



VILLE DE / TOWN OF

BARKMERE

TOWN OF BARKMERE

BUILDING BYLAW N° 203

June 13, 2009

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**TOWN OF BARKMERE
BUILDING BYLAW N° 203**

CHAPTER 1 :

Declaratory, administrative and interpretive provisions

**CHAPTER 1 :
Declaratory, administrative and interpretive provisions**

Section 1.1 : Declaratory provision

1.1.1 : Title of the bylaw

This bylaw is titled *Building Bylaw* and is numbered 203.

1.1.2 : Repeal

This bylaw repeals bylaw number 91, titled *Building Bylaw*, and bylaw number 142 entitled *Fortification or Protection of a Building* as altered by all their amendments, as well as any provision irreconcilable with another bylaw in force;

This abrogation does not affect permits or certificates issued legally under the authority of the bylaw hereby replaced nor the acquired rights obtained prior to this bylaw coming into force.

1.1.3 : Scope of the bylaw and the territory covered

This bylaw, the provisions of which cover individuals as well as corporate entities under public law or private law, applies to the entire territory of the Town of Barkmere.

1.1.4 : Conflict with other bylaws or laws

Complying with this bylaw does not remove the obligation to comply with any other law or bylaw of the provincial or federal government or with any other municipal bylaw applicable in this matter.

1.1.5 : Part-by-part adoption

The Municipal Council of the Town of Barkmere hereby states that it is adopting this bylaw chapter by chapter, section by section, article by article, sub-clause by sub-clause and paragraph by paragraph so that, if part of this bylaw were to be declared null and void by a court, the ruling would have no effect on the other parts of the bylaw, except in cases where the meaning and scope of the bylaw, or of one of its provisions, could be altered or modified.

**CHAPTER 1 :
Declaratory, administrative and interpretive provisions**

Section 1.2 : Administrative provisions

1.2.1 : Administration and application of the bylaw

Administration and application of this bylaw are entrusted to any person named hereafter as a “designated officer” by resolution of the Municipal Council.

1.2.2 : Powers of the designated officer

The powers of the designated officer are set out in the *Bylaw on Permits and Certificates*.

1.2.3 : Scope

1. The erection, demolition, repair, extension or relocation of a structure, the addition of a structure or part of a structure, the use or modification of the use of a structure, installation of a mobile home, division or subdivision of a dwelling, and work on a piece of land or structure must be conducted in such a way as to comply with the conditions in this bylaw;
2. The terms and conditions of issuance of permits and certificates are set out in the *Bylaw on Permits and Certificates*.

1.2.4 : Provisions relating to non-conforming constructions

The provisions related to non-conforming structures are set out in the *Zoning Bylaw*.

1.2.5 : Infractions and penalties

1. Anyone violating the provisions of this bylaw commits an infraction;
2. An infraction of this bylaw makes the violator subject to the following fines:
3. In all cases, the costs of prosecution are over and above the fines;

	Individuals		Corporate Entities	
	Minimum	Maximum	Minimum	Maximum
First Fine	200 \$	1 000 \$	400 \$	2 000 \$
Repeat Offence	400 \$	2 000 \$	800 \$	4 000 \$

4. Time limits for payment of fines and costs imposed pursuant to this bylaw, and the consequences of failure to pay the said fines and costs within the prescribed time, are set out in the *Quebec Code of Penal Procedure (R.S.Q., c. C-25.1)*;
5. If an infraction lasts more than one day, the infraction committed on each day constitutes a separate infraction, and the penalties decreed for each of the infractions may be imposed for each day the infraction lasts, under this article.

**CHAPTER 1 :
Declaratory, administrative and interpretive provisions**

Section 1.3 : Interpretive Provisions

1.3.1 : Interpretation of the Provisions

1. When two (2) standards or provisions in this bylaw apply to a use, building, lot or other item governed by this bylaw, the following rules apply:
 - a) A particular standard or provision prevails over a general provision;
 - b) The more restrictive provision prevails.
2. Unless the context indicates a different meaning, it is agreed that:
 - c) The singular includes the plural, and vice versa;
 - d) The masculine includes the feminine, and vice versa;
 - e) Use of the word "MUST" implies an absolute obligation;
 - f) Use of the word "MAY" preserves an optional meaning;
 - g) The word "ANYONE" includes any physical person or corporate entity;
3. The table of contents and the titles of chapters, sections and articles in this bylaw are provided to enhance understanding of the text. In case of contradiction between the text and the title(s) concerned or the table of contents, the text prevails;
4. Maps, appendices, tables, specification grids, graphs and symbols, and any form of expression other than the actual text contained in this bylaw, form an integral part of this bylaw for all purposes under law;
5. The dimensions, areas and other measurements set out in the bylaw are expressed in units under the international system.

1.3.2 : Numbering

The form of numbering used in this bylaw is as follows (when the text of an article is not numbered in relation to a paragraph or subparagraph, it is a sub-clause):

1. Chapter
 - 1.1 Section
 - 1.1.1 Article
 1. Paragraph
 - a) Subparagraph

1.3.3 : Terminology

Unless there is a specific mention to the contrary, or unless the context indicates a different meaning, the expressions, terms and words have the meaning and scope attributed to them by the *Bylaw on Permits and Certificates*.



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CHAPTER 2 :

Provisions related to Building Standards

**CHAPTER 2 :
Provisions related to Building Standards**

Section 2.1 : General Provisions

2.1.1 : Foundations

Any main building, including extensions, private garages attached to the main building and their extensions, must be built on foundations. The foundations must be continuous and designed of monolithic concrete poured on site. Concrete block foundations are prohibited

2.1.2 : Posts and Stilts

Notwithstanding Article 2.1.1, the following structures may be set on concrete, steel or purpose-made wooden posts or on stilts:

A main building and its extensions;

Accessory structures;

Piers, landings and boat shelters, under the conditions set out in the *Zoning Bylaw*.

For main buildings and extensions larger than ten (10) square meters, an applicant must provide a report attesting to the load-bearing capacity of the posts or stilts and ensuring the security of the structure.

2.1.3 : Structures with Overhangs

Structures with overhangs are authorized under the following conditions:

The maximum depth of the structure, measured perpendicularly from the front façade in question and laid on foundations, is set at three (3) meters;

The structure must not encroach on the margins set out in the *Zoning Bylaw*.

2.1.4 : Septic Installation

The installation of septic systems must be in conformity with the provincial bylaw in force, concerning the « *Évacuation et le Traitement des Eaux Usées* » which is annexed to the current bylaw (Annex 1).

The modifications which have been done to this bylaw are considered a part of the bylaw as if they had been adopted by the Town. They come into force on the date set by resolution in Council which notice of adoption has been announced in public as required by law.

The specific provisions apply to the Zoning Bylaw with respect to the location of the septic installation.

2.1.5 : Smoke detector

In addition to the provisions stipulated by the *Code de construction du Québec* one (1) smoke detector is required in the case of a cabin built for sleeping.

CHAPTER 2 :
Provisions related to Building Standards

2.1.6 : Sidewalks or walkways around pools and spas

Pools (in ground, above ground or inflatable) and spas may be bordered by a sidewalk, walkway, or another building or structure, in whole or in part, to the extent that they are covered with slip-resistant material or material ensuring safety.

2.1.7 : Retaining Walls

When the height of the retaining wall is equal to or greater than one and three-quarters (1.75) of a metre, measured from average ground level, the plans must be prepared by a member of the Quebec Order of Engineers so as to certify the capacity and solidity of the retaining wall and the security of the work. This requirement applies equally when the slope of the landsite is superior to 15% and the height of the retaining wall is equal to or greater than one (1) metre.

Erosion control measures must be identified when erecting a retaining wall.

2.1.8 Construction standards for a private street and vehicular access

The following minimum construction standards apply to private streets and to vehicular accesses:

1. The foundation of a street or access must consist, at a minimum, of the following granular layers:
 - a. 300 millimetres of granular material of MG-112 size;
 - b. 150 millimetres of crushed stone of MG-20 size.

This all must be compacted successively to reach a density of 98% of the modified Proctor test. It must also be stable and free of foreign matter.

2. If the street or access is paved, the road covering must consist of a layer of EB-14 bituminous concrete, compacted to between 92% and 98% of the modified Proctor test, applied at a rate of 150 kg per square metre.
 3. When the slope of the street or access exceeds 12%, a triple surface treatment must be applied on the gravel (stabilizing bituminous layer) in a case where the street or access is not paved.
 4. A ditch must be dug alongside the running surface to provide for drainage. The ditch must be located 150 millimetres below the level of the street or access structure. The width of the bottom of the ditch is set at 300 millimetres and the cross slopes at a ratio of 1.5 to 1. Erosion control methods for ditches must be applied according to the specific site, as indicated in the practical guide to erosion control methods appended to the *Zoning bylaw*.
 5. Embankments must be stabilized using one of the methods set out in the practical guide to erosion control methods appended to the *Zoning bylaw*, in the section on embankments and slopes. Stabilization work must be conducted as construction advances.
 6. Seeding work must be conducted between the end of the thaw and June 15 of the same year or between August 15 and October 15 of the same year. If the work cannot be done because of weather conditions, the surfaces that have been cleared must be stabilized mechanically, for example using an anti-erosion mulch.
 7. Dispersion basins into the environment, spread at regular intervals along the ditch, must be planned to provide for the gradual evacuation of water, thereby reducing the amount of water that ends up going into the ditch.
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CHAPTER 2 :
Provisions related to Building Standards

8. When required, culverts must be of a size to handle rains occurring at least once in ten years. The slope of the culvert must be identical to that of the stream or ditch, keeping to both the vertical and horizontal alignment. No area of stagnant water must be created upstream or downstream from the culvert if a natural stream is involved. In the case of a ditch, a stone-lined basin, created both upstream and downstream from the culvert, will slow the water, promote sedimentation and help control erosion. Culverts must be installed on beds containing 150 millimetres of compacted sand or gravel. The edges of a culvert must surpass the filling material by thirty (30) centimetres. The erosion control methods set out for culverts in the practical guide to erosion control methods, appended to the *Zoning bylaw*, must be applied.
9. When required, guardrails must be installed in compliance with Standard 7.2, "Restraining barriers", of the Ministère des Transports du Québec.
10. At all times, measures required for erosion control must be applied during work, in keeping with the practical guide to erosion control methods appended to the *Zoning bylaw*.

2.1.9 Chimneys

Any chimney or smoke conduit projecting from an outside wall of a structure must be clad in an outdoor facing material authorized in the *Zoning Bylaw* and must be equipped with a spark arrestor. The chimney must be located at a minimum distance of 3.5 meters from any other building.

2.1.10 Encroachment on the public domain

Unless stated otherwise in this bylaw or in the *Zoning Bylaw*, no structure may encroach on the public domain.

2.1.11 Treatment and maintenance of outdoor surfaces

Wooden outdoor surfaces of any structure must be protected by paint, stain, varnish or any other coating the use of which is not prohibited by this bylaw or by the *Zoning Bylaw*.

Metal outdoor surfaces of any structure must be protected by paint or by any other coating the use of which is not prohibited by this bylaw or by the *Zoning Bylaw*.

Outdoor surfaces of any structure must be maintained so that they keep a uniform appearance, are nowhere missing their covering or protection against storms, and are not damaged.

2.1.12 Fortifications or protective elements of a structure

Fortifications or protective elements are prohibited except for structures or parts thereof housing municipal or governmental uses or activities.

Elements related to fortification or protection include, but are not limited to, the following:

1. Laminated-type glass (H-6) or any other glass specifically reinforced to resist the impact of firearm projectiles, explosives or assaults, made of polycarbonate, Plexiglas or any similar material making them hard to break;
 2. Protective shutters made of open or opaque steel inside or outside a building or structure, or any other item able to resist the impact of firearms or assault, made of steel or any other material;
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**CHAPTER 2 :
Provisions related to Building Standards**

3. Doors made of armoured steel or that are specially reinforced to resist the impact of firearm projectiles, explosives or assaults;
4. Protective steel plate inside or outside a building or structure;
5. Anti-break-in grills or metal bars, whether on the access road or on the doors or openings of a building, except for those installed to protect basement or ground floor openings;
6. Walls or parts of indoor or outdoor walls of a building, made of armoured steel or armoured concrete, or specially reinforced to resist the impact of firearm projectiles, explosives or assaults;
7. Observation and surveillance posts set up specifically on the roof of a building and not accessible to the public, including image sensing or night vision systems;
8. Rigid or flexible materials with bullet-resistant properties.

2.1.13 Security

Any building, structure, work or lot must at all times be kept secure and in good condition.

**CHAPTER 2 :
Provisions related to Building Standards**

Section 2.2 : Provisions related to Sustainable Construction

2.2.1 : Insulating materials

All types of insulating material are authorized, except sawdust and unbundled straw, for the roofs and walls of main buildings, as long as they are covered with an exterior cladding material authorized by the *Zoning Bylaw*.

2.2.2 : Geothermal systems

Geothermal systems are authorized under the following conditions:

1. Geothermal systems must be located more than one hundred (100) meters from a well serving more than twenty (20) persons and from a municipal potable water intake;

2. Geothermal systems must be located at least thirty (30) metres from the high water line of a lake or stream or wetland

2.2.3 : Green or vegetated roofs

Green or vegetated roofs, whether extensive or intensive, are authorized under the following conditions:

The incline of the roof is less than 35%;

Roof access must be provided from inside or outside the building. The outdoor access to the roof must be located in the back yard;

Applicants must demonstrate the load-bearing capacity of the roof based on the type of green roof being considered.

2.2.4 : Low-flush toilets

For all new buildings and structures, toilets must use less than six (6) litres of water per flush. This requirement applies also to renovations.

**CHAPTER 2 :
Provisions related to Building Standards**

Section 2.3 : Provisions related to Private Residences for the Aged.

2.3.1 : Settlement terms

Private homes for the elderly with nine (9) rooms or less must meet the following terms:

1. The main building must have a floor area of at least two hundred (200) square metres;
2. Rooms must be located on the ground floor or on the floors above; no room may be located in the basement;
3. The minimum room size must be at least eight (8) square metres for a single occupant and thirteen (13) square metres for two (2) occupants, excluding area required for closets and other storage space;
4. Each room must include storage or closet space measuring a minimum of one (1) square metre;
5. Each room must be equipped with a sink;
6. Each room must be directly accessible by a separate external entrance or by a common corridor;
7. No room may be accessible by, nor open directly into, a community space, kitchen or dining room;
8. One or several community spaces must be provided measuring a minimum of 2,5 square metres per room without being less than twelve (12) square metres per community space;
9. The residence must provide a kitchen and a dining room that can accommodate 60% of the residents;
10. Bathrooms and washrooms must be equipped with support bars;
11. Common corridors must be equipped with handrails;
12. A laundry room with a minimum area of 0, 5 square metres per room must be provided;
13. A minimum of one (1) portable extinguisher per three (3) rooms must be on hand: these extinguishers must be recognizable and located in the common areas;
14. If a common area is located in the basement an exit leading directly to the outside must be provided. In addition, the stairwell must be equipped with fire stop materials;
15. If the main entrance to the building is accessible by more than two (2) steps an outside access ramp leading to the main entrance must be provided

**CHAPTER 2 :
Provisions related to Building Standards**

**Section 2.4 : Provisions relating to the liability of the applicant,
owner or the person who is carrying out the work.**

2.4.1 : Worksite safety

Any excavation two (2) metres or more in depth must be surrounded by a fence at least 1.8 metres high to ensure public protection at all times.

2.4.2 : Machinery and equipment on the site

A building permit or certificate of authorization implies the right of the person conducting the work to install and maintain on the site the machinery, equipment and devices required for execution of the work.

The machinery, equipment and devices must be removed from the site within seven (7) days of the work being completed.

2.4.3 : Erosion Control Measures

The petitioner, the proprietor and the contractor who will be doing the work must take the necessary Erosion Control measures during the work (sedimentary basins, vegetation stabilization, etc.)

In addition to the above, whenever the work is done on a lakeshore land site, the shoreline must be surrounded by a geo-textile barrier during the entire duration of the work.

Erosion control methods are set out in Annex 6 , Practical Guide, Methods of Erosion Control, in the *Zoning bylaw*

2.4.4 : Restoration

When work on a construction site is completed, all materials, debris, waste and equipment must be removed. The land must be restored to a state of cleanliness within fourteen (14) days of the work being completed.

It is prohibited to modify, by re-grading, the natural level of a piece of land by more than fifty (50) centimetres when restoring the site.

It is prohibited to use materials, debris or construction waste for re-grading a piece of land.

Special provisions apply to leveling of land and to excavation and filling that are covered in the Zoning bylaw

2.4.5 : Non-compliant work

When required by the bylaw, each owner must uncover and recover, at his or her expense, all work that was recovered in violation of a notice issued by the designated official.

**CHAPTER 2 :
Provisions related to Building Standards**

Section 2.5 : Provisions relating to dangerous, unfinished or fire-damaged work.

2.5.1 Fire-damaged, destroyed or dangerous structures

Any structure that is fire-damaged, destroyed or dangerous, in whole or in part, must be completely closed and barricaded and the site must be fenced in, without delay, by a fence with a minimum height of 1.8 metres to prevent any accident and to ensure public safety.

In such cases, the structure must be demolished or rebuilt within twenty-four (24) months as prescribed in the *Urbanism bylaw*.

2.5.2 Excavation and foundations

Any excavation and all foundations of an unfinished, fire-damaged, destroyed or relocated structure must be surrounded, without delay, by a fence at least 1.8 metres in height to ensure public protection at all times.

In all cases, the foundations of an unfinished, fire-damaged, destroyed or relocated structure may not remain on the site more than twenty-four (24) months.

2.5.3 Unfinished or abandoned structures

A structure that has been left unfinished or abandoned for more than thirty (30) days beyond the time set out in the permit or certificate must be completely closed and barricaded to prevent any accident and to ensure public safety.

In all cases, an unfinished or abandoned structure must be demolished or completed within twenty-four (24) months as prescribed in the urbanism bylaws.

2.5.4 Demolition of structures

Before beginning demolition of a structure:

1. All measures requested by the designated official to ensure security of the site and of the public must be carried out;
2. Warning signs must be adequately posted, and the owners of adjacent buildings must be advised.

After demolition of a structure or part of a structure is completed, the land site concerned must be cleared of all debris or materials and must be in a state of cleanliness within fourteen (14) days. Excavations must be filled in within the same period. The land must be restored in compliance with article 2.4.4 of this bylaw.



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CHAPTER 3 :

Final Provisions

**CHAPTER 3
Entry into Force**

Section 3.1 : Entry into Force

3.1.1 : Entry into Force

This bylaw shall enter into force in compliance with the law.

Mayor

Director General