MUNICIPALITY OF WALTHAM

BY LAW ON

PERMITS AND CERTIFICATES

04-2003

J. 74

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CHAPTER 1: DECLARATORY PROVISION

1.1 TITLE OF THE BY-LAW

This by-law number 04-2003 may be cited under the title of "By-law on Permits and certificates

1.2 OBJECTIVES

In order to facilitate the interpretation of land-use planning and development by-laws, this by-law brings together the declaratory provisions and the rules governing interpretation, recourse and sanctions, as well as the administrative provisions common to the land-use planning and development by-laws.

1.3 CONTEXT OF THE BY-LAW

This by-law applies, in whole or in part, to the Zoning By-Law #01-2003, to the Subdivision By-Law #02-2003, and to the Building By-Law #03-2003, and is an implementation mechanism designed as part of a rational development policy for the Municipality and for the region. From this fact, it assumes the same spirit as that contained in the Development Plan for the Municipality of Waltham and the Development Plan for the Regional Municipality of the County of Pontiac, and it harmonizes with the other elements of the implementation of these plans.

1.4 EFFECTIVE DATE

This by-law shall become effective, after publication, in accordance with the provisions of the Act respecting Land Use Planning and Development (R.S.Q., chapter A-19.1).

1.5 SUBJECT TERRITORY

This by-law, the provisions of which apply to individuals and to public or private corporations, applies to all the territory under the jurisdiction of the Municipality of Waltham.

1.6 REGULATIONS REPLACED

All by-laws or any portion of such by-laws governing building activity are hereby repealed for all legal purposes, and are replaced by this by-law.

All other by-law provisions which are incompatible with this by-law are also repealed.

However, such replacements do not affect any legal action undertaken under the authority of the by-laws thereby replaced, which will continue under the authority of said by-laws thereby replaced, until final decision and execution. As well, said replacements do not affect the permits issued under the authority of the by-laws thereby replaced.

1.7 EFFECTS OF OTHER BY-LAWS

Any structure built, rebuilt, enlarged, modified or repaired and any parcel of land, or any building occupied or used for the purposes authorized in this by-law, and in the manner thereby authorized, is also subject to the particular provisions of the other municipal by-laws which pertain to them.

1.8 BUILDINGS AND LANDS AFFECTED

Any lot or part of a lot intended for occupancy, as well as any building or part of a building and any structure or part of any structure, must be erected in accordance with the provisions contained in this by-law. Any building, any structure or any land for which the occupancy or use is planned for modification must conform to the requirements of this by-law. The same thing holds true for any lot, portion of a lot or building site which is to be divided or re divided.

1.9 METHOD OF AMENDING THIS BY-LAW

1.9.1 Initiating an amendment to this by-law

Initiating an amendment to this by-law may be performed by a ratepayer, by Council or by the designated officer.

1.9.2 Upon the initiative of a ratepayer

When a ratepayer wishes to have this by-law modified, he or she must submit a written application to the designated officer, explaining the reasons for this request.

The designated officer shall study the application and, if he or she judges it to be acceptable, shall give favourable notice and forward the application with all relevant documents to Council, recommending that the necessary steps be taken to proceed with a by-law of amendment, in accordance with the

provisions contained in sections 123 to 137 of the Act respecting Land Use Planning and Development.

If the designated officer considers that the amendment is undesirable and contrary to the best interests of the Municipality, he or she shall make a written report to this end to the applicant and to Council.

1.9.3 Ratepayer application submitted directly to Council

When an application for an amendment is submitted directly to Council by a ratepayer, Council shall forward it directly to the designated officer for his or her recommendation.

1.9.4 Upon the initiative of the designated officer

When the designated officer desires to amend the development by-laws, he or she has to give a written recommendation to the Council.

If the Council agrees, it proceeds to the adoption of a by-law of amendment, and shall proceed according to the provisions of sections 123 to 137 of the Act respecting Land Use Planning and Development.

1.9.5 Upon the initiative of Council

When Council desires to amend this by-law, it shall advise the designated officer beforehand, and require from him or her, within a deadline which it shall set, an expression of opinion concerning the by-law of amendment which it intends to adopt.

The designated officer shall prepare a proposed by-law of amendment and shall forward all relevant documents to Council.

Council shall adopt a by-law of amendment, and shall proceed according to the provisions of sections 123 to 127 of the Act respecting Land Use Planning and Development.

1.10 DOCUMENT APPENDED

To all intents and purposes under law, the following make up an integral part of this by-law:

-The tables, graphs and symbols contained in this by-law and its appendices.

1.11 VALIDITY

Council shall adopt this by-law in its entirety and also, part by part, chapter by chapter, section by section, paragraph by paragraph, sub-paragraph by sub-paragraph, line by line and word by word, in such a manner that if a part, a section, a paragraph, a sub-paragraph, a line or a word of this by-law was or should be declared null and void, the other provisions contained in this by-law shall continue to apply.

1.12 DIVERGENCE AMONG REGULATIONS

In the case of any incompatibility among the zoning by-law and the construction and subdivision by-laws, the zoning by-law shall apply.

1.13 INCOMPATIBILITY BETWEEN GENERAL AND PARTICULAR PROVISIONS

In the event of any inconsistency between the general provisions for all zones or for one zone and the provisions specific to each of the zones, the provisions specific to one zone shall apply, unless a specific indication appears to the contrary in a general provision.

CHAPTER 2: RULES GOVERNING INTERPRETATION

2.1 INTERPRETATION OF THE TEXT

With the exception of the words hereinafter defined, all the words used will retain their generally accepted meanings.

The titles contained in this by-law constitute an integral part thereof, to all intents and purposes at law. In the case of any contradiction between the text itself and the titles, the text shall take precedence:

- A -the use of verbs in the present tense includes the future tense;
- B -the singular includes the plural and vice-versa, unless the phraseology used indicates that this use is inappropriate;
- C -the use of the words "MUST" or "WILL BE" indicates an absolute obligation; the word "MAY" indicates an optional meaning;
- D -the word "WHOEVER" includes any person or corporation;
- ${\tt E}$ -the words "CORPORATION" and "MUNICIPALITY" designate the Municipality of Waltham ;
- F -the word "COUNCIL" designates the Municipal Council;
- G -the expression "URBANISATION PLAN" signifies the land-use and development plan for the municipal territory, as stipulated in sections 83 to 87 of the Act respecting Land Use Planning and Development;
- H -a uniform system of numbering has been used for this entire by-law. The first number indicates the chapter of the by-law, the second number indicates the chapter section, the third number indicates the subsection, the fourth section indicates the article of the subsection in question. As an example, these subdivisions are numbered as follows:
 - 1. CHAPTER
 - 1.5 SECTION
 - 1.5.1 Subsection
 - 1.5.1.1 Article

Any unit of measurement mentioned in this by-law is expressed in the International System (SI or metric system).

2.2 INTERPRETATION OF TABLES

For all intents and purposes, the tables, diagrams, graphs, symbols or all forms of expression other than the text itself, and to which reference is made in this by-law, form an integral part of this document, to all intents and purposes.

In the case of any contradiction between the text and the tables, diagrams, graphs, symbols and other forms of expression, the text shall prevail. In the case of any contradiction between a table and a graph, the information given in the table shall prevail.

When a restriction or a provision contained in this by-law or any one of its provisions is incompatible with, or contradicts any other provision of this by-law, the most restrictive or the most prohibitive provision must apply.

2.3 TERMINOLOGY

Α

AGRANDISSEMENT - ENLARGEMENT

Any operation having the effect of increasing the floor area or the volume of a building, or the area of a plot of land occupied by a use.

AIRE D'ALIMENTATION EXTÉRIEURE OUTSIDE FEEDINGA AREA

Area outside a building where animals are periodically or continuously kept for feeding with feed coming from outside this area.

AIRE D'EXPLOITATION (de carriere, sabliere ou autres) -

AREA OF OPERATION (for a quarry, a sandpit or other such use)

In a quarrying operation, the surface of the ground from which mineral products are extracted, or where crushing and screening operations are conducted, and where the extracted mineral products are loaded and dumped, along with the soil taken from the surface of the land.

ALIGNEMENT DE CONSTRUCTION - CONSTRUCTION LINE

A line set out by this by-law and the amendments thereto on private property, parallel to, and at a certain given distance from, the line of a public thoroughfare, behind which any building or part of a building, foundation walls, principal walls or overhang is to be erected, apart from any structures

specifically permitted under the terms of this by-law. The interval located between the construction line and the line of a public thoroughfare sets out the front setback.

ALIGNEMENT DE LA VOIE PUBLIQUE - PUBLIC THOROUGHFARE LINE

A line established by means of a by-law, whether standardized or not, which separates private property from a public thoroughfare and is located at a certain given distance from the central axis of the street. The space included between the two street lines, on either side of the central axis, is the road allowance for the public thoroughfare.

ATELIER MECANIQUE - MECHANICAL WORKSHOP

An establishment intended for the repair of motor vehicles or any other type of mechanical equipment.

ANNEXE

Construction or accessory building attached to a main building build on the same lot and destined to improve and complement the use of the main building.

ATTIQUE - ATTIC

Habitable portion of a loft, of which the floor measured in its areas where its height from the floor is at least two hundred and twenty-five centimetres (225 cm) represents not less than forty percent (40%) and not more than seventy-five percent (75%) of the floor area of the storey below.

The attic represents one-half (1/2) storey for the purposes of calculating the height of the building.

AXE (ou "mediane") - AXIS (or "median")

Longitudinal line marking the centre of a street, a waterway, a railway or any other similar entity having a linear character.

Ε

BAIE(S) DE SERVICE - SERVICE BAY(S)

Space provided within a building for the repair and maintenance of a vehicle.

BALCON (Galerie) - BALCONY (Veranda)

Platform projecting from the walls of a building, surrounded by a balustrade or a barrier, and which may be covered by a roof, which may or may not be supported by columns.

BATIMENT - BUILDING

A structure having a roof supported by columns or walls and used to shelter people, animals or objects:

BATIMENT ANNEXE - ANNEX TO A BUILDING

Secondary building appended to a principal building, and located on the same lot as the principal building.

BATIMENT JUMELE - SEMI-DETACHED BUILDING

Two (2) adjoining buildings which are located on distinct lots.

BATIMENT PRINCIPAL - MAIN BUILDING

Building wherein the predominant use prescribed for the land is such as is indicated on the zoning plan for the site on which it is built.

BATIMENT TEMPORAIRE - TEMPORARY BUILDING

Building erected or installed for a special purpose, and for a limited period of time.

BATIMENT SECONDAIRE - SECONDARY BUILDING

Building detached from the main building located on the same lot, and destined for a use complementary to the primary use. The use to which a secondary building is but cannot, in any case, be residential in nature, but such a building may be used temporarily\short-term as a dormitory and cannot, in any case, be provided with sanitary services.

BRANCHEMENT DE SERVICE - SERVICE CONNECTION

Sewer and/or water connection installed between a building and the street line, connecting the plumbing facilities with a public or private network. С

CAMPING

Establishment offering to the public for a sum of money sites allowing camping vehicles, or tents. However farm camping is govern by other rules,

CAMP DE CHASSE-HUNTING CAMP

An isolated dwelling of less than 60 square meters non serviced by plumbing facility and that is not used for more than 40 days a year.

CARRIERE - QUARRY

Place from which consolidated or loose minerals are extracted, under the terms of the Environment Quality Act. This extraction is conducted under the open sky, for commercial or industrial purposes, or to satisfy contractual obligations, or to construct roads, embankments or dams, with the exception of asbestos or metal mines. Also included are all processing or handling operations which may be connected with extraction operations, whether these include the cutting or grinding of stone, the screening and manufacture of asphalt, cement or concrete.

CASSE-CROUTE - SNACK BAR

See "Restaurant minute/Fast-food restaurant".

CAVE - CELLAR

Portion of a building of which more than half of the height measured from the floor to the ceiling is under the average level of the adjacent ground. The basement must not be counted when the number of stories of a building is determined.

CHAUSSEE - ROADWAY

The width of any thoroughfare, paved or not, and intended for use by vehicular traffic.

CHEMIN - ROAD

Public or private thoroughfare developed in a specific location for the movement of vehicles. See "rue/street" and "route/highway".

CHEMIN PRIVE - PRIVATE ROAD

Road which is owned by an individual, a group of individuals, a corporation or an association:

CHEMIN PUBLIC - PUBLIC ROAD

Road belonging to a municipality, to the government of Quebec or to the government of Canada and on which the free movement of goods and persons is permitted.

CLOTURE - FENCE

Structure separating either two neighbouring properties or not, and is intended to separate a property or part of a property from another property or from other parts of the same property and/or to prevent access.

COMMERCE, SERVICE - BUSINESS, SERVICE

Premises on which the sale of goods and/or services is conducted.

COMMERCE AGRICOLE - AGRICULTURAL BUSINESS

Commercial use related to agriculture, such as: commercial greenhouse, warehousing, processing of agricultural products, veterinary offices, sugar bushes, and so forth.

COMMERCE DE DETAIL - RETAIL BUSINESS

Commercial establishment where businesses is conducted directly with the consumer.

COMMERCE INDUSTRIEL - INDUSTRIAL BUSINESS

Use having an industrial nature which, generally speaking, is incompatible with a residential use. For example: bus garage, trade workshop, supply depot, automobile recycling business.

COMMERCE RECREO-TOURISTIQUE - RECREATIONAL AND TOURIST BUSINESS

A private or public use linked to the tourist industry and belonging to the accommodation, restaurant or recreational

sectors. Examples: open-air resort, marina, ski centre, conference centre, hotel complex, restaurant.

CONFORMITE (Regle de la) - CONFORMITY (Rule of)

Rule which allows the Municipality to ensure, on the one hand, coherence between the regional development plan and, on the other hand, the local planning instruments, namely: the development plan and the development planning by-laws.

CONSTRUCTION - STRUCTURE

Assembly of materials connected with the ground or not, or attached to any object connected with the ground including, but not limited to: signs, signboards, storage tanks, gas pumps, platforms, swimming pools, fences, hangars and buildings.

CONSTRUCTION DEROGATOIRE - NON-CONFORMING STRUCTURE

Any structure which does not conform to the provisions of this by-law, but which did conform to the regulations in force when its construction was begun.

COURT- YARD

See "Cour arriere/Rear yard", "Cour avant/Front yard" and "Cour laterale/Side yard". Open-air space surrounded, in whole or in part, by walls, fences or hedges or delimited by the lot lines on a lot occupied by a principal building.

REAL COURT

COUR ARRIERE - REAR YARD

See "Lot". A space, generally under the open sky, located at the rear of a principal building and delineated in accordance with the features of the lot upon which the building is erected.

Case of a "classic" lot: A space delineated by the rear lot line or lines, the side lot lines and the lateral extension of the rear wall or walls of the principal building.

Case of a through lot: A space delineated by the line of the road allowance at the rear of the principal building, the side lot lines and the lateral extension of the rear wall or walls of the principal building.

Case of a "classic" corner lot: A space delineated by the rear lot line or lines, the rear extension of the side wall of the

principal building located on the side of one of the streets and by the lateral extension of the rear wall or walls of the principal building.

Case of a transverse corner lot: A space delineated by the street line at the rear of the principal building, the interior side lot line, the rear extension of the lateral wall of the principal building located on the side of one of the streets and the lateral extension of the rear wall or walls of the principal building.

FRONT (WAST - FRONT YARD

A space, generally under the open air, located at the front of a principal building and delineated according to the characteristics of the lot on which the building is erected.

Case of a "classic" lot: A space delineated by the lines of the street, the side lot lines and the lateral extension of the facing wall of the principal building.

Case of a through lot: See "Case of a 'classic' lot".

Case of a corner lot: A space delineated by the street lines, the lateral extension of the facing wall toward the interior lateral lot line and the rear extension of the lot to the side wall located on the street side.

COUR LATERALE - SIDE YARD

A space, generally under an open sky, located on the lateral side of a principal building and delineated according to the characteristics of the lot on which the building is erected.

Case of a "classic" lot: A space delineated by the lateral line of the lot, the wall on the lateral side of the principal building, the lateral extension of the rear wall and the lateral extension of the facing wall of the principal building.

Case of a through lot: See "Case of a 'classic' lot".

Case of a corner lot: A space located on the interior side of the lot and delineated by the side lot line, the side wall of the principal building, the lateral extension of the rear wall and the lateral extension of the facing wall of the principal building.

CUL-DE-SAC - DEAD-END STREET

Said of any part of a public thoroughfare open to traffic and which does not open onto any other public thoroughfare at one end of its parts.

D

DEMI-ETAGE - HALF-STOREY

Upper storey of a building wherein the area of the floor measured in those portions where the height of the ceiling is at least two hundred and twenty-five centimetres (225 cm), and is not less than forty percent (40%) and not greater than seventy-five percent (75%) of the area of the floor beneath.

DENSITE BRUTE - GROSS DENSITY

The gross density (in dwellings) is given by the total number of buildings included within the perimeter of the property or the territory directly concerned, divided by the area under consideration, including the streets and all land devoted to any public or institutional use in this territory.

DENSITE NETTE - NET DENSITY

The net density (in dwellings) is given by the total number of buildings included in or planned for the area within the perimeter of the property or the territory directly concerned, divided by the area under consideration, excluding the streets and all land devoted to any public or institutional use.

DEPENDANCE - DEPENDENCY

Secondary building used exclusively by the owner or by the occupant of an agricultural establishment.

DISPOSITION PARTICULIERE - SPECIAL PROVISION

Prescription which makes an exception to one or several rule(s) having a general application; constitutes or may constitute a subsidiary by-law under the meaning of the Act respecting Land Use Planning and Development.

DROITS ACQUIS - ACQUIRED RIGHTS

Rights recognized within a non-conforming use, a non-conforming lot or a non-conforming structure existing before a by-law or a regulation came into force which, thereafter prohibited this type of use or governed said use, subdivision or structure within a given zone in a different manner.

DROIT DE PASSAGE - RIGHT-OF-WAY

Strip of land providing access, from the public thoroughfare, to a landlocked lot. This access route must generally be taken from the side on which the journey is the shortest, from the landlocked lot to a public thoroughfare.

E

EDIFICE PUBLIC - PUBLIC BUILDING

Any building belonging to the municipal, regional, provincial or federal government, or to any other government, as well as any building belonging to school boards or to church boards, or church property, as well as all buildings listed in the Public Buildings Safety Act (R.S.Q. 1964, ch. 149 and its amendments).

 $\underline{\text{EMPRISE}}$ (d'une rue ou voie de circulation) - $\underline{\text{RIGHT-OF-WAY}}$ (of a street or thoroughfare)

Area of the land, belonging to the Municipality, and extending to any other public body or private body intended for passage from one street or another; also signifies the limits or the perimeter of this land.

ENSEIGNE - SIGN

Any written message (including a letter, word or number), any pictorial representation (including an illustration, a design, an engraving, a picture or a decorative representation), any emblem (including a coat of arms, symbol or trademark), and any flag (including a banner, bunting or pennant), or any other similar figure or similar characteristics which:

-is a structure or part of a structure, or which is attached thereto, or which is painted there on, or which is represented in some manner on a building or a structure and,

- -is used to warn, inform, announce, introduce, advertise, emphasize or to attract attention and,
- -is visible on the exterior of a building.

ENSEIGNE (Aire d'une) - SIGN (Area of)

Surface limited by an effective or imaginary continuous line, surrounding the outer limits of a sign, including any substance used to make this sign stand out from its background, but excluding the mountings. When a sign bears a message or a symbol on two of its faces, the area is that covered by both sides only, provided that the major distance between the sides is not in excess of fifty centimetres (50 cm). If, on the other hand, the sign is legible on more than two of its sides, the area of each additional surface will be considered to be that of a separate sign.

ENSEIGNE (hauteur d'une) - SIGN (height of)

The height of a sign is the vertical distance between the ground where the sign is mounted and the highest point of the sign. When the ground is at a lower level than that of the street, the height is measured from the street level.

ENTREPOT - WAREHOUSE

Building, structure or part of same used to store and to handle objects or materials.

ESPACE DE STATIONNEMENT - PARKING AREA

Interior or exterior space, within which individual parking stalls are provided, along with passageways to clear traffic.

ETALAGE (exterieur) - DISPLAY (outdoor)

Display of products outdoors, during a limited period of time corresponding to the hours of operation of a given business.

ETAGE - STOREY

Part of a building situated above the ground floor and limited by the upper surface of a storey and that of the storey situated

Part of a building situated above the ground floor and limited by the upper surface of a storey and that of the storey situated immediately above it, or in its absence, by a ceiling. A basement is considered to be half a storey.

EXPLOITATION AGRICOLE - AGRICULTURAL OPERATION

Set of agricultural production activities managed by a person who is the owner or the renter of lands or buildings located in an agricultural zone.

EXTRACTION - QUARRY

Place from which consolidated or loose minerals are extracted, under the terms of the Environment Quality Act 1977 L.R.Q.Ch.Q-2. This extraction is conducted under the open sky, for commercial or industrial purposes, or to satisfy contractual obligations, or to construct roads, embankments or dams, with the exception of asbestos or metal mines. Also included are all processing or handling operations which may be connected with extraction operations, whether these include the cutting or grinding of stone, the screening and manufacturing of asphalt, cement or concrete.

F

FACADE PRINCIPALE D'UN BATIMENT - FRONT WALL OF A BUILDING

Portion of a building which faces on a street, in the case of interior lots; in the case of corner lots, the portion of the building where the main entrance is located.

FACADE PRINCIPALE D'UN TERRAIN - FRONTAGE OF A LOT

Principal face of a plot of land facing on the front entrance of a dwelling or the building, and defined outwards by an extension of the front wall, the front lot line and the side lot line.

FONDATIONS - FOUNDATIONS

That portion of structure located underneath the ground floor, and including walls, foundations, footings, pillars and pilings which convey the weight of a building to the ground or to the rock to which these features are attached.

FRONTAGE - FRONTAGE

existing or planned; in the case of a riverside lot along a lake or a waterway, the frontage signifies the straight line between both side lot lines; in the case of a lot located at the intersection of two (2) streets or roads, this measurement should be taken from a single side lot line to the intersection. The frontage of a lot can also be calculated by using the average width of the road allowance or the width taken at the front setback.

GRANGE - BARN

Building where unprocessed grain, straw, hay and agricultural machinery are kept.

GRENIER (voir aussi "Attique") - LOFT (see also ATTIC)

Space in a building included between the ceiling of the upper floor and the sloped roof of the building.

GESTION LIQUIDE LIQUID MANAGEMENT

Management reserved for liquid manure could include wash water that is handled by pumping.

GESTION SOLIDE MANAGEMENT OF SOLIDS

Management of solid manure and waste bed normally store in solid form and moved by a loader.

Η

HABITATION - DWELLING

Building or a portion of a building intended to shelter persons, and including one or several dwellings.

HABITATION AGGLOMEREE - MULTIPLE-UNIT DWELLING

A building sheltering a number of superimposed or adjacent dwelling units, each one of which is provided with a separate entrance. This class of use includes duplexes, triplexes, twinned units, row houses and quadrexes.

HABITATION BI-FAMILIALE (duplex vertical) - TWO-FAMILY DWELLING
(vertical duplex)

Building sheltering two (2) dwelling units, one of which is placed on top of the other, and having separate entrances opening directly outside, or opening onto a vestibule.

HABITATION COLLECTIVE - GROUP DWELLING

A home sheltering a group of persons, administered by a non-profit corporation or a profit-oriented corporation, or by an individual having a profit motive. In this home, meals are prepared in a common kitchen.

This group comprises:

- -Group homes for the physically and mentally handicapped.
- -Shelters for the elderly.
- -Day centres.
- -Homes for young people.
- -Rooming houses.
- -Community residence for religious orders.
- -Lodging and rehabilitation centres for handicapped people of all types and for the socially unadapted.
- -Transition homes for former convicts.
- -Retirement, convalescent and rest homes, orphans' homes and student residences.

Any other dwelling meeting the definition of a group home.

HABITATION JUMELEE (Semi-detachee) - TWINNED HOUSING (Semi-detached)

Single-family home linked by a common wall to another single-family dwelling; both dwellings are located on two contiguous lots having a common line in the area of the common wall.

HABITATION MULTIFAMILIALE - MULTIPLE-FAMILY DWELLING

Dwelling including five (5) or more dwellings, and possessing a common main entrance or the same civic number.

HABITATION SAISONNIERE - SEASONAL DWELLING

Residence or home used on an intermittent basis for recreational purposes and which is not the principal residence, and which has an area of sixty square metres (60 m2) or more.

HABITATION UNIFAMILIALE - SINGLE-FAMILY DWELLING

See "Logement/Dwelling". Residence which includes a single dwelling unit and which may include an additional single dwelling unit, in so far as the septic facilities are considered to be adequate.

HABITATION UNIFAMILIALE ISOLEE - FREESTANDING SINGLE-FAMILY DWELLING

Isolated single-family home which is not adjacent to another home, nor linked to it in any way.

HAUTEUR EN ETAGES - HEIGHT IN STOREYS

The number of storeys included between the basement floor or the ground floor and the roof of a building (see attic, basement and cellar).

HAUTEUR EXPRIMEE EN METRES - HEIGHT EXPRESSED IN METRES

Vertical distance between the median level of the ground and a horizontal plane, going through:

- -the highest part of the assembly of a flat roof; and
- -the average level between the eaves and the ridge, in the case of a sloped, peaked, mansard or hipped roof.

HOTEL - HOTEL

Building or part of a building developed in furnished rooms to house a transient clientele, and provided with a public dining room or a cafe-restaurant.

I

ILOT - BLOCK

Set of sites or lots bordered by thoroughfares, rivers or railways.

ILOT DE POMPE - PUMP ISLAND

A platform, generally rectangular, made of concrete, on which gas pumps are installed.

IMMEUBLE - IMMOVABLE

Any asset which cannot be moved, or which the law considers to be such; designates any building, structure or land.

IMMEUBLE PROTÉGÉ PROTECTED IMMOVABLE

- -Commercial recreation centre of sports, and culture
- A municipal park
- Public beach and marina
- School or health establishment land LRQ c.S-4.2);
- Camping establishment
- Building on a nature interpretation centre
- Ski or Golf chalet
- A religions temple
- Summer theatre
- A Hotel establishment , youth center summer camp as established by the regulation on tourism establishment.
- A winery or a restaurant establishment licensed year round

IMPLANTATION - DEVELOPMENT

Any activity, construction of a new building, any enlargement or any movement of an existing building.

INDUSTRIE ARTISANALE-ARTISAN INDUSTRY

This category regroups all activities performed inside that have no impact on the outside environment no noise, no dust, no vibration no smell, no light and that don't increase local traffic. No outside storage the product of this industry is to be commercialized on side or locally.

INDUSTRIE LEGERE - LIGHT INDUSTRY

Enterprise whose activity consists of the processing of products, and which has little impact on the surrounding area, or on the quality of the environment. Examples: electronics assembly, assembly of furniture, butcher shop.

INDUSTRIE LOURDE - HEAVY INDUSTRY

Enterprise whose activity consists of processing products having an appreciable degree of impact on the surrounding area and on the quality of the environment, owing to noise, the emission of dust, storage of dangerous materials, etc...This kind of industry is not allowed on the territory of Waltham

INDUSTRIE MOYENNE , MEDIUM INDUSTRY

This categories consist on activities and assembling , transformation activity that have little impact on the environment, and that produce minimum amount of dust, noise traffic light or vibration. And outside storage is allowed. This kind of industry is not allowed on the territory of Waltham

INSTALLATION D'ÉLEVAGE RAISING INSTALLATION

Building or feeding area where animals are kept ad where a feeding and storing facility are set up separately or with others in an area part of the same establishment.

INSTALLATION SEPTIQUE - SEPTIC FACILITY

Unit serving for the evacuation and for the purification of waste water and/or household water, and including a pipeline, a septic tank and a purifying element.

K

KIOSQUE-COMPTOIR - KIOSK-COUNTER

Structure made up of shelves and counters, whether sheltered or not and used, on an intermittent basis, for the sale or demonstration of various products.

L

LARGEUR D'UN LOT - LOT WIDTH

Distance between the side lot lines of a piece of land, measured at the front easement.

LIGNE ARRIERE - REAR LOT LINE

Demarcation line between two lots or two pieces of ground, or between a lot and a piece of ground, and which is neither a front lot line nor a side lot line.

LIGNE AVANT - FRONT LOT LINE

Line of demarcation between a lot or a piece of ground and the area covered by the public thoroughfare. In the case of a lot which does not open onto a public street, the demarcation line is located on the side where the civic number is posted.

For lots located along lakes and waterways, the front lot line is the line adjacent to the shoreline.

LIGNE DE LOT - LOT LINE

Cadastral line which is used to delimit a parcel of land. This delineation is performed by a surveyor.

LIGNE DE RUE - STREET LINE

Limit of the separation between a lot and a street described and designated on a plan made and deposited in accordance with the provisions of article 3043 of the Civil Code.

LIGNE LATERALE - SIDE LOT LINE

Demarcation line between lots or parcels of lots: this line is perpendicular to, or almost perpendicular to, the street line, and may be irregular.

For lines located along lakes and waterways, the lot lines perpendicular to the river are those which form an angle with the shoreline.

LIGNE NATURELLE DES HAUTES EAUX - NATURAL HIGH-WATER MARK

At the area characterized by a transition between a predominance of aquatic plants to a predominance of land plants, or at the place where tree-type vegetation stops, in the direction of the water surface.

LIGNE DES HAUTES EAUX. HIGH WATER LINES

Line serving to separate the water shore and the littoral of a water course or lake.

This high water line is situated : At the area where the predominance of land plants take over from aquatic plants.

Plants considered aquatics are all hydrophilic plants including submerge plants, floating leaves plants, emerging plants, herbal plates and submerged solids characterized by swampy or open marshes open on lakes or rivers.

- If there are no aquatic plants the high water line is situated where the land plants stops toward the river or lake banks.
- In the cases where retaining works are installed on the water course the high water line is the maximum level established up-wards from these retaining works.
- In the case of a legal retaining wall the line is at the top of this retaining wall
- If none of the above criteria applies the high water marks is established by identifying the level that flooded two years in a row , which then is considered the same has if we had considered the plants criteria's.

LITTORAL-LITTORAL

Part of lakes and water course that spreads from the high water marks towards the centre of the water course.

LOGEMENT - DWELLING

Room or suite of rooms in a building, having a separate entrance and intended to serve as a domicile, and provided with its own sanitary facilities, sleeping quarters and facilities for the cooking of food and meal preparation. Does not include a motel, a hotel, a rooming house or a trailer.

LOGEMENT ADDITIONNEL - ADDITIONAL DWELLING

An additional home which may be authorized by municipal regulation and developed or planned on the basis of a single-family home, all of this in conformity with regulations governing septic facilities.

LOT - LOT

A lot is a parcel of land described by a distinct number on the official cadastral plan or on the subdivision plan, made and filed in accordance with article 3043 of the Civil Code, a parcel of land described in the translative acts of property by tenants or neighbours or even the residual portion of a fund of land described by any translative act affecting property by tenants or by neighbours is performed, along with subdivisions, including those performed and filed in conformance with the Cadastre Act and with article 3043 of the Civil Code.

LOT D'ANGLE OU DE COIN - ANGLE OR CORNER LOT

Lot located at a street intersection and where the angle of intersection is less than one hundred and thirty-five degrees (135°) . A lot located where the street line describes an arc which is subtended by an angle of less than one hundred and thirty-five degrees (135°) is also considered to be a corner lot.

LOT TRANSVERSAL - TRANSVERSE LOT

Lot, other than a corner lot, opening onto at least two streets, but not having any rear lot line.

LOT INTÉRIEUR INTERIOR LOT

Land other than an angle lot situated along a road side

LOT TRANSVERSAL

All other lots not angled that gives on at least two streets but that don't have a rear lot line.

LOTISSEMENT - SUBDIVISION

Cadastral operations of division, subdivision, redivision, replacement and subdivision-redivision of building lots, or additions to original lots, or cancellations or modifications entered in a reference book. (See also subdivision plan and cadastral operation).

М

MAISON DE CHAMBRES - ROOMING HOUSE

See "Logement additionnel/Additional dwelling" and "Habitation unifamiliale/Single-family dwelling". A building or portion of a building, other than the usual recreational and tourist businesses, where more than two (2) rooms may be rented, but where meals are not served.

MAISON DE TOURISTES - TOURIST HOME

Building or a portion of a building where furnished rooms are rented to a transient clientele, to which meals may be served.

MAISON MOBILE - MOBILE HOME

Single-family home having a length of ten metres (10 m) or more, manufactured in a factory and capable of being transported, intended for use as a dwelling and designed to be moved on its

own wheels to the area for which it is intended and to be attached, in perpetuity, to an immoveable by means of a physical or a material link to a concrete pad or a permanent foundation. A mobile home includes the septic facilities which meet provincial standards.

MARGE DE RECUL - SETBACK

Provision contained in land-use planning and development regulations setting the minimum width of the rear, front and side yards. The prescribed dimension sets out the line of a setback parallel to the rear, front and side lines of the lot, respectively.

MARGE ARRIERE - REAR SETBACK

See "Lot/Lot". Provision contained in the regulations establishing the minimum width of the rear yard. The prescribed dimension sets a setback parallel to the rear lot line.

MARGE AVANT - FRONT SETBACK

See "Lot/Lot". Provision contained in the regulations establishing the minimum width of the front yard. The prescribed dimension establishes a setback parallel to the front lot line, except in the case of any provision to the contrary.

MARGES LATERALES - SIDE SETBACKS

See "Lot/Lot". Provision contained in the regulations establishing the minimum width of the side yards.

MARINA - MARINA

Public or private facility allowing for the launching and mooring of a minimum of ten (10) pleasure craft. A marina also provides fuel supply services, as well as all services related to a business and to the maintenance of pleasure craft. As a complement, the marina may provide, within a permanent welcoming pavilion, lodging, restaurant and bar services.

MODIFICATION - MODIFICATION

Any change, enlargement or remodelling of a building, or any change made to its use.

MOTEL - MOTEL

An establishment made up of lodging units, either under the same roof or not, for the use of a transient or stationary clientele. Each of these units constitutes a distinct unit, having its own entrance opening directly outward, and is equipped with plumbing facilities. It may or may not be equipped with cooking facilities for the exclusive of its occupants, with parking for automobiles directly on site.

MUNICIPALITE (ou corporation) MUNICIPALITY (or corporation)

Any organization responsible for the administration of a territory for municipal purposes, to the exclusion of a Regional County Municipality. Under the terms of these regulations, the word 'Municipality' designates the Municipality of Waltham.

MUR - WALL

Vertical structure with framing used to enclose a space and which can also support a load originating in the floors and/or the roof.

MUR ARRIERE - REAR WALL

Wall of a building the closest to the rear line, and parallel or essentially parallel to this line. The line formed by this wall may be irregular.

MUR AVANT - FRONT WALL

Wall of a building nearest the front lot line, and parallel to this line, or essentially parallel to it. The line formed by this wall may be irregular.

MUR AVEUGLE - BLIND WALL

Wall of a building with no openings.

MUR LATERAL - SIDE WALL

Wall of a building nearest the side lot line, and parallel or essentially parallel to this line. The line of this wall may be irregular.

MUR MITOYEN - COMMON WALL

Wall belonging to two (2) contiguous properties erected on the line separating two lots.

MUR DE SOUTENEMENT - RETAINING WALL

Any wall constructed to retain or support an embankment.

N

NORMALISATION - STANDARDIZATION

Subdivision procedure intended to perform cadastral operations on a property, for use in conformity or not in conformity (as to its size, its area or its zoning) and for which there is a title registered before these subdivision by-laws came into force.

NORME (generale et minimale) - STANDARD (general and minimum)

Land-use planning provision establishing what must be done in a special case, and which may be included in the additional development for the revised development plan for the community.

0

OCCUPATION AU SOL - GROUND COVERAGE

Ground coverage indicates the total area of ground which may be occupied by buildings. This area is entered on the specification sheet as a percentage.

OCCUPATION MIXTE OU MULTIPLE - MIXED OR MULTIPLE OCCUPANCY

Occupancy of a building or a part of a building for several different uses.

OFFICIER DESIGNE - DESIGNATED OFFICER

The employee or employees of the Municipality responsible for ensuring that this by-law is respected or administered, including his or her replacement or assistant.

OPERATION CADASTRALE - CADASTRAL OPERATION

The whole of the procedure intended to perform division, a vertical cadastre, a subdivision, a redivision, a correction, a replacement, a cancellation, an addition, a subdivision-redivision, a cadastral regrouping, including all those made and for which the plan is filed in accordance with the Cadastre Act and with article 2175 of the Civil Code and its amendments.

3043

OUVERTURE - OPENING

Any hole arranged or pierced in a construction; such as an arch, bay, ventilation hole, embrasure, window, wicket, aperture, spyhole, skylight, circular windows, door, basement window, trap, transom, etc.

P

PANNEAU RECLAME - SIGNBOARD

See "Enseigne/Sign".

PARC ET TERRAIN DE JEU - PARK AND PLAYGROUND

Signifies an area used for the purposes of, or intended for, recreation, relaxation and sports for the public in general. This park is sometimes occupied by community equipment.

PARC DE MAISON MOBILE - MOBILE HOME PARK

Terrain subdivided into lots, and developed in such a way that there is no more than one dwelling per lot. The minimum area of a lot for the installation of a mobile home is three thousand, seven hundred square metres (3,700 m2).

 $\frac{\text{PARC DE ROULOTTES}}{\text{(campground)}} \text{ (terrain de camping) - } \frac{\text{TRAILER PARK}}{\text{(campground)}}$

Ground allowing for a short stay by users of travel trailers and recreational vehicles, as well as by users of campers and camper tents.

PAREMENT EXTERIEUR (Materiaux de) - SIDING (materials)

Materials used to cover the outside of a building.

PENTE - SLOPE

Relationship between the vertical projection of an incline and its horizontal projection.

PERMIS ET CERTIFICAT - PERMIT AND CERTIFICATE

Documents issued under the terms of municipal regulations by the designated officer. The obtention of a permit or a certificate is necessary to exercise an afferent right when the application or the project in question conforms to the Municipality's landuse planning and development by-laws.

According to the Act respecting Land Use and Development:

- -the Building Permit is the document required building, remodelling, enlargement or addition to a building;
- -the Subdivision Permit is the document required to perform a cadastral operation. The Subdivision Permit is granted by resolution of Council;
- -the Certificate of Authorization is the document required for any change in the use or the purpose to which a building is put, for any demolition work, for temporary use, etc...;
- -the Occupancy Certificate is the document required to allow occupancy of a building when the regulations have been respected;

PIECE HABITABLE - HABITABLE ROOM

Any room intended primarily for use by persons, according to the minimum dimensions, areas and volumes stipulated by regulation, in provincial hygiene regulations and in the National Building Code.

PISCINE - SWIMMING POOL

Any basin of water, either inside or outside a building, whether permanent or temporary in nature, designed for swimming, bathing or any other aquatic amusements and having a minimum depth of forty-five centimetres (45 cm).

PLAN D'IMPLANTATION - SETTLEMENT PLAN

A plan, including an up-to-date survey, including existing or planned buildings and their development. The levels, distances, areas, etc. must be indicated.

PLAN DE LOCALISATION - SITE PLAN

A plan, drawn to scale, showing buildings, trees, ravines or waterways, easements, etc., indicating the shapes, the dimensions and the areas of buildings, as well as the shapes, the dimensions and the area of the site.

PLAN D'URBANISME - LAND-USE DEVELOPMENT PLAN

Planning instrument contemplating the entire territory contained within the Municipality of Walham, made up of written, graphical and cartographic documents, and adopted by the Municipal Council by means of a by-law. The purpose of the land-use development plan is to set out the major development directions for the municipal territory, the main types of land use and the density of ground occupancies.

PLAN DE LOTISSEMENT - SUBDIVISION PLAN

Plan which illustrates a cadastral operation to divide land(s) into lots and/or streets, according to the provisions of this by-law. (See also "Lotissement/Subdivision").

PLAN DE ZONAGE - ZONING PLAN

Plan showing the division of the territory into zones and sectors of zones, for the purpose of regulating the uses conducted therein.

POSTE D'ESSENCE - FILLING STATION

Commercial establishment intended primarily for the retail sale of gasoline (motor fuel) for automobiles and, accessory, for the sale of related products necessary for the day-to-day operation and maintenance of vehicles. (See "Station service/service station" and "Atelier mecanique/Mechanical workshop").

PROFONDEUR D'UN LOT - DEPTH OF A LOT

Average distance between the front and rear lines of a lot. Where there is no rear lot line, this distance is calculated in relation to an imaginary line parallel to the front lot line, running through the lot and having a length of at least sixty percent (60%) of the minimum required frontage.

PROPRIETAIRE - OWNER

Any person who possesses real property under any title whatsoever, including title as a tenant, as the occupant of a building charged with substitution or an long-term lease, or who occupies Crown Land under the terms of a promise of sale, a permit of occupancy or a rental agreement.

Q

QUAI - DOCK

Public or private facility allowing for the mooring of pleasure craft on rivers must be approved by the Ministry of Environment.

R

RAMPE DE MISE A L'EAU - BOAT LAUNCHING RAMP

Public or private facility to allow pleasure boats to be launched. This type of structure, in order to be constructed, must be approved by the Ministere de l'Environnement.

REDIVISION - REDIVISION

Cadastral operation by which a lot or a portion of a lot is cancelled and is simultaneously replaced by a new subdivision, according to the provisions of article 2175 (paragraph I) of the Civil Code and sections 17 and 18 of the Cadastre Act (R.S.Q., 1964/chapter 320.

REGLEMENT DE CONSTRUCTION - BUILDING BY-LAW

City planning regulation adopted by a municipality which sets the rules relative to building, in accordance with sections 116 and 118 of the Act respecting Land Use Planning and Development.

REGLEMENT DE LOTISSEMENT - SUBDIVISION BY-LAW

Municipal planning regulation adopted by the council of a municipality, which sets the rules and the standards pertaining to subdivisions, according to section 115 of the Act respecting Land Use Planning and Development.

REGLEMENT DE ZONAGE - ZONING BY-LAW

Municipal planning by-law adopted by the Council of a municipality and which sets the rules pertaining to zoning, in conformity with section 113 of the Act respecting Land Use Planning and Development and, when applicable, with the municipal plan.

A municipality may divide its territory into zones, divide the zones into sectors and specify, for each zone, the structures or the uses permitted there on (residential, commercial, industrial, etc.), which are authorized or are prohibited. The zoning plan will therefore make up an integral portion of the regulations governing zoning.

REGLEMENT D'URBANISME - MUNICIPAL PLANNING BY-LAW

Legal instrument for controlling uses, structures, land use and the subdivisions within the territory of a municipality, in conformity with the development orientations taken for the territory, the land use and its occupational densities permitted under the plan governing land use and development.

REMBLAIS-BACK FILL

Opretation by which soil is deposited on a plot of land in order to proceed to fill a hole or do landscape.

REMISE - SHED

See "Batiment secondaire/Secondary building").

RESTAURANT - RESTAURANT

Establishment where meals are served, either at tables or at counters, for payment.

RESTAURANT-MINUTE (ou casse-croute) - FAST-FOOD RESTAURANT (or snack bar)

Small restaurant having a counter, without tables or stools, where light meals are served.

REZ-DE-CHAUSSEE - GROUND FLOOR

Portion of a building with the first storey erected completely above the average level of the adjacent ground. However, if the average level of the land is lower than that of the street, the first storey is the storey where more than half of the volume is located above the level of the street.

RIVE - SHORE

A strip of land surrounding a lake or water course that extend in-land from the high water marks. The with of this shore line is measured horizontally.

The shore has a minimum of 10 meters:

When the angle of the slop is less than 30 % or

When the angle is higher than 30% but we are in presence of a slope of less than 5 meters high

The shore has a minimum of 15 meters:

When the slope is greater than 30% or

When the angle is greater than 30% and we have a slope of more than 5 meters high.

In the application of rules governing procedures and regulations in the norms of interventions in crown land forest area (RNI) special protection rules for shores will be applicable.

ROULOTTE - TRAILER

Trailer, semi-trailer or recreational vehicle, less than nine (9) metres in length, which may be towed, and which is used on a temporary basis for recreational purposes, as a dwelling, an office or as a commercial or industrial establishment.

ROUTE - HIGHWAY

Generic term designating a terrestrial thoroughfare intended for use by vehicular traffic, to ensure transportation between urban agglomerations.

ROUTE PROVINCIALE - PROVINCIAL HIGHWAY

Highway used for interregional transportation, having access which might be limited to level crossings (numbered from 100 to 199).

ROUTE REGIONALE - REGIONAL HIGHWAY

Highway used for intermunicipal transportation deriving from a provincial highway, access to which may be limited to level intersections (numbered from 200 to 399).

RUE - STREET

Designates a local thoroughfare (or local road) for vehicles, and which provides access to surrounding lands, whether with curbs and sidewalks or not. A street may be public or private.

RUE COLLECTRICE - COLLECTOR STREET

A street intended to channel traffic from local streets within a neighbourhood unit.

S

SABLIERE (voir "Extraction") - SAND PIT (see "Quarry")

Any area from which non-consolidated minerals are extracted under the open sky, including sand and gravel, from a natural deposit, for commercial or industrial purposes.

SCHEMA D'AMENAGEMENT - REGIONAL DEVELOPMENT PLAN

Planning instrument which sets out the guidelines for the physical organization of the territory of a regional county municipality, by coordinating the choices and the decisions which affect all the municipalities concerned, with government regulations.

SERRE - GREENHOUSE

A building having a wood or metal framework, covered in a translucent or transparent material which allows for the entry of solar energy and which is intended to allow plants, fruits or vegetables to be grown.

SERVICES D'UTILITE PUBLIQUE - PUBLIC UTILITIES

Include public services facilities, such as electricity, gas, telephone, water mains and sewers, as well as their accessory equipment.

SITE PATRIMONIAL PROTÉGÉ

Recognized heritage site by competent authority and that which the collectivity wish to protect.

SOUS-SOL - BASEMENT

Part of a building or a storey located below the level of the adjacent ground and for which over half of the free height measured from the floor to the ceiling is above the median level of the adjacent ground. The basement represents one-half (1/2) a storey for the purpose of calculating the height of a building.

STATION-SERVICE - SERVICE STATION

Establishment intended for the sale of gasoline and other products necessary for the operation of motor vehicles, as well as their washing, lubrication and small repairs thereto.

STATIONNEMENT (Aire de) - PARKING LOT (Area)

Space or set of parking places, including access roads and parking stalls.

STATIONNEMENT (Hors rue) - PARKING LOT (off-street)

Uncovered ground, other than a street or an alley, used for the parking of cars.

STATIONNEMENT (place de) - PARKING PLACE

Space required to park a motor vehicle, not including the access roads.

SUBDIVISION - SUBDIVISION

Cadastral operation by which part of a lot or an entire lot is divided into parts, according to the provisions of article 2175 (paragraph I) of the Civil Code.

SURFACE TERRIÈRE-LAND CONTENT

Land content in forestry is commonly used by tree markers to determined the volume of wood and the inventory of wood is express in square meters per hectors.

In the case of a tree it's the cross section of the area at about four feet from the ground. In the case of tree population it's the amount of trees in a given area.

SUPERFICIE BATISSABLE - BUILDABLE AREA

Residue of the total surface of the lot, once the following areas have been subtracted:

- 1) the front setbacks pertaining to the zone under consideration.
- 2) the front setbacks specific to regional roads.
- 3) the side setbacks specific to the zone under consideration.
- 4) the easements specific to floodplains.
- 5) the easements specific to unstable slopes.
- 6) the riverside protection area for waterways.
- 7) the rear setback specific to the zone under consideration
- 8) any other provisions required under the terms of this by-law.

SUPERFICIE BRUTE DE PLANCHER - GROSS FLOOR AREA

Total area of the floors of the ground floor and the upper storey, measured from the exterior surface of the outside walls or from the axis line of the median walls. The gross floor area also includes:

- -a basement or part of a basement used for residential, business or industrial purposes;
- -a basement or part of a basement used as a recreation room, a storage room or as a laundry room;

However, the gross floor area does not include:

- -a basement or any storey (either in whole or in part) used as a parking area or as an area used to house mechanical equipment;
- -an uninhabitable or unusable attic;
- -a balcony, terrace, porch or patio;
- -an off-street loading area.

SUPERFICIE D'UN LOT - AREA OF A LOT

Surface measurement of a lot included within its front and rear side lot lines.

SUPERFICIE NETTE DE PLANCHER - NET FLOOR AREA

Floor area used strictly for permitted uses; this area is measured from the interior surface of the outside walls and includes the basement or basements.

However, this area excludes:

- -an entryway, a vestibule or a corridor;
- -a mall in the case of a shopping centre;
- -the enclosures used for a stairway or an elevator;
- -storage rooms;
- -balconies, terraces, patios and porches;
- -exterior staircases;
- -indoor parking garages located under the average ground level;
- -areas occupied by mechanical, heating, ventilation, airconditioning and plumbing equipment, etc.;
- -common rooms used for recreational, cultural or social purposes.

T

TERRAIN - LOT

Land surface which may be divided into one or several lots or parts of lots and which are used as, or may be used for a principal use, and which constitute one and the same property.

TERRAIN DE CAMPING-CAMPING GROUND

-Plot of land allowing campers to use with their camping equipment for a short stay, campers, tents etc.

TERRAIN RECEPTEUR - TILE BED

Portion of a lot wherein waste water is drained, and where waste water treatment facilities are installed.

TERRASSE EXTERIEURE - OUTDOOR TERRACE

Open-air facility adjacent to a business establishment, where tables and chairs are provided for patrons.

TROTTOIR - SIDEWALK

Public passageway reserved exclusively for the use of pedestrians, and developed according to the provisions contained in this by-law.

Ū

USAGE - USE

The principal function for which an immoveable, a building, a structure, an establishment, a premise, a lot or one of their portions is used, occupied or intended or treated in such a way as to be used or occupied.

USAGE COMPLEMENTAIRE - COMPLEMENTARY USE

Any permitted use other than the dominant use in a zone, and which may be conducted on a lot distinct from the lot on which the dominant use is conducted.

USAGE DOMESTIQUE - DOMESTIC USE

A use conducted for a gainful purpose which complements the residential use. Under the terms of the land-use planning and development regulations (and not under business permits) the following activities are considered to be domestic uses: teachers', business and professional offices, word processing agencies; artists' workshops, sewing and design offices, etc. This use ceases to be a complementary use when it exhibits external signs of its own development, such as these pertain to outdoor storage, the posting of signs or parking. A domestic use is a privilege and does not allow, at any time, any disturbance of the public peace by noise or odours.

USAGE DEROGATOIRE - NON-CONFORMING USE

A use which is not in accordance with these land-use planning and development regulations, which is either in existence or authorized by the Municipality as of the date these regulations enter into force.

USAGE PRINCIPAL (dominant) - PRINCIPAL USE (dominant)

The primary use of a lot or a building. With specific exceptions, there can be only one principal use per lot. The building used for the principal use must be erected before a secondary or attached building is constructed, except in the case of an industrial use.

USAGE MIXTE OU MULTIPLE - MIXED OR MULTIPLE USE

A use authorized for a building for two or several distinct purposes, corresponding to those uses normally conducted in different zones, with all of the foregoing constituting only one principal use under the terms of this by-law.

USAGE TEMPORAIRE - TEMPORARY USE

A use authorized for pre-established periods of time. A temporary use may not be entirely in conformance with the provisions governing permanent uses.

Z

ZONAGE - ZONING

Action of dividing a municipality into zones and zone sectors, for the purpose of regulating the shapes, the dimensions and the inclusion of buildings, as well as their use and the use made of the land, in accordance with the law; may also signify the body of regulations pertaining to land-use planning and development.

ZONE - ZONE

Identified in the zoning by-law, the zone constitutes a portion of the municipal territory defined by the use to which it is put, and the presence of structures presenting a certain degree of compatibility. This zone may be subdivided into sectors.

ZONE (Secteurs de) - ZONE (Sectors)

The zoning plan indicates and identifies the zones throughout the entire municipal territory. These zones, identified by numbers, serve as voting units for persons qualified to vote for the purpose of approval, when approval is granted, or to vote on the modification of a by-law pertaining to certain features of the zoning by-law. Implementation standards for various sectors in a given zone may differ.

ZONE AGRICOLE - AGRICULTURAL ZONE

In so far as zoning is concerned, this term is reserved exclusively for areas placed under the jurisdiction of the Act to Protect Agricultural Land, and designates said territory.

CHAPTER 3: ADMINISTRATION OF LAND-USE PLANNING AND DEVELOPMENT REGULATIONS

3.1 RESPONSIBILITY FOR THE ISSUANCE OF PERMITS AND CERTIFICATES

Responsibility for the issuance of permits and certificates arising from land-use planning and development regulations is the responsibility of one or more municipal employees designated to this end by the Municipal Council by way of a by-law passed in conformity with section 119, 7th paragraph of the Act respecting Land Use Planning and Development.

3.1.1Functions of the designated officer

The designated officer, his or her representative or any assistant duly authorized by Council shall monitor and supervise buildings, occupancies and roads and, to this purposes, the following duties are conferred upon these persons:

- .1 to administer and to apply land-use planning and development regulations;
- .2 to supervise and monitor the lay-out of streets and subdivisions, land use, landscape development and overall design;
- .3 to supervise and monitor structures, occupancy of buildings and land use;
- .4 to keep records with respect to:
 - -all applications pertaining to the performance of these land-use planning and development by-laws;
 - -all inspections and all tests;
 - -all permits and orders issued.
- .5 to retain copies of all documents pertaining to the administration of this by-law. These documents will be part of public records and municipal archives.
- .6 to notify the owner in writing in the case where a structure does not conform to the provisions of this by-law, indicating, in the aforesaid notice:
 - a) the reasons for the non-conforming status;
 - b) the action to be taken within forty-eight (48) hours of the date of receipt of the notice;

c) the permanent measures to be taken within thirty (30) days following the date of receipt of the notice.

The notice mentioned may be delivered by hand, or sent by registered mail;

- .7 to revoke a permit:
 - a) when one of the conditions necessary for its issuance constitutes a violation;
 - b) when the permit has been granted in error; or
 - c) when the permit has been granted on the basis of inaccurate information.

3.1.2 Powers of the designated officer

The designated officer may:

- at any reasonable time, visit the site and enter any building constructed or under construction to ensure that the provisions of the municipal by-laws have been observed.
 Owners and occupants must permit the officer to visit such site and must provide him or her with all the information necessary to perform said work;
- 2. subject to the provisions contained in this land-use planning and development by-law concerning the necessity of providing a notice, to deliver or cause to be delivered to any and all owners, occupants or other parties having responsibility for the site or situated there on, a notice indicating the need to rectify a condition when the officer considers that this condition constitutes a violation of this by-law;
- 3. order any owner, occupant or other party having responsibility for the site to suspend any occupancy or any work on the building when the use or the work contravene this land-use planning and development by-law, or when the building is considered to be dangerous;
- 4. extend the time period normally provided under the terms of this land-use planning and development by-law for the restoration to use, the repair or the demolition of a dangerous or run-down structure, by issuing a special authorization when there is evidence that the work will be performed, but valid reasons prevent the completion of the work within the time limits normally allowed under this bylaw;

- .5 require that the owner submit, at his or her own expense, any or all of the following studies prepared by an engineer who is a member in good standing of the Ordre des ingenieurs du Quebec, or by an inspecting engineer duly authorized by the Quebec Ministere de l'Environnement:
 - percolation study;
 - granulometric study;
 - phreatic layer level;
 - loose material layer;
 - proximity to existing wells;
 - load-bearing capacity of the ground;
 - tests on materials used;
- .6 order the stoppage of work or to refuse to issue an occupancy certificate when the results of the tests mentioned in section 3.1.2.5 are not satisfactory;
- .7 issue any permit stipulated in chapter 4 for work which conforms to this by-law, and to refuse to issue any permit for work which does not conform to these land-use planning and development by-laws;
- .8 require, from any and all owners, for valid reasons, a certificate of location issued by an accredited surveyor.

3.1.3 Prohibitions

- .1 Whoever does not respect an order or a notice issued by a designated officer or tolerates a violation of these land-use planning and development by-laws, commits a violation of these by-laws;
- .2 No person may begin or pursue work mentioned in this land-use planning and development by-law, unless the owner or his or her authorized representative has obtained a permit to this effect;
- .3 No person may deviate from the plans and sketches which form a part of the building permit, nor omit or neglect to complete, before occupancy of the premises, the work described in the plans and sketches which have been previously approved, without first obtaining written approval from the designated officer;
- .4 No person exercising any authority with respect to building, rebuilding, demolition, remodelling, removal, moving or the use of any building may cause, tolerate or maintain any dangerous condition;

- .5 No person may perform any excavation or other work on public property, or above or below public property, nor construct or place thereupon any structure, any work or store anything there on before having received written authorization to this effect from the administration concerned;
- .6 No person may allow the limits of the building lot to be modified in such a way as to place the building or a part of the building in violation of this by-law, unless the building or the part concerned has been modified, without having previously obtained the necessary authorization, so that the change in the limits of the property or the approved ground levels do not result in any violation;
- .7 Whoever knowingly supplies false or misleading information commits a violation of this land-use planning and development by-law.

3.1.4 Duties of the designated officer

- .1 The designated officer shall refuse to issue a permit:
 - a) when the information supplied does not allow him or her to determine whether the project is in conformity with the regulations applicable in this instance;
 - b) when the information supplied is inexact;
 - c) when this permit contemplates work for a structure intended for a use which is not authorized under the terms of the zoning by-law;
 - d) when the structure is in violation of any applicable by-law or law;
- .2 The designated officer must inform any and all applicants of the contents of the land-use planning and development by-laws and the procedures pertaining thereto.

CHAPTER 4: PROVISIONS PERTAINING TO THE ISSUANCE OF PERMITS AND CERTIFICATES

4.1 GENERAL PROCEDURE FOR APPLYING FOR A PERMIT OR A CERTIFICATE

All applications for permits or certificates must be submitted to the designated officer, in writing, on the forms supplied for this purpose by the Corporation. Such applications must be accompanied by the required documents, according to the nature of the permit. If the form is properly filled out, the designated officer must:

- a) stamp the required documents;
- b) date the application for the permit on the day the application is considered to be complete;
- c) forward the list of information or documents required in each case, to the applicant for the permit, or to his or her representative;
- d) make a decision on the quality of the documents submitted. He or she may require submission of all details and information considered necessary to assess the application and to ensure compliance with regulations. It is the duty of the applicant or of his or her representative to ensure that all necessary documents are submitted. When the file is duly completed, the assessment of the conformity of the application will be performed and the time limit required for the decision to issue the permit will begin as of that date;
- e)study the conformity of the application with the provisions contained in the land-use planning and development regulations or any other Corporation by-law;
- f) if the application is not in good and due form, prepare a report indicating, in writing, the reasons why the application is not in good and due form. This report shall be appended to the permit application.
- g)deliver to the applicant, within the maximum time limit set within this by-law, either the permit for which application had been made, if the application is in good and due form, or the reason for refusal if the application is not in good and due form;

TABLE 4.1 a) TYPES OF PERMITS AND CERTIFICATES CONTEMPLATED BY THE ACT RESPECTING LAND USE AND DEVELOPMENT

Type of operation planned	Type of permit or certificate	Conditions governing the issuance of the permit or certificate
Cadastral operation	Subdivision permit	. Conformity with the subdivision by-law
		. Filing of the required plans and documents
Building, re- modelling, re- pair or additions	Building permit	Conformity with
to buildings		. Conformity with:
Change in the use to which land or buildings are put Movement of a building	Certificate of authorization	<pre>- zoning by-law</pre>
Demolition		. Filing of the re-
		quired plans and
Secondary work, such as ex- cavation, move-		documents
ment of topsoil, planting and cutting of trees, filling or excavation, installation of		 Payment of the fee for the permit or the certificate
posters, sign- boards and signs		

Occupancy Certificate

Conformity withzoning by-lawbuilding by-lawduly approved

plans and documents

. Payment of the fees for the certificate

4.1.1 Possible recourse

An applicant whose application has been rejected may pursue one of the following actions:

- 1) modification of the plan;
- 2) if the situation justifies it, a change in the regulations, according to the procedures set out in section 1.9 of this by-law.

TABLE 4.1.1 a) POSSIBLE SITUATIONS AT THE TIME OF APPLICATION FOR A PERMIT OR A CERTIFICATE

Request is conforming to all regulation -----permit issued

IF NOT CONFORMING WE HAVE THE FOLLOWING 3 OPTIONS

MODIFY REQUEST MODIFY BY-LAW ABANDON PROJECT.

REJECTED ACCEPTED

ABANDON PROJECT

GET PERMIT OR CERTIFICAT

4.2 SUBDIVISION PERMIT

4.2.1 Obligation to obtain a subdivision permit

- .1 Any person wishing to conduct a cadastral operation, whether or not this operation includes private or public streets, may not do so before having obtained a subdivision permit which conforms to the procedures used for the issuance of permits, as stipulated in this land-use planning and development bylaw.
- .2 Only the approved subdivision plan constitutes an authorization to submit, to the Ministère de l'Energie et des Ressources, the plans and books of reference in accordance with the provisions contained in section 2175 of the Civil Code.
- .3 A subdivision or cadastral operation performed in violation of this by-law may be cancelled according to the procedures set out in sections 228 and following of the Act respecting Land Use Planning and Development.
- .4 No plan for the division and/or the redivision of lots, or for the modification or cancellation of books of reference for a subdivision may be taken into consideration by the Municipality, unless they have been previously been contemplated under the terms of a subdivision permit.
- .5 The performance of the formalities mentioned below may not constitute, for the municipality, an obligation to agree to the transfer of a proposed street or streets indicated on the plans, to order the opening, nor to assume responsibility for the cost of building and maintaining these streets, or to assume any civil responsibility therefore.

4.2.2 Conditions governing the issuance of the permit

The designated officer shall issue the subdivision permit if:

- .1 the application is in conformity with the subdivision by-law and with this land-use planning and development by-law;
- .2 the application is conforming to the subdivision by-law except for the part covered by section 5.2 concerning non conforming lots in reference to the urbanisation plan.
- .3 the application is accompanied by all plans and documents required by this by-law.
- .4 the fees for the issuance of the permit have been paid;

- .5 the proposed streets and roads conform with the subdivision by-law;
- .6 the owner of the lot has paid the municipal taxes which are owing and unpaid with regard to the immoveable included in the plan;
- .7 the proposed subdivision is in conformity with the provisions contained in this land-use planning and development bylaw, such as these pertain to floodplains and unstable slopes;
- .8 the applicant for the plan has respected the conditions pertaining to parks and playgrounds stipulated under the terms of the subdivision by-law;
- .9 we must contact Hydro Qc before approving any subdivision project.

4.2.3 Subdivision plan

All request for a sub-division permit must be made in writing on the prescribed forms of the municipality and be accompanied by the following information when applicable:

- 1. 4 copies of the proposed project prepared by a Qc Land surveyor:
- 2. the plans for the septic installations conforming with the MENVIQ regulations
- 3. the ground contours, expressed in the form of topographical curves at intervals of at the most 2 meters considered to be appropriate by the designated officer;
- 4. In the case where the subdivision touches a site of garbage disposal , the request must be accompanied by a certificate of the ministry of environment allowing this subdivision to go ahead.
- 5. the lots number and limits of all adjacent lots surrounding the proposed subdivision project and the proposed project itself and all adjacent lots belonging to the promoter and under his control.
- 6. The lots and subdivision around the proposed project

- 7. The dimensions and total area of the project as well has their lot lines and boundaries.
- the outline, the slope and the lay-out of the proposed streets and the existing streets or those streets which have already been approved and which connect with the proposed streets;
- .9 the natural features of the lots, such as waterways, drainage ditches, marshes, surface rocks, wooded areas, etc;
- .10 the outline and elevation of waterlines and the limits of the floodplains, as well as any minimum area required under this by-law and which is to be located above the high-water mark;
- .11 the existing and required infrastructures and public services;
- .12 the easements and rights-of-way;
- .13 the type of zoning permitted;
- .14 if applicable, pedestrian walkways, the space reserved for parks, the areas left in their natural state and the respective percentages of these spaces, in relation to the total area of the subdivision;
- .15 Pedestrian walk way if any
- .16 Date title, scale and astronomical North.
- .17 the name and the address of the owner, as well as his or her signature or written authorization, if the application is not being made in his or her name;
- .18 In the case of lots not served by a public or private sewer system meeting the minimum standards set by the Municipality, a document prepared by an engineer or a technician of recognized competence and containing the following information:
- i) a geotechnical description of the land contemplated by the proposed subdivision;
- ii) the approximate location of the wells and inspection holes which will be necessary;

- an attestation to the effect that each of the lots shown on the proposed plan is capable of meeting the minimum standards set by the Ministere de l'Environnment, subject to a more thorough study, which shall be submitted, on request, to the designated officer;
- .19 Any other information considered necessary by the Municipality.

4.2.3.1 Modification of the preliminary subdivision plan

The designated officer is bound to suggest any modifications to be performed to the applicant, if applicable, to bring the preliminary plan into conformity with the by-law. The application for a subdivision permit will be deferred as long as the required modifications have not been made.

4.2.4 Exception

Notwithstanding sub-section 4.1.3, in the case of five (5) and fewer cadastral operations, the designated officer shall take the application for a subdivision permit into consideration, without such application being accompanied by the information required in sections 4.2.3.14, 4.2.3.15 and 4.2.3.18. In such an instance, the application must be accompanied by an attestation by the designated officer, establishing the fact that the new lot or lots are fit to receive a regulation septic facility.

In the instance where the lots adjacent to the cadastral operation contemplated by the permit belong to the developer or fall under his or her responsibility, the designated officer may, at any time, require the submission of a preliminary subdivision plan, as described in subsection 4.2.3 of this bylaw.

4.2.5 Time limit for the issuance of a subdivision permit

The designated officer has a time limit of sixty (60) days to issue the subdivision permit, beginning with the date on which the application is submitted, in accordance with this by-law.

The issuance of this permit must be accompanied by a copy of the approved subdivision plan, countersigned by the designated officer.

4.2.6 Approved subdivision project plan

When the conditions stipulated in subsection 4.2.2 of this document have been respected, the designated officer shall indicate "acceptable" alongside his or her signature on the four (4) copies thereof. Two (2) of these copies will be forwarded to Council with the opinion of the designated officer. Council shall then approve the plans and the book of reference, and shall issue the subdivision permit, by resolution, subject to payment of the prescribed fees. A copy of the preliminary plan approved by Council shall be forwarded to the applicant at the same time as the subdivision permit.

4.2.7 Effective date of the subdivision permit

Any subdivision permit shall expire if the cadastral operation for which it has been issued is not filed with the Quebec Ministere de l'Energie et des Ressources, within one (1) year after the date of issue of said permit.

After this time period has elapsed, a new application for a permit must be made and the amount paid for the original permit is not refundable.

4.2.8 Application for transfer to the Municipality of the right-of-way for an existing private road

The filing of an application for transfer to the Municipality of the right-of-way for a private road is subject to the following conditions:

- .1 the roadway must conform to the standards set out in the subdivision by-law currently in force, as well as with the regulations governing the standards for roads;
- .2 before a written request/petition for transfer is filed, at least fifty percent (50%) of the lots facing on the roadway must be constructed or be under construction;
- .3 the road must connect with an existing public road and form a part of the network currently in place;
- .4 the application is accompanied by a surveyor's plan of the right-of-way for the road, either by the owner of the road or by two-thirds (2/3) of the ratepayers holding two-thirds (2/3) of the municipal assessment of the lots fronting on said road.

5 a promise from the owner or owners of the right-of-way to cede their rights-of-way for the nominal sum of one dollar (\$1.00);

4.2.9 Other cases of transfers

If the owner of the road does not wish to submit to the conditions required by the Municipality, but if two-thirds (2/3) of the ratepayers with two-thirds (2/3) of the municipal evaluation of the lots fronting on said roadway submit a petition to Council requesting the acceptance of said roadway, the Municipality will proceed, at its expense, with the necessary steps under subsection 4.2.9 to then recover the costs, by establishing a temporary local improvement tax on each fronting lot. the total amount of this tax will, by resolution of Council, be spread out over a reasonable period of time and one which does not excessively affect said taxpayers.

4.3 BUILDING PERMIT

4.3.1 Obligation to obtain a building permit

No person may erect any permanent or temporary structure, modify, repair or remodel any structure or any part of a structure, install a prefabricated building, perform excavation work for building or installing a structure, without having obtained a permit to this effect from the Municipality. Any person wishing to install or to construct a swimming pool or any new roads must obtain a building permit, in good and due form.

It is not necessary to obtain a building permit to perform painting work or for small repair work necessary to perform normal maintenance work on structures (cornices, roofing, windows or doors, without changing their dimensions).

4.3.2 Conditions governing the issuance of a building permit

The designated officer shall issue a building permit if:

- .1 the application is in conformity with the land-use planning and development by-laws;
- .2 the application is accompanied by all the plans and documents required under the terms of this by-law;
- .3 the application for a new structure is accompanied by a site plan;

- .4 the fees for the obtaining of the permit have been paid;
- .5 the site on which each planned structure is to be erected, including any out-buildings, forms a distinct lot on the official cadastral plan or on a subdivision plan drawn up and filed in accordance with article 2175 of the Civil Code;
- .6 the lot on which the structure is to be erected is adjacent to an established public street or to a street, a road or a right-of-way acceptable to municipal standard;
- .7 the structure is in conformity, in all respects, with the stipulations contained in this by-law;
- .8 the plans call for the installation of a septic tank with drains, and a source of potable water, in accordance with the requirements of the Ministere de l'Environnment and with municipal regulations;
- .9 a visit to the site by the designated officer proves that the lot is suited to build on;
- .10 the lot on which a structure is to be erected is not located within a floodplain, or the lot has not been filled in and developed at a level greater than said elevation where the lowest floor of the structure is not located at a level lower than said elevation;
- the structure, in an agricultural zone, is erected under the terms of a right, a privilege or an authorization conferred by the Act to Preserve Agricultural Land, under the condition that a surveyor's plan with a technical description of the maximum area to be used has been prepared by a surveyor. These residences are exempt from any requirement that they conform with section 4.3.2.5.
- .12 The water or sewer services are legally installed in the street bordering the location of the projected construction or the By-law authorizing their installation is in force; furthermore, the missing service can be installed in accordance with the regulations pursuant to the environment quality act.

Sections 4.3.2.4, 4.3.2.5 and 4.3.2.6 do not apply to structures erected for agricultural purposes and to lands under cultivation.

Section 4.3.2.6 does not apply to islands not served by ford, bridge or ferry.

4.3.3 Content of the application for a building permit

Application for a building permit must be submitted in writing, in three (3) copies, on the official Municipal forms. This application, duly dated, must indicate the name, first name and address of the owner or of his or her legal representative, the cadastral description and the dimensions of the lot, the details of the planned work, the probable duration of the work and an estimate of the building costs. In addition, it must be accompanied by two (2) copies of the following documents:

- 1. a site plan, drawn to a scale of at least 1:500 of the building or buildings on the lot or lots on which construction is planned, indicating the shape and the area of the lot, the official cadastre, the regulation street lines and setbacks. If there are buildings located on these lots already, their exact location must be provided.
- 2. the plans, elevations, cross-sections, sketches and plans providing a clear idea of the building project, its use and the use of the lot are required. These plans must be drawn to scale, according to an indelible process;
- 3. An estimate of the approximate cost of the project
- 4. Location of streets road ways and parking
- 5. the location of the public or private services, waterways and public or private roadways which are located on the building lot;
- 6. the location of the other important physical characteristics, such as slopes, rocks, woods or swamps (natural constraints);
- 7. the location plan for the source of potable water and the septic facilities, as well as a sketch of the septic facility;
- 8. in addition to the above-mentioned plans and sketches, any application for a building permit for a building intended for commercial or industrial purposes, a multiple dwelling or a public use must be accompanied by plans and sketches, a plan of the parking areas, interior parking and open natural spaces.

The municipality must provide a receipt to the owner or to his or her representative for the application for a building permit, and for the attached documents.

4.3.4 New developments

No building permit shall be issued to build on lots fronting on a road until the promoter or the owner of the road shall:

.1 build the foundations of the road and the proper drainage systems, according to municipal standards;

4.3.5 Modifications to the plans

The contractor may not, during this work, modify the authorized development plans (subsection 4.3.3), without prior written authorization issued by the designated officer, who may not issue said authorization except if the modifications requested are in conformance with the provisions contained in the land-use planning and development by-laws.

4.3.6 Time limit for the issuance of a building permit

Within a time limit of at least sixty (60) days from the date when the application is considered to be complete, the Municipality must issue the permit applied for, if the planned work meets the requirements stipulated by the provincial and municipal sanitary authorities, and to the provisions contained in municipal regulations. If the decision is to the contrary, the municipality must indicate its refusal to the applicant in writing and provide reasons for it.

In either case, the Municipality must return to the applicant a copy of the plans and the documents attached to the application, and keep the other copies in its archives.

4.3.7 Validity of the permit

The permit is valid for a period of twelve (12) months. All permits shall expire if:

- a) the work for which the permits have been issued have not been started within six (6) months of the issue date of said permit;
- b) the permit is transferred to another person without the written consent of the designated officer;
- c) the work is interrupted for a period of twelve (12) months;

d)a person who has committed a violation of the land-use planning and development regulations does not comply with the notice served to him or her by the designated officer;

If a permit expires, the applicant must obtain a new building permit, in conformity with the regulations in force when this new application is submitted, and the amount paid for the original permit is not refundable.

4.3.8 Renewal of a permit

The designated officer if he judges that the construction will be completed within 12 month can renew the permit for this time.

By this time the exterior finish must be completed. In any case the exterior finished must always be completed within 24 month of the original building permit.

4.3.9 Necessity of verifying the setback

All permit holders must, as soon as the excavation of the foundations has been started, notify the designated officer who, within twenty-four (24) hours, shall visit the building site and visually ensure that the prescribed setbacks have been observed.

When he or she doubts that the prescribed setbacks have been observed, the designated officer may require a location certificate, prepared by a surveyor.

4.3.10 Posting of the permit

The permit authorizing the building, modification, repair or movement of a building shall be placed clearly in view during the entire time work is under way and shall be placed on the lot where said work is performed.

4.3.11 Responsibility of the owner

The owner is completely responsible for performing or for having performed all building work, in accordance with the provisions contained in this by-law. Commencement of work before the issuance of the building permit is prohibited.

All owners must:

a)obtain any permit or authorization pertaining to the planned
 work;

- b) determine, from the designated officer, the authorized setback for the structure and the level of the street, if erection of a building is proposed;
- c)permit the designated officer to enter any building or structure being erected and the worksite, at all reasonable times, for the purpose of applying these land-use planning and development regulations;
- d) notify the designated officer in writing, within thirty (30) days of the completion of the work described in the permit.

4.4 CERTIFICATE TO AUTHORIZE MOVEMENT OF A BUILDING

4.4.1 Obligation to obtain a certificate to authorize movement of a building

Any person wishing to move any structure or building and move it to another lot, move it from one lot to another lot, or to move said structure or building from outside the municipality to a location within the municipality must first obtain a certificate to authorize movement of a building.

An owner who wishes to move a building to a location outside the municipality or to a location within the municipality must cover the expenses occasioned by the visit of the designated officer, who shall perform an inspection of the building.

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

In the instance of any doubt or dispute, the designated officer must submit the application to Council.

4.4.2 Conditions governing the issuance of the certificate

The designated officer shall issue a certificate of authorization if:

- .1 the application is in conformity with the building and zoning by-laws, and with this by-law;
- .2 the application is accompanied by all plans and documents required under the terms of this by-law;
- .3 the fees for the issuance of the certificate have been paid;

- 4 in the instance where the structure to be moved must undergo modification or repairs, a building permit has been applied for and issued prior to such movement;
- .5 The cement foundation receiving the moved building are all in place at the new site.
- .6 the owner, the person or the business which is to perform such movement has notified the police force or its counterpart, so that this organization may take the necessary action.
- .7 the person applying for a certificate of authorization to move a building has, prior to the issuance of said certificate, filed a paid-up public liability insurance policy with the municipal office, having a face amount of one million dollars (\$1,000,000) to cover any and all claims which might be made against the Municipality;

4.4.3 Contents of the application for a certificate

The application for a certificate to authorize movement of a building must be made in writing, in two (2) copies on the official municipal forms. This form must contain the following documents and information:

- .1 the name of the owner of the structure to be moved;
- .2 the name of the person or of the business which will be performing the moving work;
- .3 a clear, recent photograph, taken within the past month, of the various exterior surfaces of the structure to be moved;
- .4 the number of the lot from which the structure is to be moved;
- .5 a development plan indicating the area where this structure will be installed;
- .6 the type of structure, the current use thereof and the use which will be made of it;
- .7 a written description of the route to be followed, the means used to perform this movement and the time anticipated for movement of the structure.

4.4.4 Validity of the certificate

The certificate to authorize movement of a structure is valid for a period of two (2) months, as of the date of its issue.

4.4.5 Time limit for the issuance of the certificate

The decision from the designated officer must be given within thirty (30) days of the date on which the information and the documents required for the application are required.

If the application conforms to the provisions contained in this land-use development and planning by-law, the designated officer shall issue the certificate.

If the application does not conform to the provisions contained in this land-use development and planning by-law, the designated officer shall refuse to issue the certificate of authorization and shall advise the applicant of this fact, giving reasons for refusal in writing and suggesting the modifications to be made to bring the application into conformity with the by-law.

4.5 CERTIFICATE TO AUTHORIZE THE USE OR THE PURPOSE TO WHICH AN IMMOVEABLE IS PUT

4.5.1 Obligation to obtain a certificate of authorization

Any person wishing to proceed with a change in the use or the purpose to which an immoveable is put must first obtain, from the designated officer, a certificate of authorization.

Notwithstanding the first paragraph of this sub-section, any person planning to perform a change in use or the purpose to which an immoveable is put implies a building, remodelling, enlargement or repair project, is also bound to obtain a building permit.

4.5.2 Content of the application for a certificate

All applications for a certificate of authorization must be submitted in writing, on official municipal forms, and be accompanied by scale plans indicating the current uses to which the immoveable is put, and the uses contemplated by the application, as well as payment of the fees for the certificate.

4.5.3 Conditions governing the issuance of the certificate

Authorization for a change in the use or the purpose to which an immoveable is put is subject to a verification of the conformity to the land-use planning and

development regulations, especially as these concern septic facilities.

4.5.4 Time limit for the issuance of the certificate

The designated officer has sixty (60) days to issue the certificate, beginning from the date on which the application submitted is considered to be complete.

4.5.5 Period of validity of the certificate

The certificate shall expire if the use for which it had been issued is not under way within twelve (12) months of the date on which it was issued.

After this time period has elapsed, the applicant must submit a new application, in conformity with the provisions of the regulations in force. The amount paid for the original certificate is not refundable.

4.6 CERTIFICATE TO AUTHORIZE A DOMESTIC USE

4.6.1 Obligation to obtain a certificate of authorization

Any person wishing to engage in any professional, handicraft, business, artistic or other such activity within a dwelling must first obtain a certificate of authorization from the designated officer.

4.6.2 Content of the application

All applications for a certificate of authorization must be submitted in writing, on the official municipal forms, and indicate the type of domestic use desired and the place where such activity is to be conducted.

4.6.3 Conditions governing the issuance of the certificate

This domestic use must be conducted within the principal or secondary building, and the conditions governing the sign, parking, storage and nuisances set out in the zoning by-law must be respected.

4.6.4 Time limit for the issuance of a certificate of authorization

The designated officer has thirty (30) days in which to issue the certificate, beginning from the date on which this application is submitted, in conformity with this by-law.

4.6.5 Expiry of the certificate of authorization

The certificate will expire if the use for which the application has been made is not under way within six (6) months, beginning from the date of issue of said certificate.

4.7 CERTIFICATE TO AUTHORIZE TEMPORARY USES

4.7.1 Obligation to obtain a certificate of authorization

All persons wishing to conduct a temporary use, as described in section 4.4 of the zoning by-law must first obtain an authorization certificate from the designated officer. This certificate must determine the methods used, the location and the duration of the use in question, as well as any other provisions which are considered pertinent.

4.7.2 Content of the application

All applications for authorization certificates must be submitted in writing, on the official municipal forms, indicating the type of use, the period of time permitted and the location of the use.

4.7.3 Conditions governing the issuance of the certificate

A temporary use is authorized under the following conditions:

- .1 it is not specifically prohibited on the specification chart for the zone in question;
- .2 it does not infringe on the by-law governing nuisances;
- .3 it does not pose a danger to any future uses, owing to its location;
- .4 it does not impinge upon the free flow of pedestrian and vehicular traffic;
- .5 it does not use converted vehicles, such as motor vehicles or buses, for residential purposes;

.6 the authorization of a temporary use may be subject to the reserves necessary to fulfil the conditions which have been previously listed.

4.7.4 Time limit for the issuance of a certificate of authorization

The designated officer has thirty (30) days to issue the certificate, beginning on the date the application is received.

4.7.5 Expiry date for the certificate of authorization

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

4.8 CERTIFICATE OF AUTHORIZATION TO POST SIGNS

4.8.1 Obligation to obtain a certificate of authorization to post signs

Whoever wishes to erect, rebuild, enlarge, modify, move, affix, finish or paint a sign or a signboard on municipal territory must first obtain a certificate of authorization to this end from the designated officer, in accordance with the provisions contained in these land-use planning and development by-laws.

4.8.2 Application for a certificate of authorization to post signs (procedure)

The application for a certificate must be submitted in writing to the designated officer, on the forms supplied to this end by the Municipality. This application must be accompanied by the following documents and information, and submitted in triplicate:

- .1 the name, the first name and the address of the owner of the immoveable or of the vacant lot where the sign is to be located; the name, the first name and the address of the contractor who will be performing the installation work;
- .2 a scale diagram of the sign showing:
 - its general dimensions, its area;
 - wits height;
 - the lettering thereupon;
 - .the text and its length;
 - the design which it shall bear;
 - the materials used;
 - the fastening of this sign;

.the diagram showing its installation, showing the location of the sign in relation to the property lines, to the street and to the principal building, if applicable; .the height of the principal building.

4.8.3 Conditions governing the issuance of a certificate of authorization to post signs

No certificate of authorization to post signs may be issued, unless said application conforms to all aspects contained in these land-use planning and development by-laws.

4.8.4 Time period for the issuance of a certificate of authorization to post signs

If the application is in conformity with the conditions stipulated in sub-section 4.8.2., the designated officer shall approve said application and shall forward to the applicant, within thirty (30) days of the receipt of such application, an approved copy of a certificate of authorization to post signs. The prior payment of the cost of this certificate is required before it is issued. The other approved copies are to be kept in the Corporation archives.

4.8.5 Time limit for the validity of a certificate of authorization to post signs

This certificate shall be valid for a period of twelve (12) months after its issuance. After this time period has elapsed, said certificate shall become null and void and the fees which have been paid to the Municipality are not refundable. After this time period has elapsed, the applicant must submit a new application.

4.9 CERTIFICATE OF AUTHORIZATION TO DEMOLISH

4.9.1 Obligation to obtain a certificate of authorization

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

4.9.2 Content of the application

The application for the certificate must be submitted to the designated officer in writing, on the forms supplied to this end by the Municipality. This application must:

- .1 include the name, first name, address and telephone number of the applicant;
- .2 be signed by the owner or by his or her authorized representative.

4.9.3 Clean-up work

The applicant must, within thirty (30) days following the end of the demolition work, perform clean-up work on the sidewalk and on the street, if applicable.

4.9.4 Time limit for the issuance of an authorization certificate

The designated officer has thirty (30) days in which to issue the certificate, beginning with the date on which the application is received, in an acceptable and conforming format.

4.9.5 Expiry date for the certificate of authorization

The certificate of authorization is valid for a period of six (6) months after its date of issue. After this time period, the certificate becomes null and void and the fees paid to the Municipality are not refundable. After this time period has elapsed, the applicant must submit a new application.

4.10 OCCUPANCY CERTIFICATE

4.10.1 Definition

The occupancy certificate is the official document issued by the Municipality approving conformity of the structure with the land-use planning and development by-laws, and allows the applicant to occupy the premises on a permanent basis.

4.10.2 Obligation to obtain an occupancy certificate

Whoever wishes to use or to occupy a building or a plot of land, for any purpose whatever, must previously have obtained an occupancy certificate from the designated officer. The applicant must have met the requirements enunciated when the building permit was issued.

All applications for occupancy certificates must be forwarded to the designated officer, and must be accompanied by the following information:

- a) the building permit, if the building has previously been contemplated for this building;
- b) in the absence of a building permit, all documents required by the designated officer, among those mentioned in sub-section 4.3.3.
- c) Any residential building that was abandoned for more than 12 month must before being occupied get an occupation certificate

4.10.3 Conditions governing the issuance of the occupancy certificate

No occupancy certificate may be issued, unless:

- -the building and/or the use respect all the provisions contained in the land-use planning and development by-laws;
- -that this certificate is in conformity with the requirements stipulated in provincial laws and regulations;
- -the designated officer has performed a final inspection of the building, and has judged that this building is fit for occupancy;
- -a location certificate has been filed with the Corporation offices, when required.
- -all provisions of this by-law, including parking spaces, construction standards and sanitary provisions are respected.

4.10.4 Time limit for the issuance on an occupancy certificate

If the use has not been contemplated by a building permit and if the application is in conformity with the conditions listed in sections 4.10.2 and 4.10.3, the designated officer shall approve said certificate, and forward it to the applicant, within thirty (30) days of the receipt of the application. The designated officer shall then forward to the applicant an approved copy of the application, accompanied by the certificate. Two (2) approved copies, after forwarding to the Council, shall be submitted to the Corporation archives for preservation therein.

If the use has previously been contemplated by a building permit and if the designated officer considers that the structure is in conformity with the conditions enunciated in sub-sections 4.3.2 and 4.3.3, the signature of the designated officer at the bottom

of the building permit, after the final inspection, shall substitute for the occupancy certificate.

4.10.5 Period of validity for the occupancy certificate

Any occupancy certificate shall be null and void if there has been no occupancy within a twelve- (12) month period following the issue date for the occupancy certificate.

4.11 RESPONSIBILITY AND OBLIGATIONS OF THE APPLICANT FOR A PERMIT OR A CERTIFICATE

4.11.1 Responsibility of the applicant

Neither the granting of a permit, nor the approval of the plans and sketches, nor the inspections performed by the designated officer may relieve the owner of a building of his or her responsibility for performing the work or having work performed according to the stipulations contained in this by-law and in the by-laws applying in consequence.

4.11.2 Duties of the applicant

- .1 The applicant must allow the designated officer to enter, at any reasonable hour, any building or premises, in order to ensure that the terms of this by-law are respected.
- The applicant must ensure that the plans and sketches contemplated by the building permit are available at all times during working hours at the place where the work is conducted, for inspection purposes by the designated officer, and that the permit, or a true copy thereof, is posted in a clearly visible manner in the premises where the work is being conducted throughout the entire time said work is being conducted.
- .3 The applicant must advise the designated officer:
- a) of his or her intention to perform the work for which inspection is required during the building phase;
- b) of his or her intention to cover a work for which inspection is required, before covering said work;
- c) from the conclusion of the work, so that the latter may perform a final inspection.

- .4 The applicant must perform, or cause to be performed, at his or her expense, the tests and inspections required to prove that the work is in conformity with the requirements stipulated in this by-law, and he or she must forthwith forward to the designated officer a copy of the reports of all tests and inspections.
- .5 When required, the applicant must supply, to the designated officer, a current location certificate for the location of the building.
- .6 Upon application by the designated officer, any applicant must discover and replace, at his or her expense, any work which has been covered contrary to an order from the designated officer.
- .7 The applicant is obliged to pay for the repair of all damage caused to public property or to any facilities located within the public domain and which may occur owing to the fact of the work for which a permit is required under the terms of these land-use planning and development by-laws.
- No applicant may deviate from the requirements stipulated In these land-use planning and development by-laws or the conditions governing the issuance of the permit, or omit to perform the required work, without previously having obtained, from the designated officer, permission in writing.

4.12RATES FOR PERMITS AND CERTIFICATES

4.12.1 Subdivision permit

For each lot

\$20.00

4.12.2Building permit

Each new dwelling or cottage, plus twenty-five dollars (\$25.00) per apartment	\$50.00
Secondary building, shed, garage	\$20.00
Addition, renovation, enlargement of a residence or a cottage	\$25.00
Swimming pool, including a fence	\$20.00
Complete septic installation, change, correction	\$35.00
Septic facility with percolation tests	\$80.00
Industry, business and public building (Z) being each \$1,000.00 of the total construction cost	minimum 50\$ + \$1.00 X (Z)
Renovation, remodelling and enlargement of an industry, a business or a public building	minimum 25\$ + \$1.00 X (Z)
Renewal of a permit	\$25.00
Modifications to the plans and sketches contemplated by a permit:	half the initial rate
Dock	\$35.00
All permits in the Black River cottage area.	\$75.00

4.12.3 Change in zoning

Examination	oi an	application	for	a (change	in	zoning	\$200.00
Publication	fees							\$50.00

4.12.4	Certificate of authorization					
-	to post signs					
	. for each sign	\$20.00				
-	to move a building	\$30.00				
-	to change a use	\$20.00				
-	domestic use					
-	to demolish	\$20.00				
-	temporary use					
	. trailer, camper-trailer	\$10.00				
4.12.5	Occupancy certificate					
No charge in the case of an application made subsequent to a building permit.						
In all other cases						

4.12.6Rates revision

The municipality can change its rates by resolution.

5.2 NON-CONFORMING PLOTS OF LAND AND LOTS

5.2 Non-conforming lot

<u>Definition</u>: A lot having an area and/or dimensions which are not in conformity with the provisions contained in the subdivision by-law

5.2.1 Acquired rights

- 1. Every lots that is cadastre before the coming into force of the present urbanisation by-law is considered having acquired rights since it was law full before this by-law.
- 2. Every permit obtained legally before the coming into force of this by-law benefit from the same privileged.
- 3. The acquired rights are linked to the property not the owner.
- 4. The acquired rights are automatically recognized without any other intervention according to article 5.2.1.1 and 5.2.1.2
- 5. Permissions given by the municipality on non conforming lots are in no way considered acquired rights .
- 6. The acquired rights exist as long as it is used.
- 7. Lots that are not cadastre do not have acquired rights.
- 8. Following the destruction by fire of a non conforming building on a distinct lot may get a building permit if it meets the new zoning regulation.

5.3 Privileged

The owner of one or more cadastre lots in conformity with article 3043 of the Civil code before November $30^{\rm th}$ 1982, will be able to obtain a construction permit even if the area of these lots are smaller as well as the with and depth, as long as they respect the following conditions:

- 1. The projected construction meets all requirements of the urbanisation by-law except the one concerning front set back, the lateral set back and the set back in the rear .
- 2. At time of purchase the area of the lot, and the size of the lots were in conformity with the regional and municipal regulation at the time and,
- 3. Each lot is capable of receiving a septic installation in conformity with the present urbanisation by-law.;
- 4. In each case the lateral set back and the rear set back can never be less than half of the proposed regulation size of the zoning by-law, the front set back cannot be reduced by more than one third of the prescribed regulation size.

However for lots on a river or lake the set back from the water must always respect the prescribed limits according to the by-laws.

- 5. Their should never be a vacant lot or non conforming constructed lots belonging to the same owner adjacent to the lot for which a request for permit is required.
- 6. The streets must exist;
- 7. That it's development are in conformity with the orientation of the urbanisation plan and zoning by-law of this municipality.

5.4 Modification or abandoning of a derogatory use

- 1. A derogatory use cannot be modified to make it more derogatory in the sense of the present by-laws of the urbanisation plan.
- 2. A derogatory use can not be extended to the inside or the outside
- 3. At no time a derogatory use can be replaced by another derogatory use
- 4. A derogatory use that was made conform to the present zoning by-law cannot be allowed to become non conforming again.

5.5 Modification or abandoning of a derogatory occupation

No modification are allowed to render a construction more derogatory than it already is . However it is possible to renovate and restore the present construction ${\sf No}$

5.6 Destruction of derogatory building

When a non-conforming building is more than 75% destroyed as a result of an Act of God or in any manner whatever, the acquired right is lost. Any rebuilding on the lot must be performed in complete conformity with the provisions contained in the zoning and building by-laws, and according to the procedures established by the administration by-law.

5.7 Interruption or abandonment of a non-conforming use

There is a loss of an acquired right when the non-conforming use of a building or of a parcel of land has ceased or has been abandoned for a period of twelve (12) months. In such a case, any subsequent occupancy of the immoveable must be in conformity with this by-law.

However, when a structure is of such a nature that the only uses which may be performed thereon are non-conforming uses, and that it is not possible to render this structure fit for a conforming use, without performing remodelling work at a cost greater than the true value of said structure, the period of abandonment subsequent to which any subsequent building activity is conducted must be in conformance with this by-law, and is set at twenty-four (24) months. At the end of this period, the structure must be modified and remodelled to allow for a use which is in conformity with this by-law, or it shall be demolished.

For a use such as quarrying, the acquired right is lost when the use is interrupted for more than twenty-four (24) consecutive months.

5.8 Variation in size

Under the act of public security when the difference in the environment norms is of less than 5% of the minimum or maximum settings it is considered conform. But when the difference is greater than 5% then it is considered non conforming.

However when the set back can be respected the variation do not apply for a minimum liveable area or for the minimum area on the plot of land that a building must occupy.

CHAPTER 6: SPECIFIC CONDITIONS

6.1 PARCELLING OUT BY ALIENATION

Parcelling out by alienation is prohibited, however, as long as the residue of the parcelling out of a lot made by alienation remains in conformity with the sub-division standards of this document, that parcelling out is allowed when its purpose is to bring into conformity, or to bring closer to conformity, or if the conformity to this document is not affected, of the plot of the owner acquiring the parcel or parcels. For the same purpose, a lot or part of a lot, can be simultaneously parcelled out to more than one owner and leave no residue.

6.2 OBLIGATION TO CADASTRE

The cadastre is obligatory for any parcelling of lot. It is also obligatory before the issuance of a construction permit or of an authorization for a new use.

CHAPTER 7: RECOURSE AND SANCTIONS

7.1 VIOLATIONS OF LAND-USE PLANNING AND DEVELOPMENT BY-LAWS

When any person violates the provisions of this by-law, the designated officer must:

- a) order the suspension of the work or of the use;
- b) notify the owner in writing, providing him or her with instructions pertaining to the violation;
- c)if he or she has not complied with the notice within a period of forty-eight (48) hours (working time), the designated officer must undertake the necessary procedures in order to obtain suspension of the work or the use.

7.2 RECOURSE

When a violator refuses or neglects to conform to an order issued under the terms of section 7.1, the competent authority may make a petition to the Superior Court in conformity with sections 227, 232 and 233 of the Act respecting Land-Use Planning and Development for the purpose of:

- a) ordering the suspension of the work, or the use which is not in conformity with the present by-law;
- b) ordering, at the expense of the owner, the performance of the work required to bring the use into conformity with this bylaw or, if there is no other useful alternative, the demolition of the structure or the restoration of the plot of land to its former state;
- c)authorizing the Municipality to perform the required work, or the demolition of, or the restoration of the parcel of land to its previous condition, should the owner of the building or the immoveable fail to perform such work within the required deadline, and to recover from the owner the expenses incurred through a charge against the immoveable registered in the real estate tax.

Any and all violators are also subject, in addition to the sanctions stipulated under the terms of this by-law, to all actions\fines or sanctions stipulated under the terms of the by-laws and regulations in force in the Municipality of Waltham.

7.3 SANCTIONS

- a) Upon conviction by municipal court of the violator or of any person who has not conformed to the terms of this by-law, said violator is subject to a fine of three hundred dollars (\$300), plus costs, should payment of the fine and these costs not be made, of imprisonment not to exceed one (1) month.
- b) Any imprisonment ordered by the court as a sanction shall cease as soon as the fine and costs, if applicable, have been paid .

Each day during which a violation of this by-law remain, or subsists, shall constitute a distinct and separate violation.

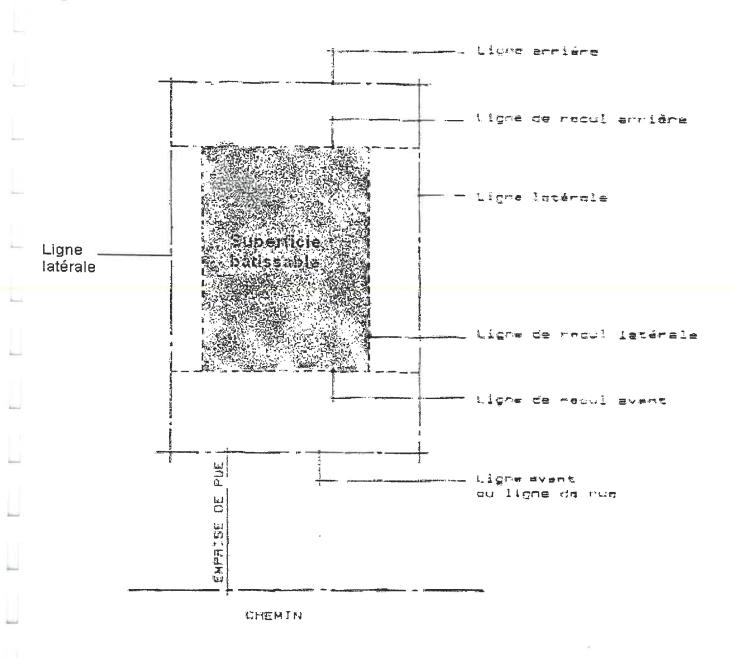
7.4 RECOURSE UNDER CIVIL LAW

Notwithstanding recourse through penal action, Council may exercise, before tribunals having civil jurisdiction, all recourses at civil law necessary to ensure that the provisions of this by-law are respected.

<u>ANNEXES</u>

Annexe 1

∟ignes du terrain



Annexe 2

