



VILLE DE / TOWN OF

**BARKMERE**

**TOWN OF BARKMERE**

**PERMITS AND CERTIFICATES  
BYLAW N° 204**

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**June 13, 2009**



PROVINCE OF QUEBEC  
TOWN OF BARKMERE

BYLAW NO. 204

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PERMITS AND CERTIFICATES  
BYLAW

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NOTICE OF MOTION: 9 MAY, 2009  
ADOPTION: 13 JUNE, 2009  
ENTRY INTO FORCE:

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**Bylaw Amendments**

| Bylaw Number | Entry into Force |
|--------------|------------------|
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**The municipal council of the Town of Barkmere orders as follows:**

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VILLE DE / TOWN OF

**BARKMERE**

**TOWN OF BARKMERE**

**PERMITS AND CERTIFICATES  
BYLAW N° 204**

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VILLE DE / TOWN OF

**BARKMERE**

**TOWN OF BARKMERE**

**PERMITS AND CERTIFICATES  
BYLAW N°204**

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**CHAPTER 1 :**

**Declaratory, administrative and interpretive provisions**

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CHAPTER 1  
Declaratory, administrative and interpretive provisions

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**Section 1.1 : Declaratory provision**

**1.1.1 : Title of the bylaw**

This bylaw is titled *Permits and Certificates Bylaw* and is numbered 204

**1.1.2 : Repeal**

This bylaw repeals bylaw number 92, titled *Règlement de régie interne et relatif à l'article 116 de la Loi sur l'aménagement et l'urbanisme* », as altered by all its amendments, as well as any provision irreconcilable with another bylaw in force;

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

**1.1.3 : Scope of the bylaw and the territory covered**

The current bylaw, the provisions of which are imposed on both individuals or corporate entities both public and private, apply in the whole Territory of the Town of Barkmere for the delivery of Construction Permits, Subdivision Permits, Certificates of Authorization, Certificates of Occupation and other requests described in the current bylaw.

**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 find themselves altered or modified.

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**Declaratory, administrative and interpretive provisions**

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**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**

Without limiting the powers given to the designated officer by the laws governing the Town, the powers of the designated officer are as follows:

- 1.Assures the respect of the bylaws that are his to administer and apply;
2. Analyzes the Permit and Certificate requests that are given to him and verifies the conformity of all documents and plans that are given to him to the Urbanism Bylaws.
- 3.Assures that the required fees that are in place for the delivery of Permits and Certificates are paid.
- 4.Issues the Permits and Certificates required by virtue of the current bylaw if they conform to the Urbanism Bylaws and to the conditions registered by resolution of the Municipal Council, as the case may be.
- 5.May inspect and visit any building, construction, equipment, works;
- 6.May send a written Notice to all owners or petitioners, requiring the rectification of any situation constituting an infraction against the Urbanism Bylaws;
- 7.May order any owner or petitioner or the person carrying out the work, to suspend work, to close a building and to cease any action contravening the Urbanism Bylaws;
- 8.May require that any test identified in the current bylaw be done by the petitioner and that they be at the their cost ;
- 9.May require the petitioner to hand over any and all technical reports permitting the establishment of conformity to the current request with respect to the current bylaw.
- 10.May recommend to the Municipal Council any request for infraction against any who contravene the Urbanism Bylaws;

**1.2.3 : Property Visit**

The designated office is authorized to visit and to examine at any reasonable hour; any real estate or furniture, as well as the interior and exterior of whatever houses, buildings or edifices so as to see if the bylaws the application of which are his responsibility are executed; to verify any information or to see any activity necessary to the exercise of the powers that have been given by a law or a bylaw. The owners or occupants of these properties, buildings or edifices must allow access.

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**1.2.4 : Infractions and Fines**

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;

|                       | Individual |          | Corporate Entity |          |
|-----------------------|------------|----------|------------------|----------|
|                       | Minimum    | Maximum  | Minimum          | Maximum  |
| <b>First Fine</b>     | 500 \$     | 1 000 \$ | 1 000 \$         | 2 000 \$ |
| <b>Repeat Offence</b> | 1 000 \$   | 2 000 \$ | 2 000 \$         | 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.

**1.2.5 : Infractions, contraventions, Penalties and Recourse: Provisions specific to the Cutting of Trees**

1. Whomsoever contravenes the provisions of the current bylaw relating to the cutting of trees, commits an infraction;
2. An infraction against the current bylaw concerning the cutting of trees renders the violator liable to a minimum fine of \$500.00 to which is added :
  - a) In the case of the cutting on an area smaller than one (1) hectare, a fine of a minimum amount of \$100.00 and maximum amount of \$200.00 per tree illegally cut up to \$5,000.00;
  - b) In the case of the cutting on an area of one (1) hectare or more, a fine of a minimum amount of \$5,000.00 and a maximum amount of \$15,000.00 per hectare deforested to which is added for each fraction of a deforested hectare, an amount determined, conforming to the preceding paragraph.
3. The amounts provided in paragraph 2 are doubled in the case of recurrence of the infraction
4. In all cases, the court costs are added.
5. Any delay of payment of the fines and fees imposed by the current bylaw and the consequences of the default of payment of those fines and fees in the prescribed delays are established conforming to the *Code de Procédure pénale du Québec (L.R.Q., c. C-25.1)*.

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**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 unless the context indicates a different meaning, it is agreed that:
  - 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. In case of a contradiction between a table and a graphic the data of the table will always prevail;
6. 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



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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 application attributed are as follows:

**ABUTTING CAR SHELTER:**

An accessory structure abutting a main building, consisting of a roof supported on pillars, open on at least three (3) sides, with two (2) of these accounting for at least 50% of the area (the third one being the access). The car shelter is intended for the parking or storage of motor vehicles or recreational vehicles, including boats.

**ACCESSORY BUILDING:**

A building that can be used only in subsidiary or accessory ways for the purposes of the main building or of the main use conducted on this land.

**ACCESSORY USE:**

Any use conducted on a piece of land or in a building or structure that is subsidiary to a main use or in an accessory or secondary way in relation to its main use.

**ADVERTISING BOARD** (billboard):

Sign advertising a firm, profession, product, offered service or entertainment; operated, practiced, sold or offered in another area other than where the sign is now posted. A community service sign is not accepted as the aforesaid.

**ALTERATION:**

See `Enlargement`.

**ANIMAL UNIT:**

A measurement unit for the number of animals that may be kept in a breeding facility during an annual production cycle as determined in the *Zoning bylaw*.

**ANTENNA:**

A device intended to receive or send waves.

**AREA FIT FOR BUILDING:**

The space available for erecting a structure, with the application of margin standards.

**AREAS OF HIGH ECOLOGICAL VALUE:**

Represents the areas which make up part of the high Habitat Quality Index (IQH). The limits of the areas of high ecological value are defined in the *Zoning Bylaw*.

**ARTIST'S OR ARTISAN'S STUDIO:**

An establishment occupying a building or part of a building and intended for the design and production of arts and crafts.

**ATTIC:**

A space found at the top of a building, beneath the slopes of the roof and separated from the lower areas by a floor.

**AUTOMOBILE PART RECOVERY SITE:**

See Automobile Graveyard or Scrap yard.

**AUTOMOBILE GRAVEYARD OR SCRAPYARD:**

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An open-air space used for accumulating vehicles or scrap or miscellaneous objects that are not usable or functional, which may or may not be intended for demolition or for sale as parts or in whole units.

***AVERAGE GROUND LEVEL:***

In all cases, the lowest of the average permanent average levels of the ground over a distance of three (3) metres. In the case of a building or structure, it is one of the lowest average permanent levels of the ground when these levels are measured along each outside wall of a building within a distance of three (3) metres of the wall, based on surveys that take into account any elevation other than those providing access to the entry doors of the building for vehicles or pedestrians.

***AWNING:***

Accessory construction forming a roof, usually installed protruding from a wall or supported on posts.

***BACK YARD:*** The space between the rear line of a piece of land and the rear façade of a building. In demarcating a back yard, it is necessary to use the most distant rear façade of the building. When the building is at an angle, it is necessary to use the points of the building that are furthest from the centre of the building. The back yard extends from one side line of a lot to the other.

***BACKFILLING:***

Work consisting of removing earth or soil in place for levelling or digging or for obtaining land for in-fill purposes.

***BALCONY:***

An accessory construction made of a platform protruding from a building which is not attached to the ground (is not supported by a structure or posts), open on at least two (2) and surrounded by a railing

***BASEMENT:***

Part of a building located beneath the ground floor, with a free height of at least 2.3 metres between the ceiling and the floor.

***BED AND BREAKFAST:***

Private residences and adjacent buildings forming a group that the owners or occupants operate as a lodging establishment, renting not more than five (5) rooms at a room rate that includes breakfast served on-site.

***BEDROOM:***

A part of a dwelling or building intended mainly for sleeping and that can be occupied by members of a household. A bedroom must not include certain physical characteristics of a dwelling (no cooking or sanitary equipment, including a sink) unless stated otherwise in urbanism bylaws.

***BIOLOGICAL CORRIDORE:***

The sector having a strong potential for fauna. The limits of the biological corridor are defined in the *Zoning Bylaw*

***BOATHOUSE:***

Structure which serves as a temporary storage for watercrafts or boats during the usage season

***BODY OF WATER:***

A lake or stream.

***BUILDING:***

Any structure with a roof supported by columns or walls and used, or intended to be used, to shelter or receive persons, animals or any type of object.

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***BUILDING FAÇADE (MAIN FAÇADE OF A BUILDING):***

A part of a building facing a road or the lake (or based on the axis of orientation of the face authorized in the urbanism bylaws) and showing the main entrance (door or porch) and the civic number.

***BUILDING IMPLANTATION AREA:***

A building implantation area is the outside area of the building's ground projection, including overhangs and parts incorporated into the building. Excluded from calculation of the building implantation area are protruding elements such as balconies, galleries and cornices. In certain cases identified in the *Zoning Bylaw*, the entry porch and the veranda may be included in the implantation area of the building

***BUILDING HEIGHT (In storeys):***

Number of storeys included between the roof and the lowest inhabitable floor. If the level of foundations out-of-earth is greater than two (2) meters, the basement is considered in the number of storeys of the building. In addition, if the attic of the roof has more than 40% used, the attic is considered in the number of storeys of the building.

***BUILDING HEIGHT (In metres):***

The distance measured vertically from the average ground level adjacent to the building to the building's highest point, either the crest of the roof or any other element occupying more than 15% of the roof area. (Parapets or other elements under 1.2 metres, chimneys, antennas and structures occupying less than 15% of the roof area are excluded from the calculation of the building height.)

For purposes of calculating the height of a building in metres, a measurement at the centre of each façade section must be taken, from average ground level to the highest point, divided by the number of façade sections.

***CADASTRAL OPERATION:***

A cadastral operation as set out in the first sub clause of Article 3043 of the *Civil Code of Québec*.

***CANOPY:***

A shelter supported by a protruding frame to provide protection from the sun or from storms, made of non-rigid materials.

***CHILDCARE SERVICE OR CHILDCARE CENTRE:***

Childcare services or childcare centres as defined by the *Educational Childcare Act* (R.S.Q., S-4.1.1).

***COMMERCIAL SIGN:***

A sign for an establishment, located on a piece of land or on the building where the main use is conducted.

***COMMERCIAL PURPOSES:*** For applying provisions relating to banks and shores: includes works, structures, facilities or projects linked to commercial activities involving retail or wholesale goods or services. Commercial purposes are considered to encompass all works and developments conducted on a property used for commercial purposes, including in particular parking areas as well as residential development projects

***COMMUNITY SIGN:***

A sign erected and maintained by the Town.

***CONSERVATION ACTIVITY:***

Full conservation of wildlife habitats or natural areas (e.g., wildlife or ecological reserves, protected areas, etc.).

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***CONSULTATIVE COMMITTEE IN URBANISM:***

The Consultative Committee in Urbanism of the Town of Barkmere.

***COUNCIL:***

The Council of the Town of Barkmere.

***COUNTRY RESTAURANT:***

An establishment serving meals consisting mostly of products from the farm where it is located or from surrounding farms. Meals are served in the farmhouse dining room.

***CORD OF WOOD:***

A unit of measurement consisting of 128 cubic feet of logs, including lengths of wood and empty spaces. A cord of wood measures 4 feet long x 8 feet wide x 4 feet high.

***UNLOADING AREA:***

Temporary access area on a land site for before and during the forestry operation. This area also serves for wood transportation.

***CURB CUT:***

An access built permanently at the edge of a road, vehicular access or ditch to give vehicles access to land adjacent to the road or to the vehicular access.

***DESIGNATED OFFICER:***

The municipal officer or employee in charge of applying and administering urbanism bylaws.

***DRAINAGE DITCH :***

A lengthwise depression dug in the ground and used for the sole purposes of drainage and irrigation, existing only due to human intervention and with a catchment area of less than one square kilometre (100 hectares).

***DISPLAY:***

The exhibition of goods outside a building for a limited period of time.

***DITCH:***

A ditch dug lengthwise along the ground, including ditches along a public or private way, dividing ditches or drainage ditches.

***DITCH ALONG A PUBLIC OR PRIVATE WAY:*** A lengthwise depression dug in the ground and used exclusively to drain a public or private way.

***DIVIDING DITCH :***

A lengthwise depression dug in the ground, used as a separating line between neighbours, in the meaning of Article 1002 of the Civil Code.

***DOCK:***

Structure (platform, gangplank or other structure authorized in the Zoning Bylaw) situated on the littoral, excluding swimming rafts and boathouses, to which a boat can be tied, so as to have access to the water or for relaxation.

***DOMESTIC GREENHOUSE:***

A building used in the cultivation of plants, fruits or vegetables intended for personal domestic use and not for sale or for a commercial activity.

***DRIVEWAY:***

A space developed on a land site to provide access for vehicles to parking spaces on the same piece of land. When the driveway has a length of one hundred (100) meters or more it is considered a principal or secondary vehicular access for all of the meters exceeding this length

***DRY MATERIAL DISPOSAL SITE:***

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A site used for the permanent disposal of ground or shredded waste that is not likely to ferment and that contains no hazardous waste.

**DWELLING:**

Room or group of connected rooms serving as, or intended to be, the residence of one or more persons and where meals may be prepared and consumed, where persons may sleep, and where a water closet may be found.

**EAVE:**

Lower part of a roof protruding from the outside walls or roof of a building, including crowns and cornices.

**ENLARGEMENT:**

Works to increase the area of the principal use on a land site, the area of a work, the floor area, the implantation area, the total area or the volume of a building or a construction. This excludes renovation or reconstruction. Synonyms of enlargement are the terms "extension" and "modification"

**ENTRY PERGOLA:**

A pergola serving to mark the pedestrian entry to a piece of land.

**ENTRY PORCH:**

An accessory construction protruding structure that may be open or closed, sheltering the entry door of a building. The entry porch is considered part of the main building when the implantation area authorized has not been reached.

**ENVIRONMENTAL STRIP:**

Vegetated strip situated within the limits of land sites whose depths are defined in the *Zoning Bylaw*.

**ESTABLISHMENT:**

A place where a professional, commercial or industrial occupation is conducted.

**EXCAVATION:** Work consisting of bringing earth or other surface material to build a levee or fill a ground cavity.

**EXTENSION:**

See `Enlargement`.

**EXTENSIVE RECREATION:**

Outdoor recreation requiring extensive equipment and installations such as hiking or ski trails, cycling paths, parks and green spaces. Also includes conservation activities.

**EXTRACTION ACTIVITY:**

Extraction of mineral substances or plant or organic matter for commercial or industrial purposes but excluding peat. Includes in particular the exploitation of sandpits, quarries or gravel pits as well as on-site processing, storage or sale of products resulting from this exploitation.

**FAMILY RESOURCE:**

A family resource as defined in the *Act Respecting Health Services and Social Services* (R.S.Q., c.S-4.2).

**FARMING ACTIVITY:**

Cultivation of soil and plants, with the soil covered by plants or used for forest purposes or livestock, and for these purposes creation, construction or use of works or buildings.

**FENCE:**

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A structure that may be of medium height, made of posts and materials that comply with urbanism bylaws, installed with the aim of demarcating, marking, hiding or closing off a space, a worksite or a structure.

***FIREWOOD SHELTER:***

An accessory structure made of a roof on posts, open on at least one (1) side and sheltering firewood

***FISH SPAWNING AREA:***

An area where fish reproduce

***FLOOR AREA:***

Area occupied by a use within a building.

***FOREST DEVELOPMENT PLAN:*** A plan describing forestry activities to be conducted on the land in question, prepared and signed by a forest engineer.

***FORESTRY ACTIVITY:***

Exploiting or developing forest or wooded areas, including maple groves, for commercial or industrial purposes.

***FOREST ROAD:***

A roadway developed and used on public land for forestry operations.

***FOREST THINNING:*** A forest operation consisting of uniform removal over a given wooded area of a portion of commercial logs.

***FORM OF INSTALLATION:***

The installation of a structure on the ground in relation to adjacent structures, whether in detached, semi-detached or contiguous form.

1. A detached structure is a structure set back from the side limits of a lot and detached from the other structures on the lot or on adjacent lots and that can benefit from natural light on all its sides;
2. A semi-detached structure is a structure installed on one of the side limits of the lot with a party wall with another structure sited similarly on the adjacent lot or a structure adjacent to another structure on the same lot, and that can benefit from natural light on at least three (3) of its sides;
3. A contiguous structure is a structure sited on the two (2) side limits of the lot, with a party wall, and that can benefit from natural light on at least two (2) of its sides. In the case of an accessory structure, the structure is installed between two (2) structures on the same lot.

***FOUNDATION:***

Set of elements that hold up a building, serving to transmit the load of the building to the ground or the supporting rock.

***FOUNDATION WALL:***

A load-bearing wall, supported on the base or footing of the foundation beneath the ground floor with part of it located below ground level and in contact with the ground. In the case of a foundation on piles, the outer face of the stakes or piles is considered to be the foundation wall.

***FRONT YARD:*** The space between the front line of a piece of land and the main façade of a building. In demarcating a front yard, it is necessary to use the most distant main façade of the building. When the building is at an angle, it is necessary to use the points of the building furthest from the centre of the building. The front yard extends from one side line of a lot to the other.

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**FRONT SETBACK:**

Minimum distance to be respected between the front façade of a building and the front lot line (the calculation is set out in the *Zoning bylaw*). Specific provisions for an island will apply.

**FRONTAGE:**

The distance measured along the front lot line, between the side lines of a lot.

**FRONT LINE OF A LOT:**

Separation line of a land site marking the limit of a road's right-of-way or the high water mark in the case of a land site adjacent to a lake.

**FUNCTION (USE):**

The main use of a piece of land, a building or a structure.

**GABION:**

A metal basket made of corrosion-resistant material in which quarried stone or fieldstone is placed.

**GALLERY:**

An accessory construction made up of a platform on pillars or otherwise connected to the ground at a distance greater than sixty (60) centimetres from average ground level, open on at least two (2) sides, with or without a roof, abutting on the building and surrounded by a railing.

**GARAGE:**

A building or part of a building, closed on more than three (3) sides, in which one or more vehicles are stored, kept or repaired.

**GARDEN PAVILION:**

A non-detached seasonal shelter, temporary or permanent, at least 75% open and equipped with a roof, where it is possible to eat and relax. The openings may or may not be protected by mosquito screens or other material. Includes arbours and gazebos.

**GROSS DENSITY:**

Number of dwellings that can be established per hectare of land area, with the calculations including the land area devoted to roads, parks or community or public facilities and not used for residential purposes on a piece of land or in a sector.

**GROUND FLOOR:**

The floor located immediately above ground level or above the basement.

**HABITATION:**

A building or part of a building intended to house one or more persons or households.

**HEAVY VEHICLE:**

A vehicle as defined by the *Highway Safety Code* (R.S.Q., c. C-24.2).

**HEDGE:** A planting in a continuous row of bushes or small trees, whether or not located on the property line and whether or not trimmed, but sufficiently dense or compact to form a screen or traffic barrier (planted at least sixty (60) centimetres apart).

**HIGH ELEVATION ZONE:** Zone with an altitude greater than 280 meters as illustrated in the Appendix of the *Zoning Bylaw*.

**HIGH WATERMARK:**

The high watermark is a line which, for application purposes vis-à-vis the regulation or bylaw, serves to demarcate the littoral and the shoreline of lakes and watercourses. This high watermark sits on the natural middle line of the high waterline, that is to say:

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1. The line beyond which predominantly aquatic plant growth changes over to predominantly land plants or if there are no aquatic plants, the line beyond which land plants stop in the direction of the water.

The plants considered as aquatic are hydrophilic including: floating leaf, emergent and submerged, emerged herbaceous and ligneous plants; all characteristic of open marshes and swamps on stretches of water.

2. In the case of water-damming work in progress, the high watermark corresponds to the maximum operational level of the water works for the upstream section of the body of water
3. In the case of a legally erected retaining wall, the high watermark corresponds to the height of the structure ;

Failing being able to determine the high watermark from the previous criteria, this can be confined to the following:

1. If information is available as to the extent of the recurring floods every two (2) years, "that" is considered equal to the established watermark according to botanical criteria previously defined in paragraph (a) of this definition.1.

**IDENTIFICATION SIGN:**

A sign placed on a building, serving to identify a service offered by an establishment or a use accessory to a dwelling located in the building (identification plaque).

**IMPAIRED SHORE:**

Shores that have been made artificial or are eroding due to pressures such as excessive deforestation, excavation, filling, removal or encroachment.

**INDUSTRIAL PURPOSES:** For applying provisions relating to banks or shores: includes all works, structures, facilities or projects conducted for the needs of an industry or on an industrial property. This includes loading piers, outlets, jetties, etc.

**INHABITABLE ROOM:**

A space intended for habitation.

**INTENSIVE RECREATION:**

Outdoor recreation requiring intensive or large-scale equipment and installations such as downhill ski centres, racetracks and zoos.

**INTERMEDIATE RESOURCE:**

An intermediate resource as defined in the *Act respecting health services and social services* (R.S.Q., c.S-4.2).

**INTERVENTION SECTOR:** A sector to which the provisions related to private roads and vehicular accesses apply. The map of intervention sectors is annexed to the *Subdivision Bylaw*.

**IRREGULAR OR INTERMITTENT FLOW STREAM:**

Stream, or part of, from which its flow depends directly upon precipitation and therefore whose bed is completely dry at certain periods.

**KENNEL:**

A place where dogs are kept for breeding, rental, sale or custody.

**LAKE:**

Any body of water fed by a stream or underground source.



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**LANDING :**

A structure including piers and boat shelters, intended for use or rental for municipal ends or public access.

**LAND DEPTH:**

Corresponds to the average depth of a piece of land, measured from three (3) distances based on the formula set out in the *Subdivision bylaw*. This is the depth that must be included in calculating the area of a piece of land.

**LAND DEVELOPMENT RATIO:**

The ratio between the installation area of the main building and the area of the land on which it is installed.

**LITTORAL :**

LITTORAL: The littoral is the part of a lake or stream that extends from the high water mark to the centre of the body of water. Any humid area adjacent to a lake or stream is an integral part of the littoral of this lake or stream. To be considered as a littoral for purposes of applying bylaws, the bed of a body of water must provide for the flow of water in an identifiable channel.

**LIVESTOCK FACILITY:**

A building where animals are raised, or an enclosure or part of an enclosure where animals are kept for purposes other than pasturage, including, as the case may be, any facility for storage of manure.

**LOADING AND UNLOADING SPACE:**

An off-road space reserved for the temporary parking of a vehicle during the loading or unloading of merchandise.

**LOADING PLATFORM:**

An element in the structure of a non-resident building including a relatively wide door, which may or may not be covered, facing an outdoor platform or a floor space at the height of truck platforms, designed specifically to facilitate the handling of merchandise.

**LOT LINE:**

Line serving to demarcate a piece of land.

**LOT:**

A property identified and demarcated on an official cadastral plan listed in the land register pursuant to the *Cadastre Act* (R.S.Q., c. C-1) or to Articles 3043 or 3056 of the *Civil Code of Québec*.

**LOW WATER LEVEL:**

Minimum level reached by a stream.

**MAIN BUILDING:**

A building applied to the main use or uses authorized by this bylaw on a piece of land.

**MAIN USE:**

The primary purpose for which a structure, building, piece of land or parts thereof are or may be used or occupied.

**MEASURES FOR CONTROLLING EROSION :**

Techniques recognized and used to control erosion. The measures targeted by the current bylaw are found in the appendices in the Technical Guide of the *Zoning Bylaw*.

**MIXED USE:**

Use or occupation of a main building with two (2) main uses, one of which is residential, according to the conditions set out in the *Zoning bylaw*.

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**MOTOR HOME:** An autonomous vehicle or non-autonomous part of a vehicle used as a temporary residence for recreational or travel purposes.

**MOTOR VEHICLE:**  
A vehicle as defined by the *Highway Safety Code* (R.S.Q., c. C-24.2).

**MOUNTAINTOP:**  
The top of a mountain as illustrated in an appendix to the *Zoning bylaw*.

**MUNICIPAL WORKS:**  
All works relating to the installation of a water or sewer system, including roadwork, maintenance, reforestation or the cleaning of shorelines, as well as the installation of municipal or inter-municipal equipment.

**MUNICIPAL PURPOSES:** For applying provisions relating to banks and shores: includes works, facilities or projects conducted by a local or regional municipality or for its benefit. Examples include sewer and aqueduct networks, municipal buildings, parks, and works for maintaining bodies of water.

**NATURAL SPACE TO BE PRESERVED:**  
An area set out in urbanism bylaws to be left in a natural state, usually a space including indigenous species of grass, shrubs and trees.

**NET DENSITY:**  
Number of dwellings that can be established per hectare of land area, with the calculations excluding the land area devoted to roads, parks and other space not used for residential purposes or for community or public facilities.

**OCCUPATION:**  
See Use.

**OFF-ROAD PARKING AREA:**  
A space arranged for parking not located in the right-of-way of a road.

**OPENING (Building):**  
Openings consist of the doors and windows in the wall or roof of a building.

**OPENING (Forestry Cut):**  
Part of a forestry cut of greater than 75% of the land surface where the effect is to reduce the density of the forest cover by less than 25%.

**ORIGINAL LOT:**  
A lot as shown in the original cadastral plan of the Town's territory.

**OUTDOOR CAFÉ:**  
An accessory construction site set up outdoors on a temporary basis, either open-air or wholly or partially enclosed, with tables and chairs for clients of an establishment serving meals or drinks.

**OUTDOOR STORAGE:**  
The act of leaving merchandise, goods, products or vehicles outside a building permanently or temporarily, whether or not in a dedicated space.

**OVERHAUL:**  
See Renovation.

**OVERHANG:**  
Part of a floor area in a building with the edge not resting directly on a foundation and built in such a way as to support its load.

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***PARA-INDUSTRIAL BUSINESS:***

A business or service causing constraints on a neighbourhood, generally associated with crafts or light industry such as the wholesale trade or warehousing, a garage for heavy vehicle repairs, a construction firm or a trucking company.

***PARKING SPACE:***

A land area reserved for parking a vehicle.

***PARKING AREA:***

A specially arranged space intended to receive vehicles.

***PASSIVE SOLAR BUILDING:*** A building designed to get maximum benefit from the sun's heat based on its design, at least 60% open on the side of the building facing south.

***PATIO:***

An accessory construction with or without a railing (platform), located at least sixty (60) centimetres from the average ground level.

***PERGOLA:***

An accessory construction made of light columns and beams with the roof and sides open or covered with skylights and set up to have plants climb it or to create shade.

***PERSON:***

Any physical person or legal entity.

***PIECE OF LAND:***

Designates an area of land consisting of one or more lots, or part of a lot or several parts of contiguous lots with the metes and bounds (boundaries) described in one or more registered deeds. The piece of land forms a property.

***PLAYGROUND:***

A space developed and used as a recreational or sports area, with the buildings and equipment required for its operation.

***POOL:***

An indoor or outdoor basin, permanent or temporary, that can be filled with water and use for swimming or bathing, with water at a depth of more than nine (90) centimetres.

***POSTER:***

See Sign.

***POSTING:***

Displaying, installing or keeping a sign in place.

***PRINCIPAL VEHICULAR ACCESS:***

A vehicular access serving several land sites, situated in the same Intervention Sector, by secondary vehicular accesses, secondary private road or a forest road.

***PRIVATE PRINCIPAL ROAD:***

: A private road serving many land sites, situated in the same Intervention Sector by the intermediate secondary vehicular accesses, secondary private roads or directly by a driveway

***PRIVATE GARAGE:***

A building attached to or detached from the main building, serving to store one or more motor vehicles or recreational vehicles, excluding heavy vehicles, used for personal purposes by the occupants of the main building. The garage is considered private if it cannot be used for commercial or industrial purposes for vehicle repair or maintenance.

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When a private garage is detached from the main building it is considered as an accessory construction.

**PRIVATE RESIDENCE FOR ELDERLY PERSONS:**

A collective residential building where, in exchange for payment of rent, lodgings are provided for elderly persons, as are a fairly extensive range of services linked mainly to security and to help with daily living or social life, with the exception of a facility maintained by an establishment and a building or housing unit where the services of an intermediate resource or family resource under the terms of the *Act Respecting Health Services and Social Services* (R.S.Q., c.S-4.2) are provided.

**PRIVATE ROAD:**

A roadway destined for the circulation of cars and permits access to adjacent land sites situated in the Intervention Sector in which it is built.

**PRIVATE PRINCIPAL ROAD :** A private road permitting the service of many properties situated in the same Intervention Sector or in adjacent Intervention Sectors, by intermediary secondary vehicular accesses, private secondary roads or directly by a driveway

**PRIVATE SECONDARY ROAD:**

A private road serving many landsites via a driveway and permitting connection to a principal vehicular access, a principal private road or a forest road

**PROFESSIONAL OR COMMERCIAL SERVICE PROVIDED FROM A HOME:**

A professional, commercial, artistic or craft activity or service provided from a home by the occupant (or by employees, when permitted by bylaws), not involving the large-scale production or manufacture of items intended for sale.

**PROTRUSION:**

Part of a building that is in relief with the surface of a wall (cornice, balcony, awning, canopy, sign, outdoor stairway, chimney, bay window, eave etc.).

**PROPERTY:**

Any land or building or anything considered as such under the *Civil Code of Québec*.

**PRUNING :**

Cutting aimed at reducing the length and number of branches of trees, shrubs or hedges

**PUBLIC ROAD:**

A roadway intended mainly for motor vehicle traffic providing public access to adjacent properties, with the right-of-way belong to the Town or to the Ministère des Transports du Québec (MTQ), where the alignment and opening have been approved by the Town

**PUBLIC UTILITY AND INFRASTRUCTURE:**

Any public utility service or infrastructure, such as municipal infrastructure, gas, electricity or telecommunication networks.

**PURPOSES OF PUBLIC ACCESS:**

For applying provisions related to banks and shores: includes works, structures, facilities or projects giving access to bodies of water for public use or for use by a group of individuals. Without being limited to the following, this includes: ramps placed in the water for boats, access roads to these ramps, facilities providing access to a public swimming area, and the roads and roads providing access to a stream or lake for everyone with right of passage on this road. These works may be conducted by a public or private body, by an association or by an individual who allows it to be used in return for some form of compensation.

**RAILING:**

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A protective barrier serving to prevent accidental falls from one level to another or from an open space.

**REAR MARGIN:**

The minimum distance to be respected between the rear façade of a building and the rear lot line (the calculation is set out in the *Zoning bylaw*).

**REBUILDING:**

Work encompassing the reconstruction of a construction or a work, or a part of any one of these, which has been demolished or destroyed. Included are the replacement of foundations, and the reconstruction of an identical or similar construction after a demolition or a destruction conserving the foundations or not. The substantial modification of a construction or a work, that is when it can be considered as a new entity is considered as a reconstruction. A synonyms for reconstruction is the term `replacement`.

**RECREATIONAL VEHICLE:**

A vehicle, with or without a motor, used for recreational purposes, such as a trailer, tent trailer, camper, pleasure boat, all-terrain vehicle, or other similar vehicle. Also included are off-road vehicles as defined by the Highway Safety Code (R.S.Q., c. C-24.2) and trailers used to transport a recreational vehicle.

**RENATURALIZATION:**

A technique aimed at establishing indigenous species of grass, shrubs and trees to be integrated into the area in question with the aim of hastening the restoration of plant cover.

**RÉNOVATION:**

Work to correct a construction or work or land site, including the renovation of foundations or their replacement. The term `renovation` excludes enlargement and reconstruction. Synonyms for renovation are the terms `upkeep`, `overhall` `repair` and `transformation`.

**REPAIR:**

See Renovation.

**REVEGETATION OF SHORES :** Techniques aimed at establishing herb, shrub or tree species of an indigenous shoreline type that integrate with the surroundings for the purpose of speeding up the return of vegetation.

**RIPRAP:**

A sloped stone embankment laid out alongside a stream, consisting exclusively of fieldstone or quarried stone.

**RIGHT-OF-WAY:**

A space occupied by roadways and public utility services.

**REGULAR FLOW STREAM:**

A stream, which flows steadily throughout all seasons during periods of light and heavy rainfall and drought.

**RIVERBANK ZONE (Shoreline and Riverbank Protection Zone) :**

Synonym with Shore.

**ROAD**

A public or private road.

**ROAD SURFACE:** A road lane that is part of a private road or vehicular access intended for the movement of vehicles.

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**SANITATION HARVESTING:**

Cutting down or harvesting trees in a stand that are defective, diseased, decaying, damaged or dead.

**SALVAGE CUTTING:**

A forest operation consisting of removing from a wooded area a portion of the trees killed or weakened by illness or insects or knocked over by the wind (windfall) with the aim of recovering these logs before they become unusable.

**SECONDARY VEHICULAR ACCESS:**

A vehicular access serving several land sites and by driveways, permitting connection to a principal vehicular access, a principal private road or a forest road

**SELECTIVE CUTTING**

Annual or periodic cutting of trees chosen individually or by groups, in an uneven-aged stand, in order to recover the yield and develop a balanced uneven-aged stand structure, while providing the cultural measures required for tree growth and seedling establishment. The cuts are usually a mix of regeneration cuts and improvement cuts

**SEPTIC INSTALLATION:**

A facility comprising a septic tank and a treatment element conforming to the *Règlement sur le traitement et l'évacuation des eaux usées des résidences isolées*(R.Q., c. Q2, r.8)

**SHED:**

An accessory building serving for the storage of equipment needed for land maintenance or for the main use.

**SHORE:**

A strip of land, alongside of lakes and streams, extending inland starting at the high water mark.

**SIDE SETBACK:**

Minimum distance to be respected between the side façade of a building and the side lot line (the calculation is set out in the *Zoning bylaw*).

**SIDE YARD:**

The space between the sideline of a lot and the side façade of a building. The side yard is the residual space created in demarcating the front and back yards. It extends from the front yard to the back yard.

**SIGN:**

Any structure, writing, pictorial representation, emblem, flag or other object, painting, or light source located outside a building or in a window and used to warn, inform, announce, advertise or draw attention.

**SLEEPER WALL:**

A structure that separates two free areas.

**SLEEPING CABIN:**

An accessory structure with one room.

**SPECIAL MOBILE EQUIPMENT:**

A vehicle as defined by the *Highway Safety Code* (R.S.Q., c. C-24.2).

**STEEP SLOPE ZONE:** Zone presenting slopes which vary between 20% and 30% as illustrated in the Appendix of the *Zoning Bylaw*

**STOREY:**

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Part of a building demarcated by the upper side of a floor and that of the floor located immediately above or, should there not be a higher floor, by the ceiling above. An attic is not considered as a storey.

***STORAGE:***

The act of leaving merchandise, goods, products or vehicles in a warehouse permanently or temporarily.

***STREAM:***

Any mass of water that flows in a bed with a regular or intermittent flow, including those created or modified by human intervention, with the exception of a ditch along a public or private road, a dividing ditch or a drainage ditch. In a public forest, streams covered by application of the measures in the zoning bylaw are those defined by the bylaws on standards for intervention decreed pursuant to the *Forest Act*.

***ROAD LINE:***

Separation line between a piece of land and the limit of a road's right-of-way.

***ROAD WIDTH:***

Width of a road's right-of-way.

***SECONDARY PRIVATE ROAD:*** A vehicular access linked to a driveway permitting connection to a principal vehicular access, to a principal private road or to a forest road (directly serving land-sites at their limits).

***STRUCTURE:***

All assembly built of materials set on the ground or attached to an object covering an area on the ground.

***SUBDIVISION:***

Any splitting up of a landed property that is conducted using a cadastral plan

***SUBDIVISION PLAN:***

A plan showing the subdivision of land into lots, roads or other subdivisions and prepared by a surveyor.

***SUSTAINING WALL:***

A work designed to retain or support backfill material, the soil in place or another part of the piece of land.

***SWIMMING RAFT:***

A structure built of a floating platform with a fixed anchorage placed near the shore. The raft is intended to be used by swimmers and may not be used for mooring boats.

***TEMPORARY BUILDING:***

A fixed or movable building, erected or installed for a specific purpose and for a limited time for the purpose in question.

***TEMPORARY CAR SHELTER (WINTER):***

An accessory, removable structure made of metal or wood, covered in cloth or non-rigid materials, used in the winter for parking motor vehicles or recreational vehicle.

***TEMPORARY SIGN:***

A sign intended for non-permanent installation, relating to an activity or event that is limited in time.

***TEMPORARY USE:***

Any temporary use on a land site, in a building or a construction where the duration of use is determined by the Urbanism Bylaws, and is a subsidiary use to the principal use authorized on the land site.

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***TOWN:***

The Town of Barkmere.

***TRAFFIC ROUTE:***

Any place or structure devoted to public or private motorized traffic, particularly a highway, road or alley, road, railway line or public parking area. Also includes vehicular accesses.

***TRAILER-CAMPER:***

Transportable factory or workshop built structure attached to a maximum (2.70m) two metre and seventy centimetre-wide chassis. Designed, so as to be self-movable or transportable on its own wheels by a standard or recreational vehicle and ready to accommodate people during a short stay in an area offering recreational or leisure activities such as camping or caravanning. Considered in the same category as auto caravan and tent trailer

The trailer-camper is not to serve as a permanent habitation.

***TRANSFORMATION:***

See Renovation

***TREE:***

A ligneous plant. For the application of certain measures in the *Zoning bylaw*, the diameter and height of a tree are set out.

***TOTAL SIDE MARGIN:***

The total of the distances established for the two (2) side margins.

***TRAIL:***

Including but not limited to hiking trails, multifunctional trails, cross-country ski trails and bicycle (non-motorized) trails.

***TRIMMING :***

Cutting aimed at eliminating dead, broken or diseased branches.

***TROUÉE :***

Portion de l'aire de coupe de coupe dont le prélèvement est supérieur à 75% de la surface terrière et dont l'effet est de réduire la densité du couvert forestier du peuplement à moins de 25%.

***TOTAL AREA OF A BUILDING:***

The total area of a building is equal to the sum of all floors located in a building, including basement floors used for the main purposes. The surface is established using the outer sidewall of the exterior walls or the axis line of party walls. Excluded from calculation of the area is the area of a basement with a ceiling height lower than 1.2 metres.

***UNLOADING AREA :***

Temporary access area on a land site for before and during a forestry operation. This area also serves for wood transportation.

***UNLOADING ROAD:***

A roadway penetrating temporarily on a land site, before or during a forestry operation. This roadway would also serve to transport wood

***UNSERVICED LAND:***

Land where no services, aqueducts or sewers are provided.

***UPKEEP:***

See `Renovation`



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**URBAN PLAN:**

Bylaw adopted by the Town and put into force pursuant to the *Act respecting urbanism planning and development*.

**URBANISM BYLAW:**

Any bylaw adopted by the Town pursuant to Chapter IV of the *Act respecting urbanism and development* (R.S.Q., c.A-19.1).

**URBANISM RATIO:**

See Land development Ratio.

**USE:** Purpose for which a structure, building, piece of land or parts thereof can be used or occupied.

**VEHICULAR ACCESS:**

An installation built on one or more land sites permitting vehicles to have access to a road, a forest road or to another existing or planned vehicular access.

**VERANDA:** A structure closed partly or on all sides by windows or screening, abutting a building. The veranda is a part of the main building when the authorized area of implantation has not been reached. When it is considered as an accessory to the main building the veranda is not insulated (not heated) and is used in 3 seasons.

**VISIBILITY TRIANGLE:**

Represents, in each quadrant of a road intersection, the triangle on the ground formed by a line drawn by joining two points at a distance from the intersection determined by the *Zoning bylaw*. In a case where there is a turning radius, this distance is measured in a straight line from the end of the radius.

**VERY STEEP SLOPE ZONE:** Zone presenting slopes greater than 30% as illustrated in the Appendix of the *Zoning Bylaw*

**VESTIBULE:**

Removable construction, in metal or wood, covered with cloth or non-rigid material, used in winter to cover galleries or building accesses.

**VIRGINIA WHITE-TAILED DEERYARDS:** A deeryard is a propitious environment which affords enhanced protection for herds of Virginia white-tailed deer from the snow and cold of the winter season. Large deeryards capable of sheltering thousands of deer in winter are found in the same area sites yearly. The deeryards are generally located in areas with a less harsh climate, such as valleys sheltered from the wind and containing stands of conifer trees, also offering shelter. The main components of the Virginia White-tailed deeryards are the following:

Shelter: Area composed primarily of coniferous trees whose stalks are taller than seven (7) meters; hemlock, cedar, spruce and white pine are the tree species which well protect the deer against the cold winds and facilitate their winter movements, because there is less snow accumulation under this type of forest cover.

Food: Area composed of young trees measuring more than four (4) meters tall, with tender stalks; shrub-bushes or trees such as mountain maple, hazel tree and cornel tree; and owing to their shelter-poor structure this environment can only offer nourishment to the deer;

Food-Shelter: Area serving as food and shelter, therefore highly frequented and should be interspersed so as to allow the deer to forage and feed as closely as possible to their shelters

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**Little-Used:** Area within the deeryard containing leafy species taller than seven (7) meters; non-productive sites such as fields, waste and fallow land comprise part of this category and are only frequented if snow density is light or they are located near shelters.

**WAREHOUSE:**

Any building or structure used for storage.

**WATER GARDEN:**

A water basin built on a piece of land, serving to embellish it.

**WATERFRONT LAND:**

Land site with, at least, one of its limits touching the shore of a stream or lake.

**WATERFRONT SECTOR:**

A strip of land alongside lakes and streams that extends inland from the high water mark. A waterfront sector has a depth of three hundred (300) when it runs alongside a lake and one hundred (100) metres when it runs alongside a stream.

**WELLS:**

Wells and other works targeted by the *Règlement sur le captage des eaux souterraines*.

**WETLAND:** A humid area is generally defined as flooded or water saturated during a sufficiently long period in order to influence the nature of soil and vegetation composition. The plants growing there are hygrophilous (preferring humid environments) or those tolerant of periodic floods. These floods may be caused by the seasonal fluctuation of a stretch of water adjacent to the area or from insufficient drainage, when an area is without contact with a permanent body of water. The different categories of wetlands are as follows :

- a) **Pond:** A stretch of stagnant water in an impermeable basin the vegetation cover of which, if present, is mainly composed of submerged and floating aquatic plants
- b) **Marsh:** In a marsh, the substrata is saturated or covered with water during the major part of the plant growth season. The marsh is characterized by an emerging herbaceous vegetation. A marsh is mostly found in the interior of a of a tidal or shoreline system
- c) **Swamp:** Swamps have predominantly ligneous, arborescent or shrub-like vegetation growing in mineral or organic soil subject to seasonal floods or characterized by a high ground water level and a water flow enriched from dissolved minerals.
4. **Peat Bog:** Characterized by a predominance of ground mosses or sphagnum and develops whenever conditions (mainly drainage) favour accumulation rather than decomposition of organic matter, resulting in a deposit referred to as peat. Compared to other humid areas adjoining bodies of water, peat bogs are rather closed systems.

**WIDTH OF A LOT:**

The shortest distance in a straight line between the two side lines of the lot..

**WIND FARM:**

A grouping of more than two (2) wind turbines on the same site, operated for purposes of electricity production.

**WINDMILL:**

A work serving for the production of electric energy using natural wind resources, whether for commercial or household purposes.

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***WHOEVER:***

Refers to an owner, a rentor, an occupant of a building or the constructor executing the works

***WOOD SHED :***

An accessory construction ,formed by a roof on pillars , open on at least one(1) side and used to shelter firewood

***WORK:***

Any building, structure, use, excavation or conversion of the ground, including deforestation or the addition or removal of fill.

***ZONING PLAN:***

A plan that is an integral part of the *Zoning bylaw* and that shows the demarcation of the entire municipal territory in zones.





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**CHAPTER 2 :**

**General Provisions relating to Permits and Certificates**



**CHAPTER 2 :**  
**General Provisions relating to Permits and Certificates**

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**Section 2.1 : General Provisions**

**2.1.1 : Prerequisites for permits or certificate applications**

The following conditions apply to any application for a permit or certificate:

- a) The application must be made in duplicate on the forms prescribed by the Town of Barkmere and must be submitted at the office of the designated officer;
- b) The application must be accompanied by the maps and documents required by urbanism bylaws;
- c) The fees chargeable for the application must be paid.

The application for a permit or certificate is considered to be complete when these three (3) conditions have been met.

**2.1.2 : Provisions concerning required maps and documents**

- a) Any map required for an application for a permit or certificate must be produced according to best practice and must present, at a minimum, the map title, the designer's name, the map scale, the north direction and the date of production of the map and of any alterations;
- b) The metric system is used for map measurements;
- c) Documents and maps must be provided in reproducible paper format;
- d) The designated officer may ask the applicant to provide maps and documents in addition to those required in the Urbanism Bylaws, notably technical reports or tests and trials needed to establish that the application for a permit or certificate complies with the Urbanism Bylaws,

**2.1.3 : Provisions concerning the fees charged**

The fees charged for applications for a permit or certificate are calculated based on the rates listed in the urbanism bylaws.

Payment of the fees charged for an application for a permit or certificate is not refundable, even in the case of refusal to issue the permit or certificate. This provision also applies to payment of fees for any analysis, request for alteration, study or other item required by the urbanism bylaws.

**2.1.4 : Interruption of analysis of an application**

When the information, maps and documents provided by an applicant are inaccurate, erroneous, inadequate or non-compliant, the designated officer advises the application that the analysis procedure and the time for issuing or refusing the permit are interrupted for a period of thirty (30) days for the applicant to provide information, maps and documents that are accurate, corrected, adequate and compliant for analysis of the application.

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When this time has expired, if the information, maps and documents have not been sent, the application for a permit or certificate is cancelled and a new application must be presented to the designated officer.

**2.1.5 : Issuance of a permit or certificate**

If the application complies with the urbanism bylaws, the designated officer issues the permit within a period of thirty (30) days after the date on which the application is complete, as determined in Article 2.1.1.

In the case of a request which will require a resolution from the Municipal Council, the delay of thirty (30) days will start following the reception of the *copie conforme* of the resolution with which the Municipal Council approves the project.

If the application does not comply with the urbanism bylaws, the designated officer will refuse to issue a permit or certificate. Refusal to issue a permit or certificate must be well founded and sent in writing to the applicant.

**2.1.6 : Posting of the permit or certificate**

The permit or certificate must be posted for the full duration of work in a spot visible from the road, the vehicular access or from bark Lake, on the land or building where the activity is occurring. In the case of an occupancy permit, it must be posted permanently and must be visible to the public.

**2.1.7 : Effect of the issuance of a permit or certificate**

The issuance of a permit or certificate allows the applicant to proceed only with the operations mentioned in it, in compliance with all applicable provisions of the bylaws.

**2.1.8 : Alterations to maps and documents**

Any alteration made to maps and documents approved by the designated officer cancels the permit or certificate when these alterations have the effect of making an intervention of the urbanism bylaws, non-conforming. In this case, a new request must be made and the required fees will be set at one half the fees of the previous permit of certificates maps,

All alteration done to plans and documents must be approved by the designated officer before the works are done or the occupation of the site.



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**General Provisions relating to Permits and Certificates**

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**Section 2.2 : Obligations of the applicant**

**2.2.1 : Obligations of the applicant for a permit or certificate**

An applicant for a permit or certificate or where appropriate, the person carrying out the work must:

- 1) Allow the designated officer and any accompanying person to visit, examine or inspect the land and any structures, in compliance with the provisions set out in the urbanism bylaws;
- 2) Provide the required maps and documents, pay the chargeable fees and fill out the forms requested by the designated officer;
- 3) Obtain any required permit, certificate or authorization prior to the start of the work covered;
- 4) Post any permit or certificate in a spot visible from the road, the vehicular access or the lake for the full duration of the work;
- 5) Conduct the work in compliance with the permit and certificate issued and with the applicable bylaws, within the time set out;
- 6) Have any alteration to the maps and documents submitted to the designated officer in the application for the permit or certificate prior to undertaking the said alterations;
- 7) Contact the designated officer before filling in any wastewater treatment system;
- 8) Advise the designated officer of the end of work;
- 9) Provide to the designated officer any report, test or trial requested for assessing the application for a permit or certificate.

**2.2.2 : Proxy**

If the applicant for a permit or certificate is not the owner of the building, structure or land covered by the application, he or she must, in the application for a permit or certificate, present a proxy form, signed by the owner or mandatory, authorizing him or her to make an application or to proceed with the work or with the occupation covered by the application.

**CHAPTER 2 :  
General Provisions relating to Permits and Certificates**

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**Section 2.3 : Provisions relating to tests and trials**

**2.3.1 : Tests and trials requested**

1)The designated officer may require that a test or trial be conducted on a material, a device, a construction method, a functional or structural element for construction, or the condition of the foundations, and may require that the owner or the applicant for the permit or certificate provide, at his or her own expense, the written conclusions of this trial;

2)The designated officer may required that tests or verification calculations (or both) be conducted if he or she judges that a building or structure fails to meet resistance and safety standards (load-bearing or other capacity), and may require that the owner or applicant for the permit or certificate provide, at his or her own expense, the written conclusions of these tests or calculations;

3)The designated officer may require that the percolation capacity of the ground or the water table level of a piece of land be verified, and may require that the owner or applicant for the permit or certificate provide, at his or her own expense, the written conclusions of this verification;

4)The designated officer may require that the load-bearing capacity of the ground be verified for the installation of any building, structure or work in the case of an unstable or potentially unstable piece of land, and may require that the owner or the applicant for the permit or certificate provide, at his or her own expense, the written conclusions of this verification.

The trials and tests must be conducted by a laboratory that is accredited by the Standards Council of Canada or that is accredited by a standards body authorized for this purpose by the Standards Council of Canada, or they must be conducted by an expert in a discipline appropriate to the nature of the trial or test.



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**CHAPTER 3 :**

**Provisions relating to Building Permits**

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**CHAPTER 3 :  
Provisions relating to Building Permits**

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**Section 3.1 : General provisions**

**3.1.1 : Requirement to obtain a building permit**

Throughout the territory of the Town of Barkmere, no person may conduct the following actions without first obtaining a building permit that conforms to the present bylaws :

1. A new main building;
2. The renovation, reconstruction, or enlargement, of a main building;
3. A new accessory building or structure;
4. The renovation, reconstruction, enlargement, accessory building or structure;
5. Installation of a pool or spa;
6. The installation, enlargement, renovation or reconstruction of a septic facility;
7. The installation, enlargement, renovation or reconstruction of a groundwater collection system.

**3.1.2 : Work not requiring a construction permit**

A building permit is not required for minor renovation work or minor maintenance work with a value of less than \$2,500.

However, renovation work involving structural alteration (including the construction or relocation of a wall and its components), a piercing or blocking of an opening, any change in existing materials (including change or replacement in all or in part of exterior cladding materials for walls or roofing), or the addition of a bedroom requires a building permit.

An exemption from the requirement to obtain a building permit in no way removes the obligation to comply with this bylaw or with any other bylaw that applies to this matter.

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**Section 3.2 : Presentation of an application for a building permit**

**3.2.1 : Content of an application for a building permit for a new construction, the enlargement or the reconstruction of a building**

An application for a building for a new construction, the enlargement or the reconstruction of a construction must be accompanied by the following maps and documents (some plans and documents may not be required for the establishment of conformity to the proposed intervention to the urbanism bylaws:

1. Name, address and telephone number of the owner or, as the case may be, the owner's authorized mandatory (full contact information);
  2. The current use of the building or portion of the building as well as a description of the use and the structures covered by the application;
  3. The identification of all professionals and other persons involved in the project covered, and their full contact information;
  4. The contractor's identification and full contact information, including the contractor's licence number issued by the *Régie du bâtiment du Québec*;
  5. The information required in connection with the mandatory declaration of all construction permits to the *Régie du bâtiment du Québec*;
  6. A certificate of location prepared by a surveyor at an approximate scale of 1:500, indicating the dimensions of the land site, the projected location of the structures, buildings or works, including the dimensions, installation margins and any current or projected element likely to affect construction, in particular: easements, passageways, trails, infrastructure, electricity transmission lines, septic facilities, wells, etc.;
  7. The building plans (maximum scale of 1:50) and a description of the planned work, including maps, elevations, cross-sections, profiles (of all storeys and façades) and the exterior cladding materials, indicating the standards applicable pursuant to the urbanism bylaws;
  8. Average ground level, current and projected following the work, including the topography of the land, with equidistant contour lines of not more than two (2) metres;
  9. Location of natural characteristics such as mountaintops, high-elevation zones, the biological corridor, areas of high ecological value, exceptional forest ecosystems, streams, wetlands, the high water mark, buffer strips, white-tailed deer breeding grounds, etc.;
  10. The location of natural spaces to be preserved and trees, indicating those to be cut down for construction to proceed and those to be preserved, as well as protective measures during the work. Natural spaces to be preserved must also be demarcated on the land prior to the start of work. The application must also provide reasons justifying the cutting of trees;
  11. Erosion control measures;
  12. Plans must indicate the location of parking spaces, driveways, vehicular accesses, and loading and unloading spaces;
  13. The location of openings and trails on the shore, including the temporary access, piers and boat shelters;
  14. The location of fences, hedges, curbs and sustaining walls;
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15. The location and details of outdoor lighting systems;
16. The location of spaces for garbage and recyclable materials;
17. Excavation levels and details of cut and fill operations;
18. The number of existing and proposed bedroom;
19. The reports, attestations, authorizations, tests and trials required by the urbanism bylaws and the other applicable laws or regulations;
20. The estimate of the total cost of work;
21. The timeline for conducting the work (beginning and end of work);
22. Any other information judged necessary by the designated officer in assessing the application.

**3.2.2 :           Content of an application for a building permit for a renovation of a construction**

An application for a building for the renovation of a construction, must be accompanied by the following maps and documents (some plans and documents may not be required for the establishment of conformity to the proposed intervention to the urbanism bylaws:

1. Name, address and telephone number of the owner or, as the case may be, the owner's authorized mandatory (full contact information);
  2. The current use of the building or portion of the building as well as a description of the use and the structures covered by the application;
  3. The identification of all professionals and other persons involved in the project covered, and their full contact information;
  4. The contractor's identification and full contact information, including the contractor's licence number issued by the *Régie du bâtiment du Québec*;
  5. The information required in connection with the mandatory declaration of all construction permits to the *Régie du bâtiment du Québec*;
  6. A project location map prepared by a surveyor at an approximate scale of 1:500, indicating the dimensions of the piece of land, the projected location of the structures, buildings or works, including the dimensions, installation margins and any current or projected element likely to affect construction, in particular: easements, passageways, trails, infrastructure, electricity transmission lines, septic facilities, groundwater collection systems, etc.;
  7. The building plans (maximum scale of 1:50) and a description of the planned work, including maps, elevations, cross-sections, profiles (of all storeys and façades) and the exterior cladding materials, indicating the standards applicable pursuant to the urbanism bylaws;
  8. Erosion control measures;
  9. The levels of excavation and the details of any excavation or backfilling operations;
  10. The number of existing and proposed bedroom;
  11. The reports, attestations, authorizations, tests and trials required by the urbanism bylaws and the other applicable laws or regulations;
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12. The estimate of the total cost of work;
13. The timeline for conducting the work (beginning and end of work);
14. Any other information judged necessary by the designated officer in assessing the application.

**3.2.3 : Additional content for a septic facility**

In addition to the maps and documents required in Article 3.2.1, the maps and documents set out in the *Regulation respecting waste water disposal systems for isolated dwellings* (R.Q., c. Q2, r.8) for a septic facility must be submitted when applying for a construction permit.

Within thirty (30) days of work ending, the applicant must present an “as built” report accompanied by a certificate of compliance. The report must include the following elements (all documents must be signed and sealed by a person who is a member of a professional order expert in this matter):

1. An “as built” map at scale, indicating the exact measurements of the elements regulated in Articles 7.1 et 7.2 of the *Regulation respecting waste water disposal systems for isolated dwellings* (R.Q., c. Q2, r.8) as well as the location of all buried pipes in the wastewater treatment system;
2. A report attesting that the system is built according to the plans and specifications or, as the case may be, that alterations made when it is installed do not prevent certification of the system’s compliance;
3. An attestation to the effect that the elements used in the installation meet the requirements in the bylaws;
4. The installation levels of all elements in relation to a fixed and permanent marker;
5. A series of photographs taken by the consultant during inspection, showing the location of the elements and the required certification marks.

**3.2.4 : Additional content for a groundwater collection system**

In addition to the maps and documents required in Article 3.2.1, the maps and documents set out in the *Groundwater Catchment Regulation* (R.Q., c. Q2, r.1.3) for a groundwater collection system, a map indicating the location of the system and the distance in relation to other existing or planned structures or buildings, including the wastewater treatment system and the lot lines, and a document indicating the pumping capacity that is sought, must be submitted when applying for a construction permit.

**3.2.5 : Additional content for a pool or spa**

In addition to the maps and documents required in Article 3.2.1, the following maps and documents must be submitted when applying for a construction permit for a pool or spa:

- a) For all types of pools and spas, the location of the pool or spa and its distance from the lot lines and from main or accessory buildings;
  - b) For an above-ground or inflatable pool, the height of the wall;
  - c) For all types of pools and spas, details of fences and safety provisions to establish compliance with urbanism bylaws.
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**3.2.6 : Additional content for a private residence for elderly persons (nine or fewer rooms)**

In addition to the maps and documents required in Article 3.2.1, the following maps and documents must be submitted when applying for a construction permit covering a private building intended to be used as a private residence for elderly persons (nine or fewer rooms):

- a) A written statement from the applicant establishing that the permit being sought will apply to a building intended to be used as a residence for elderly persons.

**3.2.7 : Documents required for contaminated land**

In addition to the maps and documents required in Article 3.2.1, the following documents must be provided by the applicant in the case of a contaminated piece of land:

1. To be obtained from the applicant in a case where the piece of land covered by the construction permit is recorded on the list of contaminated lands constituted by the Town of Barkmere in application of Article 31.68 of the *Environment Quality Act* and is the object of a rehabilitation plan approved by the Quebec department of sustainable development, environment and parks, an attestation from an expert covered in Article 31.65 of the *Environment Quality Act* establishing that the project for which the permit is being sought is compatible with the provisions of the rehabilitation plan.

**3.2.8 : Documents required for tourism accommodations**

In addition to the maps and documents required in Article 3.2.1, the following maps and documents must be submitted when applying for a construction permit covering tourism accommodations:

1. An attestation of the classification of this tourism accommodation establishment under the law governing it;
2. The type of tourism accommodation;
3. The number of rooms or beds available.

CHAPTER 3 :  
Provisions relating to Building Permits

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### Section 3.3 : Conditions for issuance

#### 3.3.1 : Conditions for issuance of a construction permit

The designated officer issues the construction permit if the following conditions are met:

1. The application is in compliance with this bylaw, with the *Zoning bylaw* and with the *Building bylaw*;
2. If need be, the application is accompanied by a municipal council resolution approving the project when submitted to a special procedure pursuant to Sections VI to XI of the *Act respecting urbanism planning and development* (R.S.Q., c. A-19.1);
3. The application is complete, including payment of the required fees;
4. The land site on which each planned principal construction must be erected, including the dependencies of any such constructions forms one or more separate lots under the official cadastral plan. These lots comply with the *Subdivision Bylaw* or, if they do not comply, are protected by acquired rights;
5. The potable water supply and wastewater purification projects for the structure to be erected on the land comply with the *Environment Quality Act* (R.S.Q., Chapter Q-2) and to the bylaws decreed under its powers, or to municipal urbanism bylaws covering the same matter;
6. The land site on which each proposed principal construction must be adjacent to an road or a vehicular access existing at the entry into force of the current bylaw or projected conforming to the *Subdivision Bylaw* or the *Zoning Bylaw*;
7. The amount resulting from transfers for purposes of parks, playgrounds and natural spaces has been paid or, if applicable, the land transfer or a combination of the two has taken place, according to the provisions of the *Subdivision bylaw*;
8. A copy of an authorization from the *Quebec ministry of transport* required for building an access to a provincial road coming under the responsibility of this department, is provided in addition to the permit application.

Structures planned for lands in the public domain are exempted from the application of paragraphs 4 and 6, except in cases or work or structures by persons who have acquired rights on these lands.

Proposed constructions on an island or within <VA> zones identified on the Zoning Plan appended to the Zoning Bylaw are exempted from the application of paragraph 8 of the current bylaw.

CHAPTER 3 :  
Provisions relating to Building Permits

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**Section 3.4 : Special provisions**

**3.4.1 : Invalidity of a construction permit**

A construction permit becomes null and void in any of the following cases:

- a) Work has not been conducted in compliance with the provisions of urbanism bylaws or the conditions set out in the construction permit;
- b) An alteration was made to the plan and to the application without having received the approval of the designated officer;
- c) The construction permit was issued based on information, statements, maps or documents that were false or erroneous;
- d) Any permit becomes null and void if work has not begun with twelve (12) months after issuance of the permit. In this case, a new permit application must be made, and the new permit will be issued if the applicable regulatory provisions at the time of the new application are met;
- e) Any permit becomes null and void if work is interrupted for a period of more than twelve (12) months. In this case, a new permit application must be made, and the new permit will be issued if the applicable regulatory provisions at the time of the new application are met.

**3.4.2 : Durations of construction permits**

A construction permit allows its holder the time set out in the table in this article for undertaking the actions or work described in the permit.

A construction permit may be renewed only once, at the end of the time set out for the additional period set out in this table. The applicant must, to benefit from the possibility of renewal, make a request in writing to the designated officer thirty (30) days after the expiry of the time, indicating the subject of the request, the work covered and the reasons for the request. The fees charged for the renewal request must be paid before the permit is renewed.

| Operations covered                               | Maximum time for proceeding (end of work) | Maximum time for a renewal request |
|--|---|------------------------------------|
| Main building                                    | 18 months                                 | 6 months                           |
| Accessory building, including a pool or spa      | 6 months                                  | 6 months                           |
| Septic facility or groundwater collection system | 6 months                                  | 6 months                           |

**3.4.3 : Survey certificate after the foundations**

Once the foundations, including posts or pillars, of the building(s) are in place, the applicant must provide a survey certificate to the Town, prepared by a surveyor, within thirty (30) days after the foundations are laid.





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**CHAPTER 4 :**

**Provisions relating to a Subdivision Permit**



CHAPTER 4  
Provisions relating to a Subdivision Permit

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**Section 4.1 : General provisions**

**4.1.1 : Requirement to obtain a Subdivision Permit**

Within the Town of Barkmere territory, no cadastral operation can proceed before obtaining a Subdivision Permit in conformance with the present bylaws.

A Subdivision Permit is also required in the case of the regrouping of more than one (1) lot or partial lots in order to create a land site in conformance with the urbanism bylaws (regrouping plan).

Notwithstanding the above, a vertical cadastral operation is required and must have been completed, when the incorporation or conversion of a divided co-owned. Building.

**4.1.2 : Non-conforming cadastral operation**

A cadastral operation may not be authorized if it renders another land site non-conforming according to the *Subdivision bylaw* or if it results in the non-conformity of a lot in respect to the dimensions and minimal land area.

**CHAPTER 4**  
**Provisions relating to a Subdivision Permit**

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**Section 4.2 : Application for a Subdivision Permit**

**4.2.1 : Subdivision Permit application content**

The following plans and documents must accompany the request for a Subdivision Permit (certain plans and document may not be required for the proposed intervention to conform to the Urbanism bylaws):

1. Name, address and telephone number of the owner or, if necessary, the authorized representative (with complete coordinates);
  2. Identification and full coordinates of all professionals and associates involved in the prospective project;
  3. The present use of the building or part of the building with a description of the planned use as indicated in the application;
  4. A non-restrictive plan of the projected cadastral operation, prepared and signed by a land surveyor, comprising the following elements (minimum scale of 1/2500);
    - a. The cadastral identity of the land site concerned together with its boundaries, dimensions and total area;
    - b. The cadastral identity of neighbouring lots, together with their boundaries;
    - c. The layout and right-of-way for existing and planned streets, works of art and infrastructures with which they will connect;
    - d. Servitudes and crossings either existing or applied for;
    - e. Trails;
    - f. Adjacent land sites which belong to the applicant or which fall under the applicant's jurisdiction;
    - g. In a case where the subdivision project is adjacent to a water course, its location as well as the natural high water line;
    - h. Should the occasion arise, sites of existing buildings on the lots that are the object of the application, together with the distances between buildings and the property lines;
    - i. The topographical relief and slopes expressed in points at intervals of two (2) metres;
    - j. Natural areas and trees which are to be preserved;
    - k. The location of natural characteristics, such as mountain summits, high elevation zones, the biological corridor, the exceptional forest ecosystem, humid areas, high water marks, protected strips, the Virginia white-tailed deeryards, etc;
    - l. If necessary, the location of sites to yield in relation to a transfer allocated to parks, playgrounds and natural areas;
  5. Reports, attestations, authorizations, tests and trials required by the planning bylaws or other applicable laws and rules;
  6. Project development phases and the construction work schedule;
  7. All other information deemed necessary for the designated municipal officer to evaluate the request.
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**CHAPTER 4**  
**Provisions relating to a Subdivision Permit**

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**4.2.2 : Documents required for certain cadastral operations**

The following provisions apply to any Subdivision Permit application planning a cadastral operation on two (2) lots or more and to a cadastral operation planning the construction of one or many private roads. The request must include the following plans and documents:

1. Plans and documents required in article 4.1.1;
2. An additional property splitting plan covering an area greater than anticipated by the request;
3. A table providing the total area of the land site, the area impacted by each use and their ratio to the total land site area, the number of units per usage type as well as net and gross density by usage type;
4. The hydrographical network, surface drainage and ditches;

**4.2.3 : Documents required for a contaminated land site**

In addition to the documents required in article 4.2.1, the following documents must be supplied by the applicant when a land site is contaminated:

1. In a case where the land site covered by the request for a construction permit is entered on the contaminated land sites list constituted by the Town of Barkmere in accordance with article 31.68 in the *Environmental Quality Act* and is the object of a rehabilitation plan approved by the Ministry of Sustainable Development, Environment and Parks, the applicant must provide an expert attestation as in article 31.65 of the *Environment Quality Act* establishing that the project for which the permit is requested is compatible with the provisions set out in the protection plan.

CHAPTER 4  
Provisions relating to a Subdivision Permit

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**Section 4.3 : Delivery conditions**

**4.3.1 : Subdivision Permit delivery conditions**

The designated municipal officer provides the Subdivision Permit if the following conditions are met:

1. The application conforms to the present bylaw and the subdivision bylaw;
2. If applicable, the request is accompanied by a municipal council resolution approving the project when the latter is subject to a specific procedure pursuant to section VI and X1 in the *Act Respecting Urbanism Planning and Development* (R.S.Q., c. A-19.1);
3. The application is complete, including payment of levied fees;
4. The amount stemming from the transfer to parks, playgrounds and natural areas was paid or, if necessary, from the land site transfer or a combination of the two has been applied according to the *Subdivision Bylaw*;
5. The prescribed and unpaid municipal taxes in respect of the land site targeted by the application were paid;
6. If applicable, the applicant undertakes to file a regrouping plan of the targeted land site with an adjacent lot upon receipt of the Subdivision Permit, in the case of a cadastral operation for conveyance purposes that does not respect the surface area and the minimum dimensions of the subdivision,.

**CHAPTER 4  
Provisions relating to a Subdivision Permit**

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**Section 4.4 : Specific Provisions**

**4.4.1 : Invalidity of the Subdivision Permit**

The subdivision permit becomes null and void in one or other of the following cases:

1. The plan relative to the cadastral operation was not submitted to the cadastral officer within the six (6) months following the issue date of the Subdivision Permit;
2. The plan relative to the cadastral operation deposited with the cadastral officer does not conform to the Subdivision Permit application;
3. A modification was made to the plan and the application without obtaining approval from the designated municipal officer;
4. The Subdivision Permit was provided based on information, declarations, plans or documents that were false or incorrect;
5. In the case of a Subdivision Permit intending to create a private street, the private street, including all works registered in the environment management plan, was not completed in the two (2) years following issue of the permit. In this case, a new permit application must be made.

**4.4.2 : Consequences of the Subdivision Permit being issued**

Approval by the designated officer of a project relative to a cadastral operation does not oblige the Town of Barkmere to issue a construction permit, an authorization certificate or a business permit.

Approval by the designated officer of a project relative to a cadastral operation cannot constitute an obligation for the Town of Barkmere to accept the transfer of proposed streets and roadways appearing in the plan, nor to decree the opening of these streets and roadways, nor to underwrite the construction and maintenance costs, nor to assume civic responsibilities, nor to supply public services.





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**CHAPTER 5 :**

**Provisions relating to Certificates of Authorization**



**CHAPTER 5 :  
Provisions relating to Certificates of Authorization**

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**Section 5.1 : General Provisions**

**5.1.1 : Requirement to obtain a certificate of authorization**

Throughout the territory of the Town of Barkmere, no one can proceed to do one of the following interventions without have first obtained a certificate of authorization conforming to the provisions of the current bylaw:

1. The relocation of a building;
2. The demolition of a structure;
3. The construction, installation, enlargement or the reconstruction of a fence, curb or sustaining wall;
4. The development or enlargement of a parking space;
5. The development or enlargement of a driveway;
6. The development of enlargement of a vehicular access;
7. The installation or relocation of a windmill
8. The cutting down of trees, except in cases of tree cutting required to install a structure or building where a construction permit is required;
9. Forestry activities;
10. Works in the shoreline zone or the littoral (new works, renovations, enlargement, reconstruction or moving of any of these)
11. Works in a wetland or in its a buffer strip;
12. Excavation and backfilling operations;
13. The building, installation, relocation or alteration of a sign, including its support, unless indicated otherwise in the *Zoning bylaw*;
14. A temporary access to the lake;
15. The construction, installation, enlargement, reconstruction or moving of a sign, including its support, unless there is an indication to the contrary in the *Zoning Bylaw*;
16. Another temporary use or building.

**5.1.2 : Work not requiring a certificate of authorization**

An exemption from the requirement to obtain a construction permit in no way removes the obligation to comply with this bylaw or with any other bylaw that applies to this matter.

**CHAPTER 5 :  
Provisions relating to Certificates of Authorization**

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**Section 5.2 : Presentation of an application for a certificate of authorization**

**5.2.1 : Content of an application for a certificate of authorization**

The following plans and documents must accompany the request for a Certificate of Authorization (certain plans and document may not be required for the proposed intervention to conform to the Urbanism bylaws):

1. Name, address and telephone number of the owner or, as the case may be, of the authorized mandatory (full contact information);
  2. The current use of the building or of the portion of the building as well as a description of the use structures, work or facilities covered by the application;
  3. The identification of all professionals and other persons involved in the project covered, and their full contact information;
  4. A project location map prepared by a surveyor at an approximate scale of 1:500, indicating the dimensions of the land site, the current and projected location of structures, buildings or works, including the dimensions, installation setbacks and any current or projected element likely to affect construction, in particular: easements, passageways, trails, infrastructure, electricity transmission lines, septic facilities, groundwater collection systems, etc.. The requirement of the proposed implantation plan be prepared by a surveyor applies only in the interventions identified in the paragraphs 1, 5, 6, 9, 10 and 11 of article 5.1.1;
  5. The building plans (maximum scale of 1:50) and a description of the planned work, including maps, elevations, cross-sections, profiles (of all storeys and façades) and the exterior cladding materials, indicating the standards applicable pursuant to the urbanism bylaws;
  6. Average ground level, current and projected following the work, including the topography of the land with equidistant contour lines of not more than two (2) metres;
  7. The location of natural characteristics such as mountaintops, high-elevation zones, the biological corridor, exceptional forest ecosystems, streams, wetlands, the high water mark, buffer strips, white-tailed deer breeding grounds, etc.;
  8. The location of natural species to be preserved and trees, indicating those to be cut down for construction to proceed and those to be preserved as well as protective measures during the work. Natural spaces to be preserved must also be demarcated on the land prior to the start of work. The applicant must also provide reasons justifying the cutting of trees;
  9. Erosion control measures;
  10. Excavation levels and details of excavation and backfilling operations;
  11. The report, attestations, authorizations, tests and trials required by the urbanism bylaws and the other applicable laws or regulations;
  12. The estimate of the total cost of work;
  13. The timeline for conducting the work (beginning and end of work);
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Provisions relating to Certificates of Authorization**

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14. Any other information judged necessary by the designated officer in assessing the application.

**5.2.2 : Additional content for the relocation of a building**

In addition to the maps and documents required in Article 5.2.1, the following maps and documents must be submitted in applying for a certificate of authorization for the relocation of a building:

1. Full contact information for the person or the contractor responsible for the relocation of the building;
2. The date and time of the relocation as well as the itinerary that will be used;
3. An installation project map prepared by a surveyor presenting the future location of the relocated building.

**5.2.3 : Additional content for the demolition of a structure**

In addition to the maps and documents required in Article 5.2.1, the following maps and documents must be submitted in applying for a certificate of authorization for the demolition of a structure:

- a) The dimensions of the building to be demolished;
- b) Recent photographs of the structure to be demolished;
- c) The protective measures taken by the applicant during the demolition.

**5.2.4 : Additional content for works in the shoreline zone and the littoral**

In addition to the maps and documents required in Article 5.2.1, the following maps and documents, prepared by a surveyor, must be submitted in applying for a certificate of authorization for facilities and work on banks and shores:

1. A document justifying the execution of work and facilities on shore and littoral;
2. A description of the planned work (including the plants selected) as well as the methods to be used, particularly in connection with the stabilization of a shore and the re-vegetation of a shore;
3. A report from a professional botanist or biologist if the plants selected for re-vegetation of the shore differ from those appended to the *Zoning bylaw*.

**5.2.5 : Additional content for a temporary access to the lake**

In addition to the maps and documents required in Article 5.2.1, the following maps and documents must be submitted in applying for a certificate of authorization for a temporary access in a shoreline zone and in the littoral:

1. A document justifying the location of the temporary access;
  2. Photographs of the land site;
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Provisions relating to Certificates of Authorization**

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3. A description of the planned work (including the plants selected) as well as the methods to be used, particularly in connection with the stabilization of a shore, the re-vegetation of a bank and the re-naturalisation of natural spaces to be preserved;
4. A report from a professional botanist or biologist if the plants selected for the re-vegetation of a shore differ from those appended to the *Zoning bylaw*.

**5.2.6 : Additional content for facilities and work in a wetland**

In addition to the maps and documents required in Article 5.2.1, the following maps and documents must be submitted in applying for a certificate of authorization for facilities and work conducted in a wetland:

1. A copy of an authorization or notice, certified by the Quebec department of sustainable development, environment and parks, confirming that the planned operation is not subject to the *Environment Quality Act* (R.S.Q., c-9-2) or else may be authorized under this same Act, unless a memorandum of understanding has been signed between the Town and the *Ministère du Développement Durable, de l'Environnement et des Parcs*

**5.2.7 : Additional content for development of a driveway or a parking space**

In addition to the maps and documents required in Article 5.2.1, the following documents must be provided by the applicant in applying for a certificate of authorization for the development of a driveway or of a parking space:

1. The location of the driveway or parking spaces and their arrangement, including details of the edges demarcating the parking area;
2. A description of the erosion control methods chosen for the edges of the driveway or parking spaces.

**5.2.8 : Additional content for forestry activity**

In addition to the maps and documents required in Article 5.2.1, a forest development plan must be submitted in applying for a certificate of authorization for forestry activity. This plan must demonstrate compliance of the forestry activity with the provisions of the urbanism bylaws. This plan must include, without being limited to, the following elements:

1. The limits of the cutting area and the land in question (on a map and on aerial photographs);
  2. The types of forest cutting;
  3. The location of forest stands to be the object of salvage cutting and the justification relating to the cutting;
  4. A description of the forestry activities over the next ten (10) years, including the cutting program, and a description of forestry activities over the last ten (10) years;
  5. An attestation from the forest engineer that the trees to be cut have been identified on the ground using a distinctive mark (tree marking);
  6. The location of haulage roads and piling areas;
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7. The means of access to the site and the type of machinery used;
8. Average ground level, current and projected following the work, including the topography of the land, with equidistant contour lines of not more than two (2) metres;
9. Location of natural characteristics such as mountaintops, high-elevation zones, the biological corridor, areas of high ecological value, exceptional forest ecosystems, streams, wetlands, the high water mark, buffer strips, white-tailed deer breeding grounds, etc.;
10. The location of natural spaces to be preserved and trees, indicating those to be cut down for the implantation of constructions and the temporary works authorized in the urbanism bylaws and those to be preserved, as well as protective measures during the work;
11. The location of nearby roads, forest roads and vehicular accesses;
12. Measures for identifying sensitive areas;
13. Surveillance measures during the work;
14. Erosion control measures;
15. Site regeneration measures;
16. An attestation of compliance of the cutting, signed by the forest engineer in charge and the supervisors during the work (forest engineer, biologist, etc.);
17. The timeline for conducting the work (start and end of work) and measures during the thaw period;

**5.2.9 : Additional content for a change of use**

In addition to the maps and documents required in Article 5.2.1, the following maps and documents must be submitted in applying for a certificate of authorization for a change of use:

- a) The date on which the current use will end and the date on which the new use will be conducted;
- b) A description of the new use and its activities;
- c) The areas occupied by this new use;
- d) A description of existing outdoor facilities, including parking spaces and loading and unloading spaces, as the case may be.

**5.2.10 : Additional content for a temporary use or temporary building**

In addition to the maps and documents required in Article 5.2.1, a statement from the owner of the premises authorizing the temporary occupation of this spot must be submitted in applying for a certificate of authorization for a temporary use or temporary building other than on the applicant's land or building.

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**5.2.11 : Temporary content for a sign**

In addition to the maps and documents required in Article 5.2.1, the following maps and documents must be submitted in applying for a certificate of authorization for a sign:

- a) The detailed plans for the sign, presenting its dimensions and areas, its location of the building and its height in relation to average ground level;
- b) Recent photographs, taken in the thirty (30) days preceding the application, of the building to which the sign will be affixed.

A description of the materials, colours, style of lighting and the support to be used.

**5.2.12 : Documents required for a contaminated land site**

In addition to the maps and documents required in Article 5.2.1, the following documents must be provided by the applicant in the case of a contaminated piece of land:

1. To be obtained from the applicant in a case where the piece of land covered by the construction permit is recorded on the list of contaminated lands constituted by the Town of Barkmere in application of Article 31.68 of the *Environment Quality Act* and is the object of a rehabilitation plan approved by the Quebec department of sustainable development, environment and parks, an attestation from an expert covered in Article 31.65 of the *Environment Quality Act* establishing that the project for which the permit is being sought is compatible with the provisions of the rehabilitation plan.

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**Provisions relating to Certificates of Authorization**

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**Section 5.3 : Conditions for issuance**

**5.3.1 : Conditions for issuance of a certificate of authorization**

The designated officer issues the certificate of authorization if the following conditions are met:

1. The application is in compliance with this bylaw, with the *Zoning bylaw* and with the *Construction bylaw*;
2. If need be, the application is accompanied by a municipal council resolution approving the project when submitted to a special procedure pursuant to Sections VI to XI of the *Act Respecting urbanism planning and development* (R.S.Q., c. A-19.1);
3. The application is complete, including payment of the required fees;
4. In the case of a main building being relocated to another property, the conformity of the lot destined to receive the main building to the provisions of the *Subdivision Bylaw* and to the conditions proscribed for the issuance of a building permit..

**CHAPTER 5 :**  
**Provisions relating to Certificates of Authorization**

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**Section 5.4 : Special Provisions**

**5.4.1 : An Invalid Certificate of Authorization**

Except for temporary buildings and temporary uses, a certificate of authorization becomes null and void in any of the following cases:

1. The work or change of use has not been conducted in compliance with the provisions of the urbanism bylaws or of the conditions stated in the certificate of authorization;
2. An alteration was made to the plan and to the application without having received the approval of the designated officer;
3. The certificate of authorization was issued based on false or erroneous information, statements, maps or documents;
4. Any certificate becomes null and void if the work has not begun within six (6) months after the certificate is issued. In the case, a new application for a certificate must be made, and the new certificate will be issued if the regulatory measures applicable at the time of the new application are met;
5. Any certificate becomes null and void if the work is interrupted for a period of more than six (6) months. In this case, a new application for a certificate must be made, and the new certificate will be issued if the regulatory measures applicable at the time of the new application are met;
6. In the case of a certificate of authorization covering the development of a vehicular access, if the work for the development of the vehicular access has not ended within two (2) years after the issuance of the certificate, a new application must be submitted.

**5.4.2 : Duration of a certificate of authorization**

A certificate of authorization gives its holder the time set out in the table in this article to for undertaking the operations or work described in the certificate. The certificate of authorization cannot be renewed. In case the work or operations have not been conducted within the time set out, a new application for a certificate must be submitted by the applicant.

| <b>Targeted Interventions</b>      | <b>Maximum Delay allowed for proceeding on the interventions (completion of work)</b> |
|------------------------------------|---|
| Fence, Low Wall and Retaining Wall | 6 months  |
| Parking Area                       | 9 months  |
| Driveway                           | 9 months  |
| Vehicular access                   | 9 months  |
| Windmill                           | 6 months  |
| Tree Cutting                       | 6 months  |

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| <b>Targeted Interventions</b>         | <b>Maximum Delay allowed for proceeding on the Interventions (completion of work)</b> |
|---------------------------------------|---|
| Works on the Shore or in the Littoral | 9 months  |
| Works in a Humid Area                 | 9 months  |
| Temporary Access to the Lake          | Duration of the Construction Permit   |
| Excavation and Backfilling operations | 6 months  |
| Change in Usage                       | 6 months  |
| Sign                                  | 9 months  |
| Movement of a building                | 6 months  |
| Demolition of a building              | 9 months  |







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**CHAPTER 6 :**

**Provisions relating to Certificates of Occupancy**



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## **Section 6.1 : General Provisions**

### **6.1.1 : Obligation to obtain a Certificate of Occupancy**

In all the Territory of Barkmere, no person may conduct the following actions without first obtaining a certificate of occupancy in accordance with the provisions of this bylaw :

1. A Certificate of Occupancy is required for all uses except habitation.
2. A Certificate of Occupancy is also required for accessory uses within the dwelling in the following instances:
  - a) For a professional or commercial service to be conducted in the dwelling;
  - b) For the rental of rooms;
  - c) For a supplementary dwelling;
  - d) For tourist lodgings (B & B)
  - e) For a service related to heavy construction
  - f) For a service related to forestry

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## **Section 6.2 : Request requirements for a Certificate of Occupancy**

### **6.2.1 : Certificate of Occupancy Request details**

The following plans and documents must accompany the request for a Certificate of Occupancy (certain plans and document may not be required for the proposed intervention to conform to the Urbanism bylaws)

1. Name, address and telephone number of the owner or, if necessary, the authorized representative (with complete coordinates);
2. The present use of the building or part of the building together with a description of the foreseen occupation as indicated in the request;
3. The postal address or the cadastre number of the building concerned;
4. The date on which occupation will commence;
5. The areas occupied by this occupation;
6. The present number of parking spaces;
7. A copy of the rental lease when the request is not the owner of the building in which the business establishment is planned;
8. All other information deemed necessary for the municipal officer designated to evaluate the request.

### **6.2.2 : Documents required for the establishment of a tourist lodging**

In addition to the plans and documents required in article 6.2.1, the following plans and documents must be supplied when a request for a Business Permit is intended for tourist lodgings, including a B & B:

1. A classification attestation for the tourist lodging establishment by the law governing this category;
2. The type of tourist establishment;
3. The number of rooms or beds available.

### **6.2.3 : Documents required for an occupation not necessitating construction work**

For all occupations that do not necessitate construction work (requiring a construction permit), the applicant must provide the designated municipal officer with a declaration indicating that the present state of the building conforms to the urbanism bylaws.

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### **Section 6.3 : Delivery conditions**

#### **6.3.1 : Delivery Conditions for the Certificate of Occupancy**

The designated municipal officer provides the Certificate of Occupancy if the following conditions are met:

1. The request conforms to the use prescribed by the planning bylaws.
2. The request is complete, including payment of levied fees.

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## **Section 6.4 : Specific provisions**

### **6.4.1 : Invalidity of the Certificate of Occupancy**

The Certificate of Occupancy becomes null and void in one or other of the following cases:

1. The occupation was not carried out in conformance with the provisions in the planning bylaws and the conditions stated on the Certificate of Occupancy;
2. A modification was brought to the request without approval of the designated municipal officer having been obtained;
3. The Certificate of Occupancy was provided based on information, declarations, plans or documents that were false or incorrect;
4. Use must commence within the six (6) months following issue of the Certificate of Occupancy. If this is not the case, then a new request must be made to the designated municipal officer.

### **6.4.2 : Duration of the Certificate of Occupancy**

There is no limitation of duration prescribed for a Certificate of Occupancy.



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**CHAPTER 7 :**

**Specific Requests**





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**Specific Requests**

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## **Section 7.1 : Request for Urbanism Bylaw amendment**

### **7.1.1 : Request for amendment of an Urbanism Bylaw**

The petitioner requesting an amendment to the *Zoning Bylaw*, the *Subdivision bylaw*, the *Construction Bylaw* or the *Urban Plan* Bylaw must make the amendment request in writing to the designated officer with two(2) copies.

### **7.1.2 : Content of the Request**

The request for amendment of the Urbanism Bylaws must contain the following information:

1. Name, address and telephone number of the property owner or failing that a notice from the property owner giving permission (with complete coordinates).
2. The cadastral identification of the lot or the coordinates of the building identified in the request;
3. The actual usage or the actual buildings and constructions;
4. The proposed use or proposed buildings and constructions;
5. A descriptive summary of the modification requested and motives for such request;
6. All other information judged necessary by the designated officer for the evaluation for the request.

### **7.1.3 : Study of the Request**

The study of the request will commence when the request is deemed complete with respect to the required content and the petitioner has paid the fee relating to the request for amendment of the bylaws. The fee is set at \$500.00 and is non-reimbursable.

In the case that the request for modification would benefit all or many citizens, the Town Council can initiate the ammendment.In that case the fees would be refunded to the applicant.

### **7.1.4 : Acceptance or Refusal**

It is the Municipal Council who accepts or refuses, by resolution, a request for amendment of the bylaws.

Any request for amendment of the *Zoning, Subdivision or Building Bylaws* must conform to the objectives of the Urban Plan and to the objectives of the *Schéma d'Aménagement et de Développement révisé de la MRC Les Laurentides*, including its complementary documents. Any request for amendment of the Urban Plan Bylaw must conform to the objectives of the *Schéma d'Aménagement et de Développement révisé de la MRC Les Laurentides*.

The acceptance of fees by the Town of Barkmere does not guarantee in any way the acceptance of the request, the adoption of the amendment requested nor its approval by the MRC Les Laurentides or by the voters if a referendum was held.





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**CHAPTER 8 :**

**Provisions relating to Permit and Certificates of Authorization Rates**



**CHAPTER 8 :**  
**Provisions relating to Permit and Certificates of Authorization Fees**

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**Section 8.1 : Fees relating to Construction Permits**

**8.1.1 : General Provisions**

The following fees will apply to a Request for a Construction Permit:

| <b>Targeted Intervention</b>                                     | <b>Required Fees</b>  |
|--|---|
| 1. Main Building: New or Reconstruction                          | \$200.00 or \$1.50 by square meter of implantation area               |
| 2. Main building: enlargement                                    | \$150.00 or \$1.50 by square meter of floor area affected by the work |
| 3. Main building: renovation                                     | \$100.00 or \$1.50 by square meter of floor area affected by the work |
| 4. Accessory building or construction: new or reconstruction     | \$100.00  |
| 5. Accessory Building or construction: enlargement or renovation | \$50.00   |
| 6. Swimming Pool or Spa:installation                             | \$50.00   |
| 7. Septic Installation: New or Replacement                       | \$150.00  |
| 8. Septic Installation : Enlargement or modification             | \$100.00  |
| 9. Wells:new or replacement                                      | \$110.00  |
| 10. Wells: enlargement or renovation                             | \$75.00   |

Specific provisions apply for renovation works requiring or not requiring a building permit in Section 3 of the current bylaw.

**CHAPTER 8 :  
Provisions relating to Permit and Certificates of Authorization Fees**

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**Section 8.2 : Fees relating to Subdivision Permits**

**8.2.1 : General Provisions**

The following fees will apply to a Request for a Subdivision Permit:

| <b>Targeted Intervention</b>                              | <b>Required Fees</b>     |
|---|--------------------------|
| 1. Cadastral Operation                                    | \$275.00 per lot created |
| 2. Cadastral Operation for the creation of a Private Road | \$2,000.00               |

**CHAPTER 8 :**  
**Provisions relating to Permit and Certificates of Authorization Fees**

**Section 8.3 : Fees relating to Certificates of Authorization**

**8.3.1 : General Provisions**

The following fees will apply to a Request for Certificates of Authorization

| Targeted Intervention  | Required Fees   |
|--|---|
| 1. Movement of a principal building to another land site   | \$75.00   |
| 2. Demolition of a Main Building   | \$75.00   |
| 3. Demolition of an Accessory Building, a Dock or a Boathouse  | \$55.00   |
| 4. Retaining Wall  | \$50.00   |
| 5. New Parking Space   | \$50.00<br>(for all of the parking spaces authorized in the urbanism bylaws)                |
| 6. Enlargement of a Parking Space  | \$0.00  |
| 7. New Parking Space or enlargement of a parking area when it is situated between 45 and 60 meters from the high water mark for a shoreline land site on Bark Lake | \$50.00<br>(for all of the parking spaces authorized in the urbanism bylaws)                |
| 8. New Driveway  | \$150.00  |
| 9. Enlargement of a Driveway   | \$50.00   |
| 10. New Vehicular Access or Enlargement of a Vehicular access  | \$2,000.00  |
| 11. Installation or displacement of a Windmill   | \$50.00   |
| 12. Cutting Trees  | \$0.00  |
| 13. Forestry   | \$250.00 for first 10 hectares and \$20.00 for each extra hectare                           |
| 14. Works in the shore or littoral (New, enlargement and reconstruction)   | \$50.00   |
| 15. Dock or Boathouse: (new or reconstruction) not requiring a permit from the <i>Centre d'expertise hydrique du Québec</i>  | \$55.00   |
| 16. Dock or Boathouse (new or reconstruction) requiring a permit from the <i>Centre d'expertise hydrique du Québec</i>   | \$150.00  |
| 17. Dock or Boathouse: enlargement, renovation or displacement   | \$50.00   |
| 18. Works in a wetland and in its protection buffer zone. A walkway erected in an open wetland allowing access to a dock   | \$50.00 if the dock is existing or 0\$ if the request is included in the building of a dock |
| 19. Other works in a wetland and in its protection buffer zone.  | \$150.00  |
| 20. Excavation and Backfilling   | \$150.00  |
| 21. Temporary access to the Lake   | \$75.00   |

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|  |         |
|--|---------|
| 22. Signs: installation, enlargement, reconstruction or displacement | \$55.00 |
| 23. Change of Use  | \$0.00  |
| 24. Other temporary Uses   | \$0.00  |
| 25. Other temporary buildings  | \$0.00  |

**8.3.2 : Specific Provisions for Vehicular Access**

The price set for a vehicular access in article 8.3.1 is the maximum fee foreseen. The price will be based on actual costs incurred by the Certificate of Authorization application. In cases where the actual costs are lower than the rate charged, the excess will be refunded to the applicant after the issuance of the Certificate of Authorization.



**CHAPTER 8 :**  
**Provisions relating to Permit and Certificates of Authorization Fees**

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**Section 8.4 : Fees relating to a Certificate of Occupation**

**8.4.1 : General Provisions**

The following fees will apply to a Request for Certificates of Occupation

| <b>Targeted Intervention</b>  | <b>Required Fees</b> |
|---|----------------------|
| 1. Principal use other than habitation  | \$50.00              |
| 2. Accessory use to housing: Professional or Commercial Service practised in the home | \$25.00              |
| 3. Accessory use to housing: Rental of Rooms  | \$25.00              |
| 4. Accessory use to housing: Supplementary Dwelling                                   | \$25.00              |
| 5. Accessory use to housing: B&B  | \$25.00              |
| 6. Accessory use to housing: activity related to heavy construction service           | \$25.00              |
| 7. Accessory use to housing: Activity related to forestry                             | \$25.00              |
| 8. Others   | \$25.00              |





VILLE DE / TOWN OF

**BARKMERE**

**TOWN OF BARKMERE**

**PERMITS AND CERTIFICATES  
BYLAW N° 204**

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**CHAPTER 9 :**

**Final Provisions**



**CHAPTER 9  
Final Provisions**

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**Section 9.1 : Entry into Force**

**9.1.1 : Entry into Force**

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

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**Mayor**

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**Director General**