



## **MUNICIPALITY OF THE TOWNSHIP OF WENTWORTH**

### **PLANNING ADMINISTRATION BY-LAW NUMBER 2018-010**

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

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## **CHAPTER 1    GENERAL PROVISIONS**

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### **SECTION 1.1 –LEGAL PRO-VISIONS**

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

The title of the present By-Law is the Planning Administration By-Law whose number is 2018-010.

#### **2.        Superseded By-Laws**

The present By-Law supersedes and repeals, for all legal purposes, Planning Administration By-Law 101 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Such replacements and repeals do not modify the penal procedures instituted under the authority of the superseded or repealed By-Laws, which will continue under the authority of said superseded or repealed By-Laws until final judgement and execution.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 the 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**

Without restricting the duties vested in the designated officer by the laws governing the Municipality, the powers of the designated officer are as follows:

- 1) ensures conformity with the By-Laws under his administration and application;
- 2) analyzes the permit and certificate applications and verifies the conformity of the documents and plans transmitted, with the Planning Program By-Laws;
- 3) ensures that the required fees in effect for the issue of permits and certificates have been paid;
- 4) issue the permits and certificates required under this By-Law if they comply with Planning Program By-Laws and the conditions set out in the Municipal Council resolution, where applicable;
- 5) may inspect and visit any building, construction, equipment, project or works;
- 6) may send a written notice to any owner or applicant requiring him to rectify any situation constituting an infraction of the Planning Program By-Laws;
- 7) may issue an infraction statement in accordance with the sanction provisions whose administration and application are entrusted to him;
- 8) may require that the assays and tests provided for in this By-Law are carried out by the applicant at his expense;
- 9) may require the applicant to submit any technical reports, to establish conformity of the application, with this By-Law;
- 10) may recommend to the Municipal Council, any contravention to be sent to the Superior Court, provided for in the *Loi sur l'aménagement et l'urbanisme*.

## **10. Property Visit**

The designated officer is authorized to visit and examine, between 7 a.m. and 7 p.m., any movable or immovable property, as well as the interior and exterior of any house, building or

construction to ascertain whether the By-Laws, whose application has been entrusted to him, are observed, to verify any information or to ascertain any facts required for the exercise of his functions.

The owner or occupier of these houses, buildings or constructions must allow him to enter and answer any questions regarding the application of the by-laws.

The designated officer is authorized to be accompanied during the visit by any person likely to assist him in his duties.

#### **10.1 Administrative procedure for a limited use**

In the case of an application for a use that is subject to a use quota measure in the Zoning By-law and for which the number of authorized uses has already been reached, the procedure applicable by the designated officer is as follows:

- 1) The designated officer invites interested persons to notify his or her request in writing;
- 2) The designated officer keeps a list of persons interested in exercising such a use, including the name of the person, the address of the property concerned and the date on which the person served his or her request;
- 3) The designated officer acknowledges receipt of the application served in accordance with this procedure;
- 4) When a restricted use ceases and the official has received notice of the cessation of such use by the person who exercised it, the designated official communicates in writing with the person who signified his interest in exercising such use, according to the earliest date of service;
- 5) The person referred to in the previous paragraph has a maximum of 4 weeks to respond to the designated officer and formally submit his or her application for a permit or certificate to exercise such use, failing which this person is excluded from the list and the designated officer contacts the next person on the list of interested persons.

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### **SECTION 1.3 – INTERPRETIVE PROVISIONS**

#### **11. 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.

## **12. 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.

## **13. Unit of Measure**

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

## **14. 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.

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## **CHAPTER 2    GENERAL DISPOSITIONS FOR PERMITS AND CERTIFICATES**

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### **SECTION 2.1 – OBLIGATIONS AND REQUIREMENTS TO ISSUE A PERMIT OR CERTIFICATE**

#### **15.      Obligation to Obtain a Permit or Certificate**

Any person who wishes to undertake an activity that requires the issue of a permit or certificate under this By-Law must obtain that permit or certificate from the designated officer before undertaking the activity.

No permit or certificate can be issued before the stipulations of the Planning Program By-Laws have been satisfied.

The applicant must perform the work in accordance with the conditions stipulated in the permit or certificate and the declarations made during the application.

#### **16.      Compliance with Planning Program By-Laws in the Absence of a Permit or Certificate**

All uses, construction, works and projects must comply with the applicable Planning Program By-Laws, even if this By-Law does not require obtaining a permit or a certificate.

#### **17.      Required Plans and Documents**

The designated officer may require the applicant to submit any plan and document that will enable him to establish the conformity of the application with the Planning Program By-Laws.

#### **18.      Suspended Request**

If the application, or the plans accompanying it, are incomplete and imprecise, the designated officer shall notify the applicant in writing. The review of the application is suspended until the necessary information is provided by the applicant, and then the application is deemed to have been received on the date of receipt of this additional information.

#### **19.      Non-conforming Request**

Where the subject of the request does not conform to the provisions of the Planning Program By-Laws, the designated official shall notify the applicant in writing within 30 days of the date of receipt of the request.

#### **20.      Delay for the Issue of Permits and Authorization Certificates**

Unless otherwise specified, when the object of an application complies with the provisions of the Planning Program By-Laws, the building permit, the subdivision permit or the authorization

certificate requested, must be issued within 90 days of the date of receipt of the application by the designated officer.

If an application is incomplete, the date of receipt of the additional information required is considered the date of receipt of the application.

## 21. Cost of Permits, Certificates and Other Applications

The following fees are payable by the applicant for the study of any application for a permit or certificate listed in the Planning Program By-Laws, or for any other request set out below:

Types of Intervention	Required Fees
<b>Construction – Main Building</b>	
1) Construction of a main residential building	\$50 + \$100 per dwelling
2) Construction of a main building for a use other than residential	\$200 + \$1 per each \$1,000 of the cost of the works
3) Construction of a telecommunication tower and antenna	\$500
4) Transformation, renovation or enlargement of a main residential building, without an increase in the number of dwelling units	\$100
5) Transformation, renovation and enlargement of a main residential building, with an increase in the number of dwelling units	\$100 per dwelling
6) Transformation, renovation and enlargement of a main building for a use other than residential	200\$ + \$2 per each \$1,000 of the cost of the works
<b>Construction Permit – Accessory Building and Construction</b>	
1) Construction of an accessory building or construction of less than 20 m <sup>2</sup>	\$25
2) Construction of an accessory building or construction of 20 m <sup>2</sup> or more	\$50
3) Modification of an accessory building or construction of less than 20 m <sup>2</sup>	\$25
4) Modification of an accessory building or construction of 20 m <sup>2</sup> more	\$50
<b>Subdivision Permit</b>	
1) Cadastral Operation for the creation of a lot	\$50 per lot
2) Cadastral operation for the creation of a road	\$500
3) Correction, replacement or annulation of a lot	\$20 per lot
4) Study of an aerial layout plan (without roads)	\$25 per lot

Types of Intervention	Required Fees
5) Study of an aerial layout plan (with roads)	\$25 per lot + \$500
<b>Authorization Certificate</b>	
1) Renovation or repair of a building	\$50
2) Renovation of an existing construction on the shoreline or the littoral	\$25
3) Moving or demolition of a main building	\$50
4) Moving or demolition of an accessory building	\$25
5) Construction, renovation, enlargement or rebuilding of a fence	\$25
6) Development or enlargement of a parking area (including paving)	\$50
7) Paving of a parking area	\$25
8) Development of a traffic lane within an integrated project	\$500
9) Installation, enlargement, replacement or moving a sign	\$25
10) Tree felling	\$25 per tree
11) Commercial logging	\$50 + \$2 per hectare
12) Intervention on the shoreline or littoral	\$50
13) Backfill or excavation operation	\$50
14) Installation of a pool or spa	\$50
15) Installation, renovation, enlargement or reconstruction of an autonomic waste water treatment system	\$50 (new building) \$25 (existing building)
16) Installation, renovation, enlargement or reconstruction, or substantial modification of an underground or surface water collection installation or a geothermal installation	\$50
17) Change of use or destination of an immoveable	\$25
18) Extraction use	\$1,000\$
19) Temporary use	\$10
20) Temporary building, with the exception of temporary carports	\$10
21) Accessory Use	AD4 – Short-term rental: \$500 Other use: \$50

Types of Intervention	Required Fees
<b>Other Applications</b>	
1) Minor exemption application	\$100
2) Conditional use application	\$150
3) Application to modify the Planning Program By-Laws	\$1,000
4) Specific construction, alteration or occupancy proposal for an immovable (SCAOPI)	\$1,000
5) Demolition of an immovable subject to the Demolition of Immovables By-Law	\$100

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## SECTION 2.2 – OBLIGATIONS AND REQUIREMENTS AFTER THE ISSUE OF A PERMIT OR CERTIFICATE

### 22. Duration of Permits and Authorization Certificates

With the exception of permits whose duration is 12 months or less, a building permit and an authorization certificate are null and void if the interventions or work for which it was issued are not started within 8 months following the date of issue or when the work is interrupted for a continuous period of at least 8 months.

The issuance of a permit or authorization certificate grants its holder, the length of time prescribed in the table of this article, to carry out the interventions or work described therein.

Types of Intervention	Maximum Delay to Complete the Interventions (end of work)
<b>Construction Permits</b>	
1) Construction of a main building	24 months
2) Transformation, renovation and enlargement of a main building	12 months
3) Construction of an accessory building	12 months
4) Transformation, renovation and enlargement of a secondary building	12 months
<b>Subdivision Permits</b>	
1) Subdivision permit	12 months
<b>Authorization Certificate</b>	
1) Moving of a main building within the same property	6 months
2) Moving a main building using public roads	48 hours

Types of Intervention	Maximum Delay to Complete the Interventions (end of work)
3) Demolition of a building	2 months
4) Construction, renovation, enlargement or reconstruction of a construction (fence, balcony, etc.)	12 months
5) Construction, renovation, enlargement or reconstruction of a temporary construction	3 months
6) Development or enlargement of a parking area	12 months
7) Installation, enlargement, replacement of moving a sign	2 months
8) Tree felling	2 months
9) Intervention on the shoreline or littoral	3 months or less
10) Backfill or excavation operation	6 months
11) Installation of a pool or spa	Installation 6 months
12) Installation, renovation, enlargement or reconstruction of an autonomic waste water system	12 months
13) Installation, renovation, enlargement, reconstruction or substantial modification of an underwater or surface water collection system or a geothermal installation	12 months
14) Change of use or destination of an immoveable	6 months

### 23. Renewal of a Permit or Certificate

A permit or authorization of authorization is renewable only once with the payment of applicable fees. The period of validity of a renewed permit or authorization certificate is 3 months.

### 24. Modification of Plans and Documents

Any changes made to plans and documents after the issue of the permit and certificate must be approved by the designated officer, prior to the execution of the modified work. The designated officer may approve the modifications only if they comply with the provisions of the Planning Program By-Laws.

This approval does not have the effect of extending the duration of the permit or certificate.

### 25. Posting of a Building Permit or Authorization Certificate

A building permit or authorization certificate must be prominently displayed, during the entire duration of the work, on the land where it is executed.

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## CHAPTER 3 SUBDIVISION PERMITS

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### SECTION 3.1 – GENERAL PROVISIONS

#### 26. Obligation for a Subdivision Permit

No person may carry out a cadastral operation without first having obtained a subdivision permit from the designated officer, in accordance with the provisions of the Subdivision By-Law.

Despite the preceding paragraph, a cadastral operation required after a declaration of co-ownership made under article 1038 of the *Code civil du Québec*, concerning the projected lots and identifying the exclusive sections, is not subject to obtaining a subdivision permit. The land comprising the entire corporeal land does not benefit from this exemption.

#### 27. Presentation of the Application

Every application for a subdivision permit must be made in writing to the designated officer, on forms provided for that purpose by the Municipality, and must be accompanied by the payment of the applicable fees to study the permit.

A subdivision permit is also required for the regroupment, or parts of lots, to form a property in accordance with Planning Program By-Laws (regroupment plan).

A permit application, including all documents, must be submitted in one (1) paper copy and one (1) digital copy (PDF)

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#### 28. Minor Project Application Procedure

This section applies to any proposed cadastral operation with 5 lots or less and does not include a new road, lane, walkway, public square or park and will not be subject to a declaration of co-ownership pursuant to article 1038 and on of the *Code civil du Québec*.

Such a project must be addressed to the designated officer and must include the following documents:

- 1) surname, given name, address and telephone number of the owner or his authorized representative;
- 2) a cadastral survey project, executed on a scale of 1: 1,000 or larger and presenting the following information:
  - a) the cadastral identification of the property(s) concerned, as well as those of adjacent properties;

- b) the location of public utilities, roads and their allowances, servitudes and existing or proposed rights-of-way, if any;
  - c) the location of any existing construction;
  - d) the current use of the land on the property and on any adjacent property in the plan;
  - e) the location of lakes, watercourses and ditches, the high-water mark, wetlands, surface rock, wooded areas;
  - f) a copy of the published deed or deeds, if the property is privileged for a cadastral operation under sections 256.1 and 256.3 of the L.A.U. and a copy of the immoveable index;
  - g) the dimensions and area of the existing or projected lot (s);
  - h) the details of the proposed cadastral operation and the results thereof;
  - i) the date of preparation of the plan, the title, true north, the scale used and the surname, given name and address of the professional who prepared the plan.
- 3) according to the situation, any additional declaration or authorization required by law or government regulation.

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## **29. Major Project Application Procedure**

This section applies to any project where the number of lots to be created is greater than 5, or includes one or more new roads or a park, or which will be the subject of a declaration of co-ownership pursuant to article 1038 and on of the *Code civil du Quebec* or which includes an integrated housing project.

Any project having the characteristics listed in the preceding paragraph requires the prior approval of an aerial layout plan, pursuant to the provisions of the Site Layout and Architectural Integration Programs By-Law. In addition, the application must contain:

- 1) Ecological characterization, the content of which is defined in this chapter;
- 2) In the case of a road located within a development area, the aerial layout plan must also contain:
  - a) an aerial photograph of the area under study;
  - b) the configuration and dimensions of the existing and projected lots;
  - c) the geometric design of roads, their connections to existing roads and the safety of movement and traffic;
  - d) the type of infrastructure used for sewage treatment and drinking water supply;
  - e) the direction of natural drainage;
  - f) the implantation of all existing and projected buildings;
  - g) sensitive features that merit protection, as identified by the ecological characterization, appearing on the plan (wetlands, shorelines, watercourses, mature forest woodlands, etc.);
  - h) the location and total area of sensitive areas and natural environment value;
  - i) snow removal requirements;



- j) where applicable, bicycle paths, walkways, footpath or parks;
- k) where applicable, the different phases of development.

Following the approval of the project, in accordance with the Site Layout and Architectural Integration Programs By-Law, the applicant prepares an application for a subdivision permit for the entire project or phase and submits the application for a subdivision permit to the designated officer.

### **30. Ecological Characterization Required**

When applying for a subdivision permit for any of the interventions identified in the second paragraph of this section, an ecological characterization study must be submitted, in addition to the information and documents required in this section. If a site characterization study is required (e.g. major project), the content of this study can be attached to the ecological characterization.

Ecological characterization is required in the following cases:

- 1) A subdivision project aimed at creating 5 lots and more;
- 2) A subdivision project aimed at creating a new road, including the extension of an existing road or a closure;
- 3) A subdivision project for an integrated project, including a vehicular lane.

The ecological characterization, which must be signed by a biologist who is a member of the Association des biologistes du Québec, must include at least:

- 1) On a to-scale plan, the following natural attributes (non-limiting):
  - a) The longitude, latitude and altitude data;
  - b) The data describing slope orientation, exposure, the main slope of the sampling stations;
  - c) Topographic level contours in meters;
  - d) Lakes and permanent and intermittent watercourses and their waterfront strips (shorelines) using the methodology guide entitled *Identification et delimitation des milieux hydriques et riverains (MDDELCC, 2014)*;
  - e) Wetlands and their waterfront strips using the methodology guide entitled *Identification et delimitation des milieux humides du Québec méridional (MDDELCC, July 2014)*;
  - f) Anthropic ditches and verbalized watercourses;
  - g) Tree stands described according to Eco forest mapping standards, including mature forests older than 70 years, rare and exceptional forests;
  - h) Recognized wildlife habitats;
  - i) Species with threatened and endangered status;
  - j) The presence of species of interest and the quality indices of their habitat;
  - k) Recognized wildlife habitats;
  - l) When work is planned on the shoreline and/or littoral, obstructions to the free movement of fish and a detail of fish habitat.
- 2) On a to-scale plan, the ecological interest by respecting the following guidelines when applicable:
  - a) Areas of biodiversity concentration;
  - b) Natural and anthropic disturbances identified in the property under study;
  - c) Natural and anthropic drainage;

- d) An assessment of the ecological value of wetlands according to the RCM criteria as well as a mitigation approach based on the Guide for d'élaboration d'un plan de conservation des milieu humides (MDDELCC, July 2008);
  - e) An assessment of potential habitats for precarious plant species based on the results of the Quebec Natural Heritage Data Center Centre de données sur le patrimoine naturel du Québec (CDPNQ);
  - f) The potential of ecological connectivity with peripheral natural environments
- 3) A report describing the methodology used according to the following points where applicable:
- a) The period of implementation;
  - b) Plan of the simple and transect methods;
  - c) Representative sampling stations and observation points;
  - d) The descriptive sheets of each station;
  - e) The results of the request for flora and fauna occurrences in precarious situation at the CDPNQ over a radius of 10 km;
  - f) An evaluation of hydrological indicators to determine the presence of hydromorphic soils using the Southern Quebec wetland identification and delineation guide method (MDDELCC, July 2014).

### **31. Cadastral Operation**

The definitive acceptance of a plan for a cadastral operation does not put any onus on the Council to accept, within a given delay, the transfer of a private artery of travel appearing on the plan, nor to underwrite the construction costs to install water and sewer services nor to decree their opening.

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### **32. Special Provisions for a Project Subject to a Joint Ownership Declaration**

When a project is subject to a joint ownership declaration pursuant to article 1038 and on of the *Code civil du Québec*, the cadastral operation for each of the proposed units may be carried out after the construction of the building.

However, the proposed cadastral operation project must illustrate the subdivision projects and include the applicant's written commitment to file the declaration of joint ownership when the units are sold.

## **SECTION 3.2 – CONDITIONS AND SUBSEQUENT REQUIREMENTS TO ISSUE A PERMIT**

### **33. Conditions to Issue a Subdivision Permit**

The designated officer shall issue the subdivision permit if:

- 1) the application complies with the Subdivision By-Law;
- 2) the application is accompanied by all plans and documents required by this By-Law;
- 3) the fees for obtaining the permit have been paid;

- 4) the due and payable municipal taxes for immovable properties included in the plan have been paid;
- 5) the applicant undertook, in writing, to cede to the municipality the circulation lanes shown on the plan and intended to be public, the transfer of which to be at the expense of the applicant, by notarial deed;
- 6) the contribution in money for parks, playgrounds or natural areas has been paid;
- 7) an agreement has been made with respect to the transfer for parks, playgrounds or natural areas;
- 8) if applicable, the application shall be accompanied by a resolution of the Municipal Council approving the project when it is submitted to a special procedure under sections VI to XI of the *Loi sur l'aménagement et l'urbanisme*, LRC c. A-19.1;
- 9) depending on the situation, the application is accompanied by any declaration or additional authorization pursuant to any government law or regulation.

A copy of this approval is given to the applicant who can then proceed with the registration of the projected and approved lots.

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## **CHAPTER 4 CONSTRUCTION PERMITS**

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### **SECTION 4.1 – GENERAL PROVISIONS**

#### **34. Obligation for a Construction Permit**

Anyone who wishes to build, rebuild, enlarge, modify or install a construction must first obtain a construction permit.

#### **35. Application Request**

Any request for a construction permit must be addressed to the designated officer and must include copies of the following documents in one (1) paper copy and one (1) digital copy (PDF):

- 1) surname, given name, address and telephone number of the owner or his authorized agent and the name of the contractor;
- 2) a written request made on the forms duly completed and provided for this purpose by the Municipality;
- 3) a layout plan, prepared by a land surveyor in the case of a main building, made to an exact scale of the building (s) on the lot where the construction is to take place, indicating the pertinent information including the following:
  - a) the cadastral identification of the property, its dimensions and area, an indication and description of servitudes, if any;
  - b) current and future topographic levels of the ground using equidistant lateral or altitude lines to provide a proper understanding of the site and project;
  - c) the distance between any watercourse, wetland or lake and the planned buildings and structures, measured from the high-water mark;
  - d) the excavation levels, the ground floor level and proposed leveling, relative to the actual elevation of the nearest road, shown by lateral and elevation lines;
  - e) the property layout and dimensions of each proposed building and existing buildings on the same lot, if applicable;
  - f) the distances between each building and the property lines;
  - g) the depth of the front yard of adjacent built properties;
  - h) location of driveway entrances to parking areas (and necessary information) to determine the number of spaces required by the Zoning By-Law;

- i) the location of electrical and telephone lines, walls, low walls and signs (and their sketches), if any;
  - j) the date, title, true North, scale and names of persons who collaborated in the preparation of the project;
  - k) a certificate of location in the case of an extension.
- 4) a landscaping plan of the site prior to the work, areas to be cleared, excavated, trees to preserve, as well as the location and description of the planting of hedges, trees and shrubs if necessary;
  - 5) information on the location of septic systems and distances from potable water intake facilities (water intakes) on the property and neighbouring properties, if applicable;
  - 6) information on the detailed layout planned for water drainage;
  - 7) information on the location of recreational trails such as snowmobile and ATV trails;
  - 8) a suspected wetlands plan on a copy of the site plan. The applicant must, to the best of his ability, first identify the suspected wetlands located within 100 meters of the proposed development area of his property;
  - 9) in the case of an integrated project, a detailed development plan, including the location of the buildings, their heights, dimensions, architectural details, open spaces, traffic lanes, parking spaces, landscaping, waste and recycling storage areas, servitudes, infrastructure as well as other information to assess the project's compliance with the By-Laws;
  - 10) in the case of an integrated project, an ecological characterization, the content of which is defined in Chapter 3;
  - 11) elevation plans, cross-sections, sketches of the building (s) and specifications to provide a clear understanding of the construction project to be erected, or any modification, extension or additional work to be carried out; these plans must be drawn on an exact scale and reproduced by an indelible process. When the application for a building permit is for a main building, the plans must be prepared by a professional with the relevant skills;
  - 12) in the case of the construction of a main building or an extension increasing the building area to 30 m<sup>2</sup> or more, a plan for temporary measures to control leaching and sediment runoff during the work;
  - 13) in the case of the construction of a main building or an extension increasing the building area to 30 m<sup>2</sup> or more, a plan for permanent measures to control the runoff of surface water from the land;
  - 14) in the case of the construction of a main building or an extension increasing the building area to 20 m<sup>2</sup> or more, a report signed by an engineer, member of the *Ordre des ingénieurs du Québec*, approving the foundation on piles or posts;
  - 15) existing use and proposed use;

- 16) identification of the zone in the Zoning By-Law Zoning Plan where the property is located;
- 17) any other necessary detail required by the designated officer who determines if the plans and information provided are insufficient;
- 18) an estimate of the cost of the work or the tender for the works and the proposed timeframe;
- 19) as the case may be, any declaration or additional authorization required by government law or By-Law.

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### **36. Specific Requirements for Certain Constructions**

The owner must obtain and provide documents and technical attestations that may be relevant to qualified professionals, for any building or structure requiring professional technical knowledge, such as reinforced concrete, steel, wood framing or any building where large quantities of combustible, flammable or explosive materials, which because of their characteristics, post a special fire risk. The owner must obtain and provide documents and technical attestations that may be relevant to qualified professionals.

### **37. Obligation to Submit a Location Plan**

When the area and dimensions of the property and the proposed layout are such that there is a risk of encroachment into the margins or the shoreline, a location plan prepared by a land surveyor is required.

## **SECTION 4.2 – CONDITIONS AND SUBSEQUENT REQUIREMENTS TO ISSUE A PERMIT**

### **38. Conditions to Issue a Construction Permit**

The designated officer issues a construction permit if:

- 1) the application complies with the Zoning By-Law, the Construction B-law and this By-Law;
- 2) the application is accompanied by all the plans and documents required by this By-Law;
- 3) the fees for obtaining the permit have been paid;
- 4) the property on which each projected building of 20 m<sup>2</sup> or more, must form one or more distinct lots on the official cadastral plans, which conform to the Subdivision By-Law of the Municipality or which, if they are not in conformity, are protected by acquired rights;
- 5) the water and sewer services that are subject to an authorization or a permit issued under the law, are not established on the road bordering the planned construction or that the By-Law decreeing their installation is in force;
- 6) in cases where the water and sewer services are not established on the road bordering the planned construction, or the By-Law decreeing their installation is not in force, the potable water supply and sewage treatment installation projects of the construction to be erected on

the property comply with the *Loi sur la qualité de l'environnement* (L.R.Q., chapter Q-2) and to the By-Laws made under its authority or to the municipal By-Laws on the same object;

- 7) in the case of an integrated project, the private water supply system or a private sanitary sewer system complies with the *Loi sur la qualité de l'environnement* and is established on the road or traffic lane, according to the planning of the project, bordering where the buildings are planned;
- 8) the land on which the proposed construction is to be erected is not adjacent to a public road or private road that meets the requirements of the Subdivision By-Law;
- 9) In the case of property located in rural zones (RU) it must be adjacent to an existing public or private road on the date that this By-Law comes into force (this condition does not apply for reserve development zones).
- 10) in the case of an integrated project, the traffic lane leading to the main building to which the permit applies, must be developed and passable before the issuance of a construction permit for a main building;
- 11) If applicable, the application shall be accompanied by a resolution of the Municipal Council approving the project when the project is submitted to a special procedure under Divisions VI to XI of the *Loi sur l'aménagement et l'urbanisme*, L.R.Q., c. A-19.1.

### **39. Suspension of a Permit**

If the location plan shows that the placement of a foundation wall or walls does not meet the standards of this By-Law and the building permit issued, the permit is suspended until one of the following conditions is met:

- 1) the foundation wall or walls are modified in accordance with the provisions of the Planning Program By-Laws;
- 2) a request for a minor exemption is filed and accepted by the Council in accordance with the Minor Exemption By-Law of the Planning Program By-Laws.

### **40. Preparation of the Property Before Work Begins**

Following the issuance of the construction permit and prior to the commencement of construction, the permit holder must delineate or identify the boundaries of the shoreline and wetland to prevent encroachment of machinery, excavation or backfill in these fragile natural environments.

### **41. Obligation to Verify Margins and a Location Certificate**

Within 30 days of the erection of the foundation walls or a modification altering the dimensions of a main building, the holder of a construction permit must forward to the designated officer, a preliminary plan or a location certificate, including bornes, approved and signed by a land surveyor. Failure to submit these preliminary plans is equivalent to suspension of the permit and, as a result, a stoppage of work.

Within 6 months after the completion of the work, the final location certificate must be supplied to the Municipality, including main building and accessory buildings of more than 20 m<sup>2</sup>.



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## CHAPTER 5 AUTHORIZATION CERTIFICATE

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### SECTION 5.1 – GENERAL PROVISIONS

#### 42. Obligation for an Authorization Certificate

Obtaining an authorization certificate is required in the following cases, unless included in a construction permit:

- 1) any change in use or designation of a building;
- 2) the exercise of an accessory use;
- 3) the exercise of temporary use;
- 4) any moving of a building or construction;
- 5) any demolition of a building or structure;
- 6) any repair of a building or construction;
- 7) the installation or construction of a temporary building;
- 8) the construction or installation of a swimming pool or spa;
- 9) the expansion of a quarry, gravel pit, sand pit or transformation process;
- 10) any construction, reconstruction, installation, enlargement, repair, removal or modification of any sign, billboard or display, unless otherwise indicated;
- 11) any tree felling, except for the felling required for an authorized construction or works;
- 12) any logging that involves producing more than 10 cords per property, per year not governed by *Règlement no. 56-06 de la MRC d'Argenteuil et ses amendements*;
- 13) any work and works on the shoreline or littoral of a lake or watercourse;
- 14) all backfilling and excavation work other than for the purposes of building foundations and road construction;
- 15) the development of a serviced, semi-serviced or rustic campground;
- 16) construction and development of a parking area;
- 17) the construction and layout of a traffic lane in the case of an integrated project;

- 18) fences;
- 19) the installation or modification of a wastewater treatment system for a single-family dwelling;
- 20) the installation, replacement or substantial modification of a water collection installation referred to in section 12 of the *Règlement sur le prélèvement des eaux et leur protection* (Q.2., R.35.2);
- 21) The installation of a ground-source geothermal energy system referred to in section 29 of the *Règlement sur le prélèvement des eaux et leur protection* (Q.2., R.35.2).

#### **43. Exemption from Obtaining an Authorization Certificate**

Despite the preceding article, an authorization certificate is not required in the following cases:

- 1) for minor work required for the normal maintenance of a construction, provided that the foundations, the frame and the external and/or internal partitions are not modified and that the floor area is not increased. This provision applies to individual jobs undertaken separately and not for a set of jobs. For example, the following works may be considered as minor maintenance work:
  - a) replacement or repair of the roof cladding provided that the materials used are identical, or of equivalent or superior quality;
  - b) the installation of air vents;
  - c) painting;
  - d) the creosoting of the walls or the roof and the tarring of the roof;
  - e) the work to reinforce a chimney;
  - f) insulation and ventilation work provided that the structure is not modified or manipulated;
  - g) the installation or replacement of gutters;
  - h) repair of mortar joints;
  - i) the replacement of windows or bay windows;
  - j) the replacement of the electrical input provided that the electrical wiring inside the walls and ceilings is not modified;
  - k) the addition of electrical outlets, switches, lighting or other similar work;
  - l) the conversion, installation or modification of a central heating system (e.g. changing the oil burner for an electric furnace);
  - m) the repair or replacement of the plumbing system (pipes, sink, toilet, bath ...) provided that the work does not require the demolition of walls or other components of the structure and does not concern the septic installation;
  - n) the installation of a smoke evacuator (stove hood) in a strictly residential occupancy;
  - o) the repair or construction of shelves and cabinets except in the case of a complete renovation of the kitchen;
  - p) the replacement or modification of floor covering.
- 2) the installation of a carport for the winter;
- 3) the installation of a snow fence;
- 4) the installation of sediment barriers.

#### **44. Application Form: General Content**

Any application for an authorization certificate for any project listed in the preceding article must be addressed to the designated official in one (1) paper copy and one (1) digital copy (PDF) and must include:

- 1) the surname, given name, address and telephone number of the applicant or his authorized representative;
- 2) the identification of the lot or lots concerned, with its dimensions;
- 3) a plan locating the projected works;
- 4) the name of the contractor;
- 5) the details of the projected works;
- 6) the probable duration of the work with the start and completion dates;
- 7) an estimate of the cost of the work;
- 8) identifying the zone on the Zoning Plan where the property is located;
- 9) a wetland plan of the suspected wetlands on a copy of the layout plan. The applicant must, to the best of his ability, identify the suspected areas located within 100 meters on his lot for the proposed development;
- 10) the following plans and documents depending on the type of certificates requested.

In addition, where all or part of the subject matter of the application must also be authorized or otherwise dealt with by a government department or its agent, the application must be accompanied by the authorization or declaration issued, required by a government law or By-Law.

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#### **45. Application Form: Change of Use or Destination of an Immoveable**

In addition to the plans and documents required for the application form (general content), the following are required for a change of use or destination of an immoveable:

- 1) the type of activity, targeted clientele, hours of operation, number of employees, etc.

#### **46. Application Form: Temporary Use**

In addition to the plans and documents required for the application form (general content), the following are required for a temporary use:

- 1) the duration of the event and its objectives or purposes, or the duration for which the building or temporary construction is required;
- 2) the exact location on the property where the event will take place or where the building or temporary construction will be installed;

- 3) the dimensions of any building or temporary construction, if any;
- 4) the method used to publicize the event;
- 5) planned developments;
- 6) a written engagement by the applicant that the facilities will be dismantled and the land cleaned within 5 days after the end of the event;
- 7) a request for a garage sale must be submitted at least 5 working days before the sale.

**47. Application Form: Moving a Building**

In addition to the plans and documents required for the application form (general content), the following are required for moving a building:

- 1) the route, the current and projected property, the expected date of travel and the time required for transportation;
- 2) a foundation plan and a site plan for the building at a scale of 1: 500 or greater, if the relocation takes place within the territory of the Municipality;
- 3) a photograph of the building to be moved;
- 4) a description of the method that will be used to promote the revegetalization, if the current land is not the subject of any development or construction project;
- 5) a copy of the authorizations required by the various public and para-public services;
- 6) proof of a certificate of insurance.

**48. Application Form: Building Demolition**

In addition to the plans and documents required for the application form (general content), the following are required for the demolition of a building:

- 1) the location of the building to be demolished;
- 2) photographs of the building;
- 3) a description of the conditions under which the demolition will take place;
- 4) the date on which demolition is planned and the time required for the demolition;
- 5) a description of the method that will be used to promote revegetation, if the land is not the subject of any development or construction project;
- 6) proof of an insurance certificate from the contractor;

- 7) the name of the contractor who is doing the demolition;
- 8) the name and location of the landfill or dry material repository for demolition debris.

**49. Application Form: Building Repair**

In addition to the plans and documents required for the application form (general content), the following are required for the repair of a building:

- 1) plans, elevations, cross-sections or sketches of the construction required for a clear understanding of the repair project.

**50. Application Form: Pool**

In addition to the plans and documents required for the application form (general content), the following are required for the construction or installation of a swimming pool:

- 1) the location and distances of the pool from the lot lines of the property, buildings and constructions;
- 2) planned landscaping;
- 3) all elements to verify compliance with the *Règlement sur la sécurité des piscines résidentielles*.

**51. Application Form: Septic System Installation**

In addition to the plans and documents required for the application form (general content), the following are required for a septic system (evacuation and wastewater treatment system):

- 1) a soil analysis of the soil receiving the drainage and treatment system, prepared by an appropriate professional and indicating the nature of the soil and its permeability, the level of the water table and the presence of rock or a permeable layer; if one exists;
- 2) a to-scale plan, including an overhead and a lateral view, of the existing or projected sewage and wastewater treatment system or its projected modification;
- 3) an existing or projected evacuation and wastewater treatment system layout plan showing the precise location of the system in relation to the lot lines and any development or implementation (well or source used for water supply, watercourse, residence or underground drainage pipe, top of an embankment, property line, potable water pipe or tree) on and in the lot or on and in a neighboring lot and within 30 meters of the system, once the system is implanted or modified;
- 4) an attestation from the applicant of the authorization certificate, from an appropriate professional or from the installer or modifier of the system to the effect that the system, once installed or modified, will comply in every respect with the requirements and obligations provided for in the *By-Law respecting the evacuation and wastewater treatment of isolated dwellings* (Q-2, r.22);

- 5) an undertaking by the applicant of the authorization certificate that the installation or modification covered by the certificate will be carried out in strict conformity with the information and indications in the foregoing documents, and that any modification made during the course of the work, will be immediately provided to the municipality and that, in the latter case, new documents will be filed with the municipality so that it can determine if the authorization certificate is still valid with regards to the law and applicable By-Laws, and that it possesses the analyses, illustration, plan, attestation and commitment in accordance with the system put in place or modified i.e. "as built";
- 6) a copy of the building contractor's license issued by the *Régie du bâtiment du Québec*.

Every person installing or modifying an evacuation and wastewater treatment system must, once the work is done and before proceeding, if necessary, to recover all or part of an evacuation element installed, repaired or modified, wait until the designated officer who applies this By-Law, has made a visual inspection of the installation.

## **52. Application Form: Extraction Activity**

In addition to the plans and documents required for the application form (general content), the following are required for an extraction activity:

- 1) a plan indicating all the lots or property affected by the exploitation, the location and area and dimensions for exploitation and the location of the buffer zones, access roads, projected activities, etc.;
- 2) the plan must indicate the distances from the exploitation site to lakes, watercourses, wetlands and buildings;
- 3) a plan and report meeting the requirements of this By-Law and a copy of the authorization certificate issued by the ministry responsible;
- 4) the development phases and a site redevelopment plan with the expected schedule of work;
- 5) any other documents useful for understanding the file or the project.

## **53. Application Form: Sign, Display and Billboards**

In addition to the plans and documents required for the application form (general content), the following are required for signs, displays and billboards:

- 1) the surname, given name, address and telephone number of the owner of the use or establishment referred to in the application and of his representative, if applicable;
- 2) the surname, given name and address of the owner of the building where the sign is located and an authorization from the owner of the immovable or his representative;
- 3) the surname, given name and address of the contractor who installs it;
- 4) the details of the planned works;

- 5) the sign's plans showing:
  - a) its general dimensions and the area of the display;
  - b) its height above the average ground level;
  - c) the design it bears (illustration and lettering);
  - d) fixing the sign to the building or the floor;
  - e) the lighting method;
  - f) the identification of all these materials.
- 6) in the case of a sign on a post or on a low wall, two (2) to-scale plans showing the limits of public road allowances, the other property limits on which it is proposed to erect the sign, the location of the sign on the property in relation to the other structures present on the property;
- 7) in the case of a sign projected or affixed flat on a building or structure, two (2) to-scale plans showing the entire width of the building's façade and the exact location of the sign;
- 8) an indication of the value of the sign.

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#### **54. Application Form: Tree Felling**

In addition to the plans and documents required for the application form (general content), the following are required for tree felling:

- 1) the name of the person responsible for the work;
- 2) a plan showing the location of the trees to be felled and the trees to be planted, if any;
- 3) the reasons justifying the tree felling;
- 4) a description of all vegetation on the property (natural areas, open spaces, number of trees, etc.).

#### **55. Application Form: Logging**

In addition to the plans and documents required for application form (general content), the following are required for logging:

- 1) identification of the owner (name, address and telephone number);
- 2) identification of the person performing the work;
- 3) identification of the property on which the woodlot is located;
- 4) a plan of the property to locate the projected work on the property;
- 5) a prescription for each stand for silvicultural work to be done in the short, medium and long term;
- 6) a description of the cutting technique used;

- 7) a detailed description of each stand and the constraints related to the nature of the property or the presence of wildlife habitats;
- 8) 8. a description of the proposed cut, showing the area concerned and the percentage of residual cover before and after the work;
- 9) the species and size of trees to be felled or planted;
- 10) the location of the waste deposit repository following logging;
- 11) the location of the stacking areas and projected access routes;
- 12) In the case of a cut of 100 cords or more, the cutting plan must be signed by a forestry engineer.

**56. Application Form: Works on the Shoreline or Littoral**

In addition to the plans and documents required for the application form (general content), the following are required for works on the shoreline or littoral of a lake or watercourse:

- 1) the height and location of the natural high-water line;
- 2) the elevation lines of the land at intervals of not more than 1 m;
- 3) the reasons for such works;
- 4) the planned developments with explanatory sketch;
- 5) one or more photographs showing the state of the shore;
- 6) authorization of the responsible ministry, if applicable.

**57. Application Form: Excavation Works, Backfilling and Digging**

In addition to the plans and documents required for the application form (general content), the following are required for the excavation, backfilling or digging on a property:

- 1) planned developments;
- 2) existing topography and proposed leveling;
- 3) the direction of the flow of water;
- 4) the location of buildings, watercourses, lakes, cliffs, swamps where applicable;
- 5) backfill materials used.



The application for an authorization certificate for excavation and backfilling does not apply to the excavation and backfilling of the foundations of a building that has already obtained a building permit, or for the development of a parking area that has obtained an authorization.

#### **58. Application Form: Campground**

In addition to the plans and documents required for the application form (general content), the following are required for the development of a campground:

- 1) a development plan for the campground, detailing vehicular accesses, walkways, building locations, buffer zones and vegetation protection strips between any road and the campground, natural areas, setback between the limits of neighboring lots, the layout of the campsites, the occupation density, a plan of the buildings in harmony with the surrounding environment, the sites reserved for each type of campsite, if any (tents, trailers, groups, etc.) and a work timetable;
- 2) the dimensions of each campsite;
- 3) the projected location of septic systems and wells.

#### **59. Application Form: Water Collection and Geothermal Systems**

In addition to the plans and documents required for the application form (general content), the following are required for a water collection system or for a geothermal energy system:

- 1) A location plan produced by a professional identifying all elements likely to affect the location of the structure for a minimum of 30 meters around the proposed development. Non-restrictively, sanitary facilities, existing wells, farm buildings, cultivated areas, pastures, floodplain boundaries and the high-water mark are important elements to be identified;
- 2) A construction plan produced by a professional identifying, among other things, the type of structure, the elevations at ground level and at the top of the structure and the dimensions of the mound to be built at the base of the installation;
- 3) A description, produced by a professional, of the planned uses and maximum waterflow of the structure (volume of water) within the meaning of section 3 of the *Règlement sur le prélèvement des eaux et leur protection* (Q-2, r 35.2);
- 4) A description of the number of buildings that will be served by the installation and use of the buildings;
- 5) (5) A detailed description of the mitigation measures used to prevent any water contamination or environmental deterioration and to minimize shoreline erosion, vegetation cutting, interventions and sediment inputs into the littoral of a lake or watercourse when interventions are needed on the shoreline or littoral of a lake or watercourse; In a non-limiting way, state of the shoreline before the works (photos), clear description of the works (encroachment necessary of the machinery);

- 6) Plans and specifications (tender) from the well digger for the installation of the groundwater withdrawal facility as referred to in section 21 of the *Règlement sur le prélèvement des eaux et leur protection* (Q-2, r. 35.2);
- 7) The name of the designated professional for the supervision of development or sealing work of the well, where required;
- 8) Where applicable, the study required by section 95 of the *Règlement sur le prélèvement des eaux et leur protection* (Q-2, r.35.2) produced by a professional.

For the purposes of this article, a professional refers to section 2 of the *Règlement sur le prélèvement des eaux et leur protection* (Q-2, r 35.2).

## **SECTION 5.2 – CONDITIONS AND SUBSEQUENT REQUIREMENTS TO ISSUE AN AUTHORIZATION CERTIFICATE**

### **60. Conditions to Issue an Authorization Certificate:**

The designated officer issues the authorization certificate if:

- 1) the application is in accordance with the Zoning By-Law, the Building By-Law and this By-Law;
- 2) the application is accompanied by all the plans and documents required by this By-Law;
- 3) the fees for obtaining the certificate have been paid;
- 4) if applicable, the application shall be accompanied by a resolution of the Municipal Council approving the project when the project is submitted to a special procedure under sections VI to XI of the *Loi sur l'aménagement et l'urbanisme*, L.R.Q., c. A-19.1.

### **61. Specific Condition for an Evacuation and Wastewater Treatment System for a Single-family Dwelling**

Every person who installs or modifies an evacuation and wastewater treatment system of a single-family dwelling must, once the work is done and before proceeding, if necessary, to cover all or part of an installed evaporation element, repaired or modified, wait until the designated officer of this By-Law has made a visual inspection of the installation.

### **62. Special Condition for Underground Water Withdrawal and Geothermal Systems**

The provisions of this section apply to the establishment, replacement and substantial modification of an underground water withdrawal system and the implementation of a ground-source geothermal system referred to in sections 12 and 29 of the *Règlement sur le prélèvement des eaux et leur protection* (Q-2, r.35.2).

Within 30 days after the completion of the work, the applicant must provide the designated officer with the report referred to in section 21 of the *Règlement sur le prélèvement des eaux et leur*

*protection* (Q-2, r 35.2), the contents of which is prescribed in the annex to this By-Law and, where applicable, the report referred to in section 30 of this By-Law.

This report must certify the compliance of the work with the standards of the *Règlement sur le prélèvement des eaux et leur protection* (Q.2, r.35.2) and include an "as built" plan. The report must be signed by a professional as defined in section 2 of the *Règlement sur le prélèvement des eaux et leur protection* (Q-2, r.35.2).

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## CHAPTER 6 FINAL PROVISIONS

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### SECTION 6.1 – SANCTIONS AND PENALTIES

#### 63. Permit or Certificate Issued in Contravention of the Present By-Law

Any permit or certificate issued in contravention to the present By-Law is null and void.

#### 64. Sanctions

Anyone 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 court costs of the lawsuit are extra):

	Physical Person		Corporate Person	
	Minimum	Maximum	Minimum	Maximum
<b>First Fine :</b>	\$ 300	\$ 1 000	\$ 600	\$ 2 000
<b>Repeat Fine :</b>	\$ 600	\$ 2 000	\$ 1 200	\$ 4 000

The deadlines 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 offense 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 article.

#### 65. (...)

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#### 66. Specific Septic System Installation Sanctions

Any person who contravenes the provisions in the present By-Law, relative to an autonomic waste wastewater treatment system (septic installation) commits an offense.

An offense under this By-Law renders the offender liable to the fines provided for in Article 68, except in the case of an infringement of any of the purposes referred to in Articles 89 and on of the *Règlement sur l'évacuation et le traitement des eaux usées des residences isolées* (Q.2., R.22). In these cases, the fines provided for in this Regulation apply.

**67. Specific Water Collection and Geothermal System Sanctions**

Any person who contravenes the provisions of this By-Law with respect to water collection or the geothermal systems 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 Article 68 of this By-Law, except in the case of an offense covered by any of the referred to in section 88 et seq. 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.

**68. Civil Law Recourse**

Notwithstanding recourse through penal actions, the Municipality may exercise, before tribunals of jurisdiction, all civil recourse necessary to have the provisions of this By-Law respected, when the Council deems it necessary, or it may exercise all appeals cumulatively.

**69. Penal Actions**

Penal sanctions are instituted, for and on behalf of the Municipality, by the person designated for that purpose by a resolution of the Council.

**SECTION 12.2 – EFFECTIVE DATE**

**70. Effective Date**

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