



BUILDING BY-LAW N° 450

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Prepared by:

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PROVINCE OF QUEBEC
VILLAGE OF SENNEVILLE

BY-LAW N° 450

BUILDING BY-LAW

NOTICE OF MOTION: MAY 26, 2014
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By-Law Modifications

By-law number	Coming into force
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THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:



BUILDING BY-LAW N° 450

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BUILDING BY-LAW N° 450

CHAPTER 1:

Declaratory, Administrative and Interpretive Provisions

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Chapter 1
Declaratory, Administrative and Interpretive Provisions

Division 1.1: Declaratory Provisions

1.1.1 By-law title

This by-law bears the title « *Building By-Law* » and carries the number 450.

1.1.2 Repeal

The present by-law repeals by-law number 310, entitled « *Construction By-Law* », as modified by its amendments and any other incompatible provision in another by-law in force.

This repeal does not affect permits and certificates legally issued under the authority of the repealed by-law, nor the acquired rights existing prior to the coming into force of the present by-law.

1.1.3 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.

1.1.4 Incompatibility with by-laws or laws

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

1.1.5 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.

Chapter 1
Declaratory, Administrative and Interpretive Provisions

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 a 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*.

1.2.3 Subject interventions

The following interventions are subject to the present by-law:

1. The erection, demolition, repair, extension, displacement, addition of a structure or part of a structure;
2. The use or change in use of the structure;
3. Any other work on a lot or structure shall be carried out in conformity with the standards of the present by-law.

The terms and conditions of permit and certificate issuance are defined in the *Permits and Certificates By-Law*.

1.2.4 Provisions relating to non-conforming structures protected by acquired rights

The provisions relating to non-conforming structures protected by acquired rights are stated in the *Zoning By-Law*.

Chapter 1
Declaratory, Administrative and Interpretive Provisions

Division 1.3: Interpretive 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 under the International System of units.

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*.



BUILDING BY-LAW N° 450

CHAPTER 2:

Provisions Relating to Building Standards

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Chapter 2
Provisions Relating to Building Standards

Division 2.1: General Provisions

2.1.1 Foundations

Main buildings, including their extensions and attached private garages, must be built on foundations.

Accessory buildings with an area greater than 50 square meters must be built on a concrete slab or a foundation.

Foundations must be continuous and made of monolithic concrete poured on site. Concrete block foundations are prohibited.

2.1.2 Cantilevered structure

Cantilevered structures are authorized on the following conditions:

1. The maximum depth of the structure, measured perpendicularly from the plane of the concerned facade resting on the foundation, is set at 2.5 meters;
2. When the depth of the cantilevered structure, measured perpendicularly from the plane of the concerned facade resting on the foundation, is greater than 1.5 meters, justification attesting the structural capacity of the building must be included;
3. Cantilevered structures shall not encroach into the setbacks.

2.1.3 Chimney

Any chimney or smoke conduit projecting from the exterior wall of a structure shall be protected with an exterior cladding material that is authorized in the *Zoning By-Law*.

2.1.4 Garage doors

For buildings with a residential main use, electric garage doors shall be equipped with a reversing mechanism in the case where the door encounters an object or resistance before the complete closing.

2.1.5 Retaining wall

When the height of a retaining wall is equal to or greater than 1.8 meters measured from average grade, the plans must be prepared by a member of the *Ordre des ingénieurs du Québec* confirming the capacity and solidity of the retaining wall. A fence must be installed above the wall when the height of the retaining wall is equal to or greater than 1.8 meters, in conformity with the *Zoning By-Law*.

Chapter 2
Provisions Relating to Building Standards

2.1.6 Snow and ice

Any main building with a roof having a slope that is greater than 12/12, with the exception of a roof clad with asphalt shingles, must be equipped with a snow guard attached to the wall or roof as to prevent ice or snow from falling.

When the accumulation of snow or ice on the roof of a building can become a danger to the public, the owner shall take the necessary means to remove this snow or ice.

2.1.7 Solid combustion equipment

The indoor or outdoor installation of any equipment or fireplace using solid fuel is prohibited. Solid fuel is any solid matter that can be used to fuel a fire.

In the case of an existing structure having solid combustion equipment as of April 25th, 2012, the owner must remove the equipment or replace it with a pellet fireplace certified by EPA or CAN/CSA-B415.1, or solid combustion equipment with an EPA rating certifying the emission of fine particles per fireplace is less than 2.5 grams per hour. A certificate of conformity issued by the installer or by a certified expert shall be submitted to the designated official. The timeframe to comply with the present paragraph is set at 5 years, starting from April 25th, 2012.

The present section does not apply to indoor open flame fireplaces used occasionally and barbecues.

Notwithstanding the prohibition hereinabove stipulated, masonry heaters are authorized. The plans submitted with the request for authorization must attest to the compliance of the masonry heater to the present definition. The heater mason must be a member of the Masonry Heaters Association of North America (MHA) and a certificate of compliance must be delivered by the mason at the end of the construction work. »

For the purposes of the present section, a masonry heater is a site-built or site-assembled, solid-fueled heating device constructed mainly of masonry materials in which the heat from intermittent fires burned rapidly in its firebox is stored in its massive structure for slow release to the building. It is a device designed to generate an intense and complete combustion of the wood, to store a maximum of heat from the combustion, and to release this heat mainly by radiation and, in a smaller percentage, by convection, over a period of up to 24 hours and more. Specifically, following the definition established by the Masonry Association of North America (MHA), a masonry heater must meet the following minimum requirements:

1. A mass of at least 800 kg (1760 lbs.);
2. Tight fitting doors that are closed during the burn cycle;
3. The external surface of the masonry heater, except immediately surrounding the fuel loading door(s), does not exceed 230 F. (110 C.);
4. An overall average wall thickness not exceeding 250 mm (10 in.).

Modified by Bylaw no. 451-2 in force on September 30, 2015.

Chapter 2
Provisions Relating to Building Standards

2.1.8 Flood-proofing standards for a structure located in a flood zone

When the standards contained in the *Zoning By-Law* include the obligation to apply flood-proofing measures to certain projects that could be located in a high-velocity or low-velocity zone, the following standards apply:

1. No opening (window, vent, door, garage, etc.) shall be accessible by the waters within the 100-year flood zone;
2. No ground floor shall be accessible by the waters within the 100-year flood zone;
3. No concrete block foundation (or equivalent) shall be accessible by the waters within the 100-year flood zone;
4. Evacuation drains must be equipped with back-water valves;
5. For all structures or parts of structures within the 100-year flood zone, a report must be prepared by a qualified member of a professional order, demonstrating the structure's capacity to resist waters reaching the said high-watermark, including calculations relating to:
 - a) Waterproofing;
 - b) Structure stability;
 - c) The necessary rebar;
 - d) The pumping capacity to evacuate infiltrated water;
 - e) The concrete's resistance to compression and tension.

The professional must issue a certificate attesting that the flood-proofing project he/she has reviewed follows good engineering practice and that it confers adequate protection against a 100-year flood event. He/she must also demonstrate the conformity of the project with the requirements stated in the preceding sub-paragraphs.

6. In the case of backfilling required for the immunization of authorized structures and constructions, backfilling shall be limited to immediate protection around the concerned structures or constructions and not extended to the entire lot on which the works will take place. The average slope, measured from the top to the base of the fill adjacent to the protected structures or constructions to its base, shall not be less than 33 1/3 % (1 vertical: 3 horizontal ratio).

Chapter 2
Provisions Relating to Building Standards

Division 2.2: Provisions Relating to Sustainable Building Techniques

2.2.1 Insulation materials

All types of insulation materials are authorized, with the exception of saw dust and straw that is not in bales, for the roof and walls of main buildings provided they are covered by an exterior cladding material that is authorized in the *Zoning By-Law*.

2.2.2 Geothermal systems

Geothermal systems must comply with the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Modified by Bylaw no. 451-1 in force on July 2, 2015.

2.2.3 Green or planted roofs

Green or planted roofs, both extensive and intensive, are authorized under the following conditions:

1. The slope of the roof is less than 35 %;
1. Rooftop access must be provided, inside or outside of the building. Exterior access to the roof must be located in the rear yard;
2. A professional must demonstrate the load-bearing capacity of the roof, taking into account the proposed green roof;
3. Crop cultivation is prohibited on rooftops;
4. If use of the green roof ceases, the installations and materials shall be removed within a timeframe of 6 months following the cessation.

2.2.4 Low-flush toilets

In all new buildings and structures, toilets must have a water debit that is less than 6 liters per flush (L/flush). This obligation also applies to a renovation.

Chapter 2
Provisions Relating to Building Standards

Division 2.3: Provisions Relating to Fortification and Protection Elements of a Structure

2.3.1 Scope of application

Fortification and protection elements are prohibited except for structures or part of structures occupied by the following uses or activities:

1. Vaults or secured rooms located inside an industrial building for the protection and conservation of goods and products;
2. Establishments involved in research, manufacturing or storage, employing products or processes that must be protected in conformity with a law or a provincial or federal by-law;
3. Municipal, governmental or paragovernmental establishments.

2.3.2 Authorized elements for building fortification

The use, assembly, installation and maintenance of construction materials or components for the bulletproofing or fortification of all or part of a structure to protect against firearm projectiles, explosive charges, shocks or vehicular collision or another type of assault are authorized only for the uses or activities listed in section 2.3.1 of the present by-law.

Elements for fortification and protection include, but are not limited to, the following:

1. Type (H-6) laminated glass or any other glass specially reinforced to resist the impact of firearm projectiles or explosives or assault, composed of polycarbonate, Plexiglas or any other similar materials making them difficult to break;
 2. Protective shutters made of steel or any other material, openwork or opaque, inside or outside of a building or structure, capable of resisting the impact of firearm projectiles or an assault;
 3. Reinforced steel or specially designed doors to resist the impact of firearm projectiles, of explosions or of an assault;
 4. Steel guard plates inside or outside of a building or structure;
 5. Anti-intrusion grilles or metal bars, blocking a path, doors or openings of a building, with the exception of those installed to protect the openings of the basement or the ground floor;
 6. Interior or exterior building walls or part of walls, made of reinforced steel or reinforced concrete or any other specially reinforced material designed to resist the impact of firearm projectiles, of explosions or of an assault;
 7. Observation and surveillance posts specifically located on a building's rooftop and not accessible to the public;
 8. Rigid or supple materials with bulletproof properties.
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Chapter 2
Provisions Relating to Building Standards

2.3.3 Cessation of a use

Fortification and protection elements authorized in the present division shall be completely dismantled in the 6 months following the cessation of use or the removal of equipment for which they have been authorized.

Chapter 2
Provisions Relating to Building Standards

Division 2.4: Provisions Relating to the Responsibilities of the Applicant and Owner

2.4.1 Safety on worksites

When work is carried out at less than 2 meters from the public domain, or when the designated official deems it necessary for public safety, worksites must be surrounded by a fence at least 1.80 meters in height and all measures must be taken to ensure the public's protection. The owner is responsible of any accident or damage to a person or to public or private property as a result of the work.

Any excavation of 2 meters or more in depth must be surrounded by a fence at least 1.80 meters in height as to ensure the public's protection at all times.

2.4.2 Machinery and tools on the lot

A building permit or certificate of authorization implies that the person carrying out the work is authorized to install and maintain on site the machinery, tools and necessary equipment required to carry out the work.

Machinery, tools and devices must be removed from the lot within a timeframe of 7 days following the completion of the work.

2.4.3 Temporary occupation of the public domain

During construction work on a structure, the temporary occupation of the public domain is authorized for the placement of equipment or construction materials or to dig a cavity. This authorization is valid for the duration of the work. The equipment, machinery or materials shall not impede traffic on the public domain.

Damage caused to the street, sidewalk or public domain resulting from the work shall be repaired at the expense of the permit or certificate applicant or the owner. This person is responsible for all accidents involving individuals or damage to property that has occurred due to this use of the public domain.

Activities such as mortar preparation, milling or the preparation of timber, stone or cement are not authorized on the public domain.

2.4.4 Dumping of materials

Materials dumped on a lot shall only be used for the construction of the building or project mentioned in the permit or certificate.

2.4.5 Construction debris

Construction debris shall be discarded in containers designed for this purpose.

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2.4.6 Site rehabilitation

Once work is completed, all materials, debris, garbage and equipment must be removed. The lot must be returned to a state of cleanliness within 14 days following the completion of the work.

Specific provisions in the *Zoning By-Law* apply in regard to site grading, excavation and landfill operations.

Chapter 2
Provisions Relating to Building Standards

Division 2.5: Provisions Relating to Dangerous, Incomplete or Burnt Structures

2.5.1 Dangerous, destroyed or burnt structures

Any structure that is dangerous, completely or partially destroyed or burnt shall be without delay, completely closed and barricaded and the site shall be protected by a fence having a minimum height of 1.80 meters, in order to prevent accidents and ensure public safety.

In these cases, the structure must be demolished and rebuilt within 12 months.

2.5.2 Excavation or foundation

Any excavation or foundation of an incomplete, burnt, destroyed or moved structure shall without delay, be protected by a fence having a minimum height of 1.80 meters, in order to prevent accidents and ensure public safety.

In all cases, the foundation of an incomplete, burnt, destroyed or moved structure shall not remain on the lot for more than 12 months.

2.5.3 Incomplete or abandoned structure

A structure that is incomplete or abandoned for more than 30 days after the expiry of the permit or certificate must be completely closed off and barricaded in order to prevent accidents and ensure public safety.

In all cases, an incomplete or abandoned structure must be demolished or completed in a timeframe of 12 months.

2.5.4 Demolition of a structure

Following the demolition work of a structure or part of a structure, the concerned lot must be cleaned of all debris or materials and must be in a state of cleanliness, within a maximum 14 days. Excavations must be filled within the same timeframe.

Once the filling operations are completed, the lot must be leveled as to prevent any water accumulation and must be in conformity with the provisions stated in the *Zoning By-Law*.



BUILDING BY-LAW N° 450

CHAPTER 3:

Final Provisions

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Chapter 3
Final 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 conformity with the law.

Mayor

Clerk