



BY-LAW CONCERNING THE OCCUPATION AND MAINTENANCE OF BUILDINGS N° 443

July 2, 2013

Prepared by:

...apur
urbanistes conseils

PROVINCE OF QUEBEC
VILLAGE OF SENNEVILLE

BY-LAW N° 443

BY-LAW CONCERNING THE
OCCUPATION AND MAINTENANCE OF
BUILDINGS

NOTICE OF MOTION: MAY 27, 2013
ADOPTION: JULY 2, 2013
COMING INTO FORCE: AUGUST 21, 2013

By-Law Modifications	
By-Law number	Coming into force

THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:



BY-LAW CONCERNING THE OCCUPATION AND MAINTENANCE OF BUILDINGS N° 443

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CHAPTER 1:

Declaratory, Administrative and Interpretative Provisions

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Declaratory, Administrative and Interpretative Provisions

Division 1.1: Declaratory Provisions

1.1.1 Title of the by-law

This by-law bears the title « *By-Law Concerning the Occupation and Maintenance of Buildings* » and carries the number 443.

1.1.2 Scope of the by-law and subject territory

The present by-law, of which the provisions are imposed on all persons, applies to the whole territory of the Village of Senneville.

1.1.3 Incompatibility with other by-laws or laws

Conforming to the present by-law does not absolve the obligation to obey the other laws or by-laws of the provincial or federal government as well as any other applicable municipal by-law.

1.1.4 Part-by-part adoption

The municipal Council of Village of Senneville hereby declares that it is adopting the present by-law, chapter by chapter, division by division and section by section, paragraph by paragraph and sub-paragraph by sub-paragraph, so that if a part of the present by-law were to be declared null and void by a tribunal, such a decision would have no effect on the other parts of the by-law, except in cases where the significance and scope of the by-law or of one of its provisions should be altered or modified as a result.

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Division 1.2: Administrative Provisions

1.2.1 Administration and application of the by-law

The administration and application of the present by-law are entrusted to any person nominated as a « designated official », by resolution of the Municipal Council.

1.2.2 Powers of the designated official

The powers of the designated official are stated in the *Permits and Certificates By-Law*.

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Declaratory, Administrative and Interpretative Provisions

Division 1.3: Interpretative Provisions

1.3.1 Interpretive provisions

When two standards or provisions of the present by-law apply to a use, building, lot or any other object governed by the present by-law, the following rules apply:

1. A specific standard or provision prevails over a general provision;
2. The most restrictive provision prevails.

Unless the context specifies otherwise, it is understood that:

1. The use of the words « MUST » and « SHALL » implies an absolute obligation;
2. The use of the verb « CAN » implies a non-obligatory option, except in the expression « CANNOT » which means « MUST NOT »;
3. The word « WHOMEVER » includes individuals and corporations.

The table of contents and the chapter titles, the divisions and the sections of the present by-law are provided to improve the text's readability. In the case of contradiction between the text and the concerned title(s) in the Table of Contents, the text prevails.

Plans, appendices, tables, graphics, and symbols and all forms of expression contained in the present by-law aside from the text, are an integral part of the by-law for all legal purposes.

The dimensions, areas and other measures stated in the by-law are expressed in units of the International System.

1.3.2 Numbering

The numbering method used in this by-law is the following (when the section's text does not contain numbering related to a paragraph or sub-paragraph, it is referred to as an indented line):

- 1. Chapter
- 1.1 Division
- 1.1.1 Section
- Indented
 - 1. Paragraph
 - a) Sub-paragraph

1.3.3 Terminology

Unless there is an explicit indication of the contrary or unless the context indicates otherwise, the expressions, terms and words have the meaning and application attributed to them in the *Permits and Certificates By-Law*.



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CHAPTER 2:

Provisions Relating to the Occupation and Maintenance of a Building

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Provisions Relating to the Occupation and Maintenance of a Building

Division 2.1: General Provisions

2.1.1 Scope of application

The present by-law applies to all main and accessory building or part of a building.

2.1.2 Responsibility of the owner

The owner of an immovable must respect the standards relating to immovables contained in the present by-law.

2.1.3 Requirements relating to the occupation and maintenance of a building

The requirements relating to the occupation and maintenance of a building are the following:

1. A building or part of a building must be maintained in order to not appear dilapidated, derelict or in an apparent and continuous state of abandonment;
2. A building or part of a building must be maintained in order to preserve a clean and uniform appearance;
3. A building or part of a building must be sufficiently solid to resist the strains (load, pressure, etc.) to which it is exposed, including the natural elements;
4. A building or part of a building must be conserved in good condition so that it may serve the use for which it is designed, and to prevent all causes of danger and accidents;
5. A building or part of a building must be maintained in a good state that will ensure its conservation and avoid its deterioration;
6. A building or part of a building must be maintained in a state that prevents the infiltration of water, air, snow, vermin or rodents.

In all of the cases stated in the first paragraph, the building or part of building must be renovated accordingly.

Without limitation, a part of a building can be a projection, a decorative element, exterior cladding material, including paint and stain, eavestroughs, openings, etc. For the purpose of the present by-law, balconies, decks, porches, exterior staircases and any other attached element to the main or accessory building are considered parts of the concerned building.

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Provisions Relating to the Occupation and Maintenance of a Building

Division 2.2: Procedures and Interventions of the Village

2.2.1 Obligation to carry out the required works

When the designated official notes an infraction to the present by-law, he/she will draft a notice of non-compliance and will send it to the owner, indicating the required works and the timeframe in which they must be completed. The owner shall obtain a permit or certificate for the carrying out of works in conformity with the *Permits and Certificates By-Law*.

The designated official can grant additional time extensions for the completion of required works, according to the extent of required works.

The designated official may appoint a professional resource to evaluate and report in writing on the state of the building.

The designated official can request from the owner that he provide a professional report or that tests be made on the materials and the functional and structural building elements or on the foundation's condition.

2.2.2 Failure to carry out the required works

In the case where the owner fails to carry out the works required in section 2.2.1, the Superior Court can authorize, upon motion of the Village of Senneville, that the latter carry out these works and claim their costs from the owner. The motion is treated and ruled on urgently.

The cost of works completed on the immovable represent a prior claim, with the same rank and standing as the claims contained in paragraph 5 of section 2651 of the *Civil Code of Quebec*. This cost is guaranteed as a legal hypothec on the immovable.



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CHAPTER 3:

Final Provisions

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Erreur ! Source du renvoi introuvable.
Final Provisions

Division 3.1: Penal Provisions and Coming into Force

3.1.1 Infractions and penalties

The provisions relating to infractions to the present by-law and applicable penalties are provided in the *Permits and Certificates By-Law*.

3.1.2 Coming into force

The present by-law comes into force in compliance with the law.

George McLeish, Mayor

Joanne Bouclin, Town Clerk