



**Draft By-Law #286
amending the By-Law respecting permits and certificates #204**

Chapter 1 – Declaratory, administrative and interpretative provisions

Article 1.- Modification of article 1.2.2

Article 1.2.2 entitled: "*Powers of the designated officer*" is amended as follows:

1. By adding the following paragraph after paragraph 2:

May request an attestation certifying that plans and work have been carried out in compliance with the laws and regulations of the competent provincial and federal authorities;

2. By adding the following paragraph after paragraph 6:

6.1 In the event of an infraction, may notify the offender in writing of the nature of the infraction, the possible penalties and order the work to be stopped;

3. By replacing paragraph 9 with the following paragraph:

9. May request that plans or work be verified by a professional, at the owner's expense, if there is any doubt as to whether the plans or work comply with the provisions of the urban planning by-laws;

4. By replacing paragraph 10 by the following paragraph:

10. Is mandated and specifically authorized to issue one or more statements of offence on behalf of the Town for a contravention of its by-laws or of by-laws applicable on its territory, as provided for in the Code of Penal Procedure (RSQ chap. C-25.1);

5. By adding the following paragraph 11:

11. Is authorized to revoke any permit or certificate issued in error or in contravention of urban planning by-laws;

6. By adding the following paragraph 12:

12. Applies the "Regulation respecting waste water disposal systems for isolated dwellings", Q-2, r.22. as amended;

7. By adding the following paragraph 13:

13. Following a judgment, sees to the implementation of the court's decisions;

8. By adding the following paragraph 14:

14. Acts on applications subject to Site Planning and Architectural Integration Program (SPAIP) By-law No. 206, in accordance with this by-law and the By-law establishing the Planning Advisory Committee No. 205.

Article 2.- Modification of article 1.3.3

Article 1.3.3 entitled: "*Terminology*" is modified as follows:

1. By adding the following definition:

TREE AND SHRUB FELLING

Removal of more than 50% of the living branches;

Severing by uprooting or cutting more than 40% of the root system;

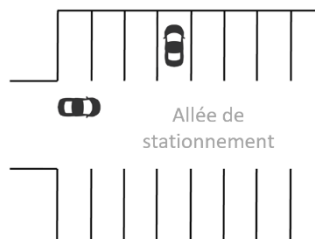
Covering the root system with 20 cm or more of fill;

Any other action resulting in the elimination of a tree or shrub, including the use of a product to kill it or the making or allowing the making of a more or less continuous incision all around the trunk of a tree or shrub in the bark, bast or wood.

2. By repealing the definition: “Vehicular access”;
3. By repealing the definition of “Principal Vehicular Access”;
4. By repealing the definition: “Secondary vehicular access”;
5. By modifying the definition: “*Enlargement*” by deleting the last sentence.
6. By adding the following definition:

PARKING ALLEY:

Free space allowing vehicles to access parking spaces without having to move another vehicle.



7. By replacing the definition: “Tree” with the following definition:

TREE:

Woody terrestrial plant with a trunk from which foliage-bearing branches extend, forming a crown.

Is also considered a tree a stem with a diameter of 2.5 centimeters or more, measured at 0.3 meters from the ground.

8. By replacing the definition: “*Environmental strip*” by the following definition:

Strip of land covered with vegetation situated within the limits of a land site and forming an integral part of a natural space to be preserved.

9. By repealing the definition: “Shore”.

10. By adding the following definition:

CERTIFICATE OF LOCATION:

Document containing a report and plan prepared by a land surveyor and subject to the Land Surveyors Act and its regulations. Municipal by-laws may contain additional requirements.

11. By replacing the definition: “*Forest road*” with the following definition:

FOREST ROAD:

Access built and used on provincially-owned land to carry out forest management activities. A “multi-use road” under the Sustainable Forest Development Act (RSQ, chapter A-18.1) constitutes a forest road.

12. By repealing the definition: “*Unloading road*”.

13. By replacing the definition: “*Gross density*” with the following definition:

GROSS DENSITY:

Ratio between the number of housing units or the number of tourist accommodation units that can be built per hectare of land, including the areas used for roads, driveways, parks, community or public facilities, and other spaces not used for housing on a lot or in a sector.

14. By modifying the definition: "Curb cut" by the following definition:

CURB CUT:

Access permanently built into a curb or ditch to allow a vehicle access to the land site adjacent to the road.

15. By modifying the definition of "Driveway" by the following definition:

DRIVEWAY:

Access located on a private lot for the vehicular traffic of the owner of the lot and which allows vehicles to access, from a road, a garage or an indoor or outdoor parking area located on the same lot.

16. By adding the following the definition:

MAINTENANCE:

Works required to maintain in good condition.

17. By adding the following definition:

NATURAL SPACE:

Territory or land whose natural characteristics, in terms of physiography, morphology, biophysics and vegetation in the arborescent, shrub and non-woody strata (herbaceous, moss and lichenic strata), have not been significantly altered by human intervention.

18. By modifying the definition: "Natural space to be preserved" by the following definition:

NATURAL SPACE TO BE PRESERVED:

Area of land determined in urban planning by-laws to be left in its natural state. It is made up of the total surface area of the land site from which are subtracted the building implantation area of constructions and structures and the surface area of driveways, parking alleys, parking areas and spaces devoted to a wastewater treatment system.

19. By modifying the definition: "Length of lot frontage" by the following definition:

FRONTAGE LENGTH:

The distance measured along the front line of a lot, between the lateral lines of this lot. When urban planning by-laws require a minimum frontage length, the minimum measurement is calculated on an uninterrupted basis, and not on a cumulative basis.

20. By repealing the definition: "Alteration".

21. By modifying the definition: "Renovation" by the following definition:

RENOVATION:

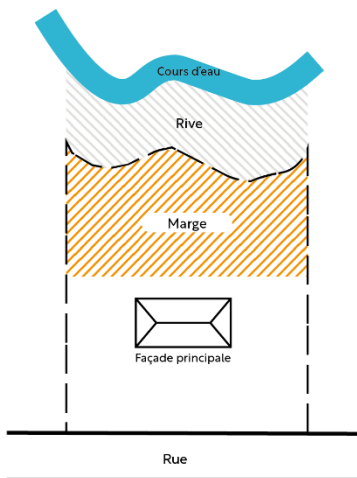
Works to improve a building, structure or land site, including the renovation or replacement of foundations. The term "renovation" excludes enlargement and rebuilding.

22. By modifying the definition: "Shoreline zone" by the following definition:

SHORELINE ZONE:

Part of a territory bordering a lake or watercourse and whose width is measured horizontally, from the highwater mark (limit of the littoral) towards the land.

It is 23 meters wide around Bark Lake and 15 meters wide for all other bodies of water.



23. By replacing the definition: “Private Road” with the following definition:

PRIVATE ROAD:

A passable access that does not belong to the public domain, but is part of the Town's recognized road network. Recognized private roads are Patry, des Arcanes, Priests' des Jésuites cul-de-sac – (Alley), Rosie, Florestine, Heidi and Duncan West and Duncan East roads, as shown on the map in Appendix 1.

24. By repealing the definition: “Private Principal Road”.

25. By repealing the definition: “Private Secondary Road”.

26. By replacing the definition: “Public Road” with the following definition:

PUBLIC ROAD:

A passable access belonging to the public domain (Town or Ministère des Transports du Québec (MTQ)) intended primarily for vehicular traffic and providing public access to adjacent properties.

27. By replacing the definition “Waterfront Sector” with the following definition:

WATERFRONT SECTOR:

A strip of land bordering lakes and extending inland from the highwater mark (limit of the littoral) to a depth of 300 meters.

28. By adding the following definition

SKIDDING TRAIL:

A temporary, non-passable trail used to access land before or during forestry operations. This trail is also used to transport timber and wood fibre materials.

29. By replacing the definition: “Road surface” by the following definition:

ROAD SURFACE:

Surface forming part of a road intended for vehicular traffic.

30. By replacing the definition: “Waterfront Land Site” by the following definition:

WATERFRONT LAND SITE:

A land site with at least one boundary touching the shoreline zone of the lake and meeting the minimum dimensions authorized in the subdivision by-law.

31. No change required to English version.

32. By replacing the definition: “Veranda (or solarium)” by the following definition:

VERANDA (OR SOLARIUM):

Accessory construction enclosed on all sides, in whole or in part, by glass or screens, abutting a building, uninsulated (unheated), and used over three (3) seasons. The

veranda is an integral part of the main building when the authorized building implantation area has not been reached.

1. By repealing the definition: "*Traffic Route*".

2. By adding the following definition:

THOROUGHFARE:

Bark Lake or a road. None of a forest road, skidding trail, driveway, parking alley or any other form of land access that is not a road constitutes a thoroughfare.

Chapter 2 – General Provisions relating to Permits and Certificates
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Article 3.- Modification of article 2.1.6

Article 2.1.6 entitled: "*Posting of the permit or certificate*" is modified as follows:

By replacing the 1st paragraph by the following paragraph:

The permit or certificate must be posted for the full duration of work in a spot visible from a road or 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.

Article 4.- Modification of article 2.2.1

Article 2.2.1 entitled: "*Obligations of the applicant for a permit or certificate*" is amended as follows :

By replacing paragraph 4 by the following paragraph:

4. *Post any permit or certificate in a spot visible from a road or lake for the full duration of the work;*

Chapter 3 – Provisions relating to Building Permits
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Article 5.- Modification of article 3.1.1

Article 3.1.1 entitled: "*Requirement to obtain a building permit*" is amended as follows:

1. By replacing the first paragraph of the article with the following:

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

2. By adding the following paragraph 8:

8. *The creation of a driveway.*

Article 6.- Modification of article 3.1.2

Article 3.1.2 entitled: "*Work not requiring a construction permit*" is amended as follows :

By changing the title to: "*Work not requiring a building permit*"

By replacing the 1st paragraph and its subsections with the following paragraph and subsections:

A building permit is not required for maintenance costing less than \$5,500 or for the following work:

1. *Painting;*
2. *Changing a window without changing the size of the opening or the model;*
3. *Repair of a porch, balcony or dock;*
4. *Emergency water damage repairs;*
5. *Installation of a heat pump or other electrical appliance.*

Article 7.- Modification of article 3.2.1

Article 3.2.1 entitled: “*Contents of the application for a building permit for a new construction, the enlargement or the reconstruction of a building*” is modified as follows:

By replacing paragraph 12 with the following paragraph:

12. Plans must indicate the location of parking spaces, parking alleys, driveways entrances and loading and unloading spaces;

Article 8.- Modification of article 3.2.2

Article 3.2.2 entitled: Content of an application for a building permit for the renovation of a construction “ is modified as follows :

By replacing paragraph 8 with the following paragraph:

8. A surface water drainage plan, if applicable, accompanied by a description of the erosion control methods to be applied before, during and after construction, and an indication of where each method will be applied;

Article 9.- Modification of article 3.3.1

Article 3.3.1 entitled: “*Conditions for issuance of a construction permit*” is amended as follows:

1. By replacing the word “*construction*” in the title and in the first paragraph with the word “*building*”.

2. By replacing paragraph 6 with the following paragraph:

The land site on which any proposed new construction is to be erected must be adjacent to a thoroughfare existing on the coming into force of this by-law;

3 By repealing the 2nd and 3rd paragraphs.

Article 9A.- Modification of Section 3.4

Section 3.4 entitled: “*Special provisions*” is amended by changing throughout the phrase “*construction permit*” for “*building permit*”.

Article 10.- Modification of article 3.4.3

Article 3.4.3 entitled: “*Survey certificate after the foundations*” is replacing it by the following article:

3.4.3 Certificate of location

Within 24 months of issuance of a building permit, the applicant must provide the designated officer with a certificate of location, prepared and signed by a land surveyor. This certificate must include all elements prescribed by the Land Surveyors Act and its regulations, as well as the following:

- 1. The height of any construction on the lot in relation to average ground level;*
- 2. The area of the natural space to be preserved;*
- 3. The location of the wastewater treatment system and any surface water drainage channels;*
- 4. The location of openings and of trails in the shoreline protection zone and in front setbacks.*

Chapter 4 – Provisions relating to a subdivision permit

Article 11.- Modification of article 4.2.1

Article 4.2.1 entitled: “*Subdivision Permit application content*” is modified as follows:

By replacing, in paragraph 4, the subparagraph c) with the following:

c) *The layout and right-of-way of existing thoroughfares and existing and projected driveways, works of art and infrastructure with which they will communicate;*

Article 12.- Modification of article 4.2.2

Article 4.2.2 entitled: “*Documents required for certain cadastral operations*” is amended as follows:

By replacing the 1st paragraph by the following paragraph:

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

Article 13.- Modification of article 4.3.1

Article 4.3.1 entitled: “*Subdivision permit delivery conditions*” is amended as follows:

By adding the following paragraph after paragraph 6:

7. The proposed lot connects to an existing thoroughfare;

Article 14.- Modification of article 4.4.1

Article 4.4.1 entitled: “*Invalidity of the subdivision permit*” is modified as follows:

By repealing paragraph 5.

Chapter 5 – Provisions relating to certificates of authorization

Article 15.- Modification of article 5.1.1

Article 5.1.1 entitled: “*Requirement to obtain a certificate of authorization*” is amended as follows:

1. By replacing paragraph 5 by the following paragraph:

5. The construction or enlargement of a parking alley;

2. Par le remplacement du paragraphe 6 par le paragraphe suivant:

6. The development, modification or enlargement of a driveway;

Article 16.- Modification of article 5.2.7

Article 5.2.7 entitled: “*Additional content for a driveway or a parking space*” is replaced by the following article:

5.2.7 Additional content for driveways, parking alleys and parking spaces

In addition to the plans and documents required under article 5.2.1, the following documents must be provided by the applicant when requesting a certificate of authorization for the construction of a driveway, parking alley or parking space:

1. *The location of the driveway, parking alley and parking spaces, and their layout, including details of the curbs delimiting the parking area;*

2. *A description of the erosion control methods used along the driveway and/or parking alley and parking spaces.*

Article 17.- Modification of article 5.2.8

Article 5.2.8 entitled: “*Additional content for a forestry activity*” is modified as follows:

1. By replacing paragraph 6 by the following paragraph:

6. Location of skidding trails and piling areas;

2. By replacing paragraph 11 with the following paragraph:

11. *The location of nearby thoroughfares, forest roads and driveways;*

Article 18.- Modification of article 5.4.1

Article 5.4.1 entitled: “*An invalid certificate of authorization*” is modified as follows:

By repealing paragraph 6.

Article 19.- Modification of article 5.4.2

Article 5.4.2 entitled: “*Duration of a certificate of authorization*” is modified as follows:

By replacing the first portion of the table with the following:

Targeted interventions	Maximum Delay allowed for proceeding on the interventions (completion of work)
Fence, Sleeper Wall (low wall) and Retaining Wall	6 months
Parking spaces and parking alley	9 months
Driveway	9 months
Repealed	Repealed
Wind turbine	6 months
Tree felling	6 months

Chapter 6 – Provisions relating to Certificates of Occupancy

Article 20.- Modification of article 6.1.1

Article 6.1.1 entitled: “*Obligation to obtain a certificate of occupancy*” is amended as follows:

By replacing paragraph 1 by the following paragraph:

1. *To use or occupy a newly erected or modified building, including one modified by the installation or modification of any wastewater treatment system, or one whose destination or use has been changed.*

Article 21.- Modification of article 6.2.1

Article 6.2.1 entitled: “*Certificate of occupancy request details*” is modified as follows:

By adding the following paragraph after paragraph 8:

9. *A certificate of location established after construction and whose content complies with this by-law or, in the case of installation or modification of a wastewater treatment system, the information and documents provided for in 3.2.3.*

Article 22.- Modification of article 6.3.1

Article 6.3.1 entitled: “*Delivery Conditions for the Certificate of Occupancy*” is amended as follows:

By adding the following paragraph after paragraph 2:

3. *The newly erected or altered building has been erected or altered in accordance with the zoning and building by-laws and with the plans and documents duly approved at the time the permit was issued.*

Chapter 8 – Provisions relating to Permits and Certificates of Authorization Rates

Article 23.- Modification of article 8.2.1

Article 8.2.1 entitled: “*General provisions*” is modified by replacing the table with the following table:

<i>Targeted interventions</i>	<i>Rate required</i>
1. <i>Cadastral operation</i>	<i>\$275 per lot created</i>
2. <i>Repealed</i>	<i>Repealed</i>

Article 24

Repeal of article 8.2.2

Article 8.2.2 is repealed. *NOT REQUIRED IN ENGLISH VERSION – THERE WAS NO ARTICLE 8.2.2.*

Article 25.- Modification of article 8.3.1

Article 8.3.1 entitled: “*General provisions*” is amended as follows:

By replacing a portion of the table with the following:

<i>Targeted interventions</i>	<i>Rate required</i>
1. Moving a Main Building to another lot	\$75
2. Demolition of a Main Building	\$75
3. Demolition of an Accessory Building, Dock or Boathouse	\$55
4. Retaining wall: new, enlargement or reconstruction	\$50
5. Parking Space and Parking Alley: new	\$50
6. Parking Space or Parking Alley: enlargement	\$0
7. Parking Space and Parking Alley: new and enlargement when located between 45 m and 60 m from the high-water mark for a shoreline land site on Bark Lake	\$50 <i>(for all the parking spaces authorized in the urbanism by-laws)</i>
8. Driveway: new	\$150
9. Driveway: enlargement	\$50
10. Road: modification	\$2,000
11. Wind turbine: installation or relocation	\$50
12. Tree felling	\$0
13. Forestry activity	<i>\$250 for the first 10 hectares and \$25 per additional hectare</i>
14. Structures and works in the shoreline zone or littoral: new, enlargement or reconstruction	\$50
15. Dock or boathouse (new or reconstruction), not requiring a permit with the Centre d'expertise hydrique du Québec	\$55
16. Wharf or boathouse (new or reconstruction), requiring a permit from the Centre d'expertise hydrique du Québec	\$150
17. Dock or boathouse: renovation, enlargement or relocation	\$50

Targeted interventions	Rate required
18. Structures and works in a wetland and in the protected strip: walkway erected in an open wetland leading to a dock	\$50 for existing docks or \$0 for new docks
19. Other structures and works in a wetland and in the protection strip	\$150

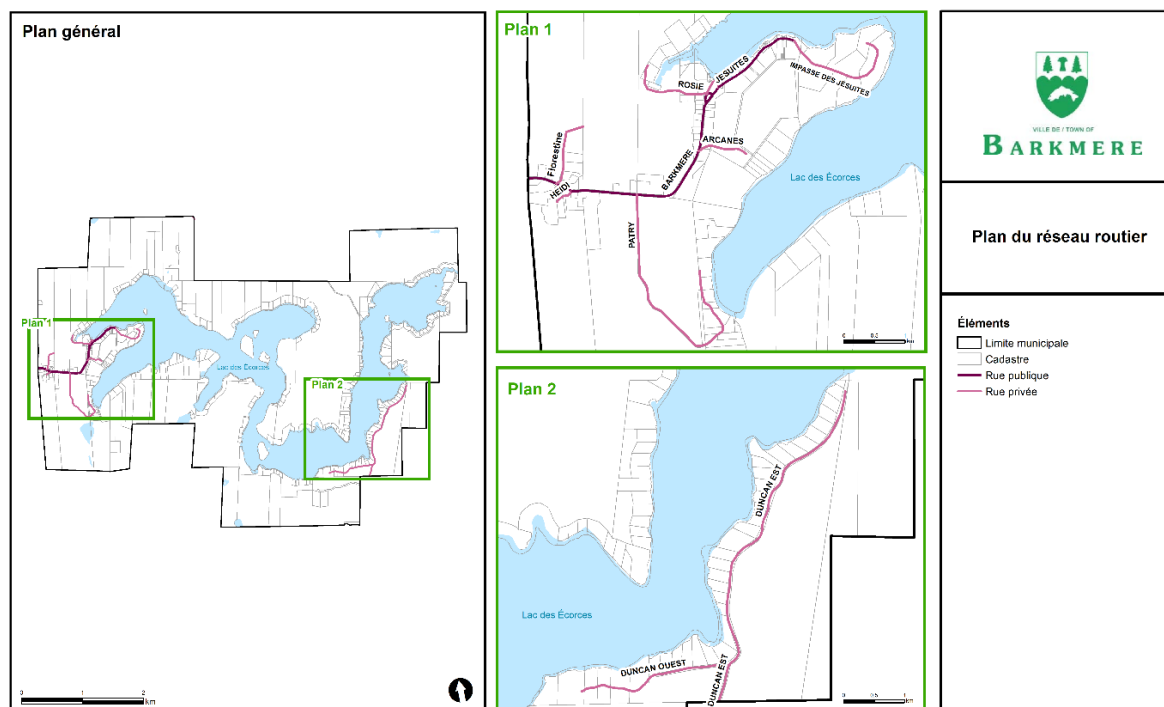
Article 26.- Repeal of article 8.3.2

Article 8.3.2 is repealed.

Article 27.- Addition of Appendix 1

The following appendix is added after article 9.1.1 entitled: “Entry into force”:

Appendix 1: Recognized Private and Public Roads



Article 28.- Entry into force

The present by-law will come into force and effect once the formalities required by law have been completed.

Adopted October 12th, 2024

(Original signed.) Mr. Luc Trépanier, Mayor

(Original signed.) Mr. Martin Paul Gélinas, Director General and Secretary-Treasurer

Notice of motion: October 12, 2024
 Adoption of draft by-law: October 12, 2024
 Transmission to MRC: October 17, 2024
 Notice of public consultation meeting :
 Public consultation :
 Adoption of by-law :
 Issuance of certificate of conformity by MRC:
 Coming into force :
 Public notice :

Certified copy this October 17, 2024

Martin Paul Gélinas, Director General and Secretary-Treasurer