must comply with the *Règlement sur le prélèvement des eaux et leur protection* and to the *Loi sur la qualité de l'environnement*.

17. Septic System Installation

Any septic system (wastewater treatment and purification system) must comply with the *Règlement sur le traitement et l'évaluation des eaux usées des résidences isolées* and the *Loi sur la qualité de l'environnement*.

18. Geothermal Installation

Any geothermal installation must conform to the *Règlement sur le prélèvement des eaux et leur protection* and to the *Loi sur la qualité de l'environnement*.

19. Surface and Runoff Water Management

All projects must manage surface water and runoff in accordance with the *Loi sur la qualité de l'environnement* and its By-Laws.

SECTION 2.3 – SUSTAINABLE CONSTRUCTION TECHNIQUES

20. Insulation Materials

All types of insulation materials are permitted, with the exception of sawdust, and straw which is not in bundles, for the roof and walls of main buildings as long as they are covered with an exterior cladding material permitted by the Zoning By-Law.

21. Green or Vegetation-covered Roofs

Green or vegetation-covered roofs, extensive or intensive, are permitted with the following conditions:

- 1) the slope of the roof is less than 35%;
- 2) roof access must be provided from inside or outside the building. Exterior access to the roof must be located in the back or side yard. In the case of land adjacent to a lake or watercourse, access to the roof may be located in the front yard;
- 3) the applicant, using a report prepared by a professional, must demonstrate the bearing capacity of the roof according to the type of green roof envisaged.

22. Low-flush Toilets

For a new main building, toilets must have a water flow of less than 6 liters per flush (L/fl). This obligation also applies during a renovation which includes replacement of the toilet.

SECTION 2.4 – OTHER BUILDING STANDARDS

23. Installation of a Distribution Board (Electric Panel)

For a new main building where a main use is exercised, the distribution board (electrical panel) must be installed inside the building. This board must be functional and be ready to connect to the electricity service (connection to an electric meter).

24. Electric Vehicle Charging Station

For a new main building, the distribution board (electric panel) must have a capacity for the eventual installation of an electric vehicle charging station. This obligation also applies during a renovation which includes replacement of the electric panel.

SECTION 2.5 – BUILDING FORTIFICATION

25. Scope

The use of materials and the assembly of building materials for the purpose of shielding or fortifying a building against firearm projectiles, explosions, impact or thrust of vehicles or any other type of assault, is prohibited on buildings affected, used or occupied in whole or in part by any of the following uses:

- 1) lodging business use;
- 2) extensive outdoor recreation use;
- 3) indoor recreation use;
- 4) food service use;
- 5) personal, professional and office services, especially locales for organizations, social clubs and citizen and neighbourhood organizations, with the exception of jewelers, banks, credit unions, financial institutions;
- 6) light vehicle commerce, especially the sale, rental and repair of motorcycles;
- 7) residential use.

The prohibition also applies to buildings in which the above-mentioned commercial and residential uses are jointly exercised.

The uses mentioned above are those defined in the Zoning By-Law of the Municipality of the Township of Wentworth.

26. Prohibited Materials

With respect to main and accessory buildings allocated, used or occupied in whole or in part by the uses referred to in this section, are prohibited:

- 1) installation of laminated glass (type H-6) or other bulletproof glass in windows and doors;
- 2) installation of openwork or opaque steel protective shutters, inside or outside the building;
- 3) installation of armored or specially reinforced doors to withstand the impact of firearm projectiles;
- 4) the installation of walls, or parts of walls, inside or outside the building or of an observation tower, made of reinforced or unreinforced concrete and/or reinforced steel and/or specially reinforced to withstand the impact of firearm projectiles;
- 5) the installation and maintenance of wire mesh or metal bars on doors or windows, except those in the basement.

6) a watchtower;

7) any habitable underground shelter.

27. Cessation of Use

The fortification elements authorized in this section must be completely dismantled within 6 months after the cessation of the use or the removal of the equipment, for which they have been authorized.

SECTION 2.6 – MOBILE HOME STANDARDS

28. Height

The level of the finished floor must be at a maximum height of 0.75 meters from the adjacent levelled ground.

29. Technical Space Enclosure

The technical space enclosure must be constructed of a material similar to the mobile home and must be finished with a protective coating.

30. Platform

A level platform shall be provided on each mobile home lot and must be designed to evenly support the maximum anticipated load of a mobile home in all seasons, without sagging or any other form of movement.

The projections shall not obstruct the openings required for lighting and ventilation of the mobile home, nor prevent the inspection of the household equipment or utility connections, nor encroach into the required lateral margins.

Clearance between the unit under the mobile home, if there is no cellar or basement, must not be greater than 1.5 meters.

31. Anchorage

Anchors, in the form of metal grommets embedded in on-site cast concrete, corkscrew shaped screws or arrowhead-shaped screws, shall be provided for all angles of the mobile home platform, and in areas where they may be necessary to solidly secure the mobile home, so it withstands the wind. These mobile home chassis-anchoring devices must be secured by a cable or other approved device.

32. Sanitary Space Enclosure

Any hook-up device and other apparent moving or transport equipment must be removed within 30 days of placing the unit on its platform. The technical space must be closed within the same delay.

33. Leveling and Water Flow

The entire area under the mobile home and under its extensions, must be covered with asphalt or well-compacted gravel. The entire lot area surrounding the mobile home platform must be leveled so that surface water flows in the opposite direction from the platform. When the mobile home platform is covered with gravel, a masonry wall must be built at the lower extremity of the technical space enclosure, with a minimum height of 0.15 meters above ground level to prevent the gravel from spreading out.

CHAPTER 3 SECURITY STANDARDS

Section 3.1 – APPLICANT AND OWNER RESPONSIBILITIES

34. Worksite Security

Where work is performed within 2 meters of public PROPERTY, or where the designated officer deems it appropriate for public safety, work sites shall be surrounded by a fence of not less than 1.80 meters in height, and all measures must be taken to ensure the protection of the public. The owner is responsible for any accident or damage to persons, or public or private property, as a result of the work.

Any excavation of 2 meters or more, must be surrounded by a fence at least 1.80 meters high so as to ensure the protection of the public at all times.

35. Machinery and Tools on the Property

A building permit or a certificate of authorization implies the right, to the person carrying out the work, to install and maintain, on the site, the machinery, tools and apparatus necessary for the execution of the work. Machinery, tools and equipment must be removed from the SITE within 7 days after the completion of the work.

36. Temporary Occupation of Public Property

During construction work, the temporary occupation of public property is authorized for placing apparatus, depositing construction materials or digging a cavity. This authorization is valid for the duration of the work and the devices, machinery or materials must not impede the circulation on public property.

Damage to the roadway, sidewalk or public property resulting from the work performed, must be repaired at the expense of the permit or certificate applicant or the owner. This person is responsible for any accident to persons or damage to the property as a result of this use of public property.

Activities such as the preparation of mortar, sawing or preparation of lumber, stone or cement on public property are not permitted

37. Deposit of Materials

Materials deposited on property must only be used for the construction of the building or work covered by the permit or certificate.

38. Construction Debris

Debris or construction waste must be deposited in containers provided for this purpose.

39. Clean-up

When construction on a site is completed, all materials, debris, garbage and equipment must be removed. The site must be cleaned up within 14 days of the completion of the work.

SECTION 3.2 – DANGEROUS, INCOMPLETE OR BURNED-DOWN BUILDINGS

40. Burned-down, Destroyed or Dangerous Buildings

Any building that has been burned-down, destroyed or is dangerous, in whole or in part, must be completely enclosed, barricaded and the site fenced, with a minimum height of 1.80 meters, to prevent accidents and to ensure the safety of the public, without delay.

In these cases, the construction must be demolished or rebuilt within 12 months.

41. Excavation or Foundation

Any excavation or foundation of an unfinished, burned-down, destroyed or displaced building must be surrounded by a 1.80-meter-high fence so as to ensure the protection of the public at all times, without delay.

In any case, a foundation of unfinished, burned-down, destroyed or displaced building may not remain on the site more than 12 months.

42. Incomplete or Abandoned Construction

Construction that has not been completed or abandoned for more than 30 days after the expiry prescribed by the permit or certificate issued, must be completely closed and barricaded to prevent accidents and ensure public safety.

In any case, an unfinished or abandoned building must be demolished or completed within 12 months.

43. Construction Demolition

After the demolition of a building, or a part thereof, has been completed, the property must be cleaned of all debris or materials and be cleaned-up within a maximum of 14 days. Excavations must be filled in within the same time frame.

CHAPTER 4 ACQUIRED RIGHTS

Section 3.1 – GENERAL PROVISIONS

44. Scope

Reconstruction and restoration standards are prevued in the Zoning By-Law..

CHAPTER 5 FINAL PROVISIONS

SECTION 5.1 – SANCTIONS AND PENALTIES

45. Sanctions

Any person who contravenes the provisions of this By-Law, commits an offense.

An offense under this By-Law, renders the offender liable to the following fines (in all cases, the legal costs are extra):

	Physical Person		Corporate Person	
	Minimum	Maximum	Minimum	Maximum
First Fine:	\$300	\$1,000	\$600	\$2,000
Repeat Fine:	\$600	\$2,000	\$1,200	\$4,000

The deadline for the payment of fines and fees imposed under this By-Law, and the consequences of failure to pay such fines and fees within the prescribed time, are established in accordance with the *Code de Procédure pénale du Québec* (RSQ, c. 25.1).

If an offence lasts longer than one day, the offense committed on each day constitutes a separate offense, and the penalties imposed for each offense may be imposed for each day that the offense continues, in accordance with this section.

46. Septic Installation Sanctions

Any person who contravenes the provisions of this By-Law, with respect to autonomic sewage treatment systems (septic installation), commits an offense.

An offense under this By-Law, renders the offender liable to the fines provided for in section 46, except in the case of an offense against any of the criteria in article 89 and following of the *Règlement sur l'évacuation et le traitement des eaux usées et des residences isolées* (Q.2., r.22). In these cases, the fines provided for in this By-Law apply.

47. Water Collection and Geothermal Installation Sanctions

Any person who contravenes the provisions of the present By-Law with respect to water collection or geothermal installations, referred to in Chapters III and IV of the *Règlement sur le prélèvement des eaux et leur protection* (Q.2, r. 35.2) commits an offense.

An offense under this by-law renders the offender liable to the fines provided for in section 46 of this by-law, except in the case of an offense covered by any of the objects referred to in article 88 and on of the *Règlement sur le prélèvement des eaux et leur protection* (Q.2, r. 35.2). In these cases, the fines provided for in that By-Law apply.

48. Civil Law Recourse

Notwithstanding the recourse through penal action, the Municipality may exercise, before tribunals of jurisdiction, all civil law recourse necessary to enforce the provisions of this By-Law, when the Council deems it necessary, or may exercise all these recourses cumulatively.

49. Penal Actions

The person designated to this end, by a resolution of the Council, institutes penal actions for and in the name of the Municipality.

SECTION 5.2 – EFFECTIVE DATE

50. Effective Date

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

Annex A:

**The Quebec Construction Code – Chapter I, Building and the National Building Code –
Canada 2010 (amended)**