

Bylaw number 2012-005

WHEREAS on May 11th, 2010, the Îles-de-la-Madeleine Agglomeration Council adopted a revised Land Use Planning and Development draft which came into force on June 25th, 2010;

WHEREAS following the adoption of the abovementioned Land Use Planning and Development Plan, the Municipality of Grosse Ile is obligated to adopt or revise its bylaw concerning permits and certificates in order to conform to the revised plan;

WHEREAS in accordance with the provisions of the Act Respecting Land Use Planning, this bylaw was submitted for consultation during a public meeting held on June 11, 2012;

WHEREAS a notice of motion was given at the sitting of council held on April 2, 2012 regarding the presentation of a bylaw as such;

WHEREAS a copy of this bylaw was given to all members of council two (2) working days before this meeting;

WHEREAS the members of council present declare having read the bylaw;

WHEREAS during the course of the sitting, the purpose and scope of the bylaw were briefly summarized;

THEREFORE

It is moved by Geraldine Burke

Seconded by Miles Clarke

And unanimously approved by the councillors present

THAT bylaw number 2012-005, be adopted and that the following is ordered and decreed by the said bylaw:

Chapter 1

DECLARATORY PROVISIONS

Article 1.1 **TITLE AND NUMBER OF THE BYLAW**

The bylaw number 2012-005 is entitled “Bylaw Concerning Permits and Certificates and the Administration of the Zoning, Subdivision and Construction Bylaws”.

Article 1.2 **PREAMBLE AND ANNEXES**

The preamble and annexes of this present bylaw are an integral part thereof.

Article 1.3 **PURPOSE OF THE BYLAW**

The purpose of this bylaw is to establish the powers of the Municipal Inspector and to determine the procedures to follow in regards to requests for permits or certificates.

Article 1.4 **TERRITORY OF APPLICATION**

This bylaw applies to the entire territory under the jurisdiction of the Municipality of Grosse Ile.

Article 1.5 **PERSONS SUBJECT TO THIS BYLAW**

Any individual or corporation, association or society is subject to this bylaw.

Article 1.6 **THE BYLAW AND ARTICLES**

No article of this bylaw would be known to have an effect to exclude any person from enforcing a law from Canada or the province of Quebec.

Article 1.7 **PROVISIONS OF OTHER BYLAWS**

Any building that is erected, set up, reconstructed, enlarged, renovated or altered and any parcel of land or building occupied or used for authorized purposes, and in the manner dictated by this bylaw are, furthermore, subject to the specific provisions of other municipal bylaws that relate to them.

Article 1.8 **REPLACED BYLAWS**

This bylaw replaces the Bylaw Concerning Permits and Certificates and the Administration of the Zoning, Subdivision and Construction Bylaws of the Municipality of Grosse Ile.

CHAPTER 2

INTERPRETATIVE PROVISIONS

Article 2.1 DIVERGENCE WITH THE BYLAWS

If, in the interpretation of this bylaw, a divergence occurs with the texts of the zoning, construction, subdivision or the issuing of permits and certificates bylaws, the provisions of each of these bylaws will prevail as follows:

- If it is a question of localization of a structure or the category to which this structure belongs or the use to which it is put in relation to the zones determined in the zoning plan, the zoning bylaw will apply;
- If it is a question of materials or the ordering of materials that must be part of the structure, the construction bylaw will apply;
- If it is a question of the layout of lots, roads and parks, the subdivision bylaw will apply;
- If it is a question of conditions to respect prior to the construction phase, the bylaw concerning the issuing of permits and certificates will apply.

Article 2.2 DIMENSIONS AND MEASUREMENTS

All the dimensions and measurements used in this bylaw are expressed according to the units of the International System (IS) and converted into the English System.

1 meter = 3,2808 feet

1 centimeter = 0.39 inches

1 square meter = 10,763 sq. feet

In case of dispute, the dimensions and measurements of the International System (IS) prevail.

Article 2.3 TERMINOLOGY

For the enforcement of this bylaw, the definitions in article 2.3 TERMINOLOGY of the zoning bylaw number 2012-002 are applicable and valid as if they were integrally duplicated herein.

CHAPTER 3

ADMINISTRATIVE PROVISIONS

Article 3.1 APPOINTMENT OF THE DESIGNATED OFFICER

The issuing of permits and certificates is entrusted to an official appointed by the council and referred to as the municipal inspector.

Article 3.2 DUTIES AND POWERS OF THE DESIGNATED OFFICER

The municipal inspector administers all of the urban planning bylaws and exercises all the powers. As such, he may:

- Issue permits and certificates authorized by the urban planning bylaws for work that is conform. He refuses to issue any permit or certificate for work that does not conform to the said urban planning bylaws;
- Visit and inspect all properties as well as the interior or exterior of buildings and structures to see if the Municipality's bylaws are being followed. When the municipal inspector exercises this power, the owner, tenant or occupant of the property being visited or inspected must allow him to exercise this power and answer all questions that he may ask concerning the property;
- Advise the owner or any person who violates the urban planning bylaws, ordering him to modify any situation that constitutes a violation of the said urban planning bylaws;
- Order any owner or any person responsible for carrying out the work to suspend the work that violates the urban planning bylaws or which he judges to be dangerous;
- Require that tests be carried out on the materials, devices, construction methods, the functional or structural elements of construction or on the condition of the foundations if it becomes necessary to prove that these materials, devices, construction methods, functional or structural elements or the condition of these foundations meet the stipulations of the urban planning bylaws;
- Require that the work be stopped or refuse to issue the certificate of occupancy, when the results of the tests or the arguments of proof mentioned in the previous paragraph are found to be unsatisfactory;
- Recommend to Council that they take the necessary measures so that any constructed building or any use carried out in violation of the urban planning bylaws be demolished, destroyed, removed or terminated;
- Require from the permit applicant, any plan, document or information that he judges as essential in order to fully understand the permit request;
- Require a certificate stating that the work complies with the laws and regulations of the competent provincial and federal authorities.

As well, he must:

- Ensure control over the occupancy of buildings;
- Keep a copy of all the files under his jurisdiction for the municipal archives.

Article 3.3 **ACCESS RIGHTS**

Within his duties, the municipal inspector can visit and inspect, at any reasonable hour, any immovable or movable property to see if the council's bylaws are being carried out, to verify any necessary information or facts required by the Municipality in order to issue a permit, notice of compliance, to give an authorization or any other form of permission that is granted by law or regulation, or to oblige the owner or the occupant of these properties, buildings and structures to allow the officials and employees of the Municipality to enter.

Article 3.4 **VIOLATION REPORT**

When the municipal inspector notices a violation to the urban planning bylaws, he prepares a violation report and sends a copy to the offender.

CHAPTER 4

GENERAL PROVISIONS REGARDING PERMITS AND CERTIFICATES

Article 4.1 **OBLIGATION TO OBTAIN A PERMIT OR CERTIFICATE**

Various permits and certificates are issued by the municipal inspector and are mandatory for any person wishing to carry out work that is governed by the urban planning bylaws.

The required permits and certificates must be issued before the work begins.

No permit or certificate can be issued until all of the required formalities have been completed, including the payment of fees required for the issuing of a permit as such.

The expenses incurred for the preparation of the documents required by this bylaw are charged to the applicant.

Article 4.2 **SUBMITTING AN APPLICATION FOR A PERMIT AND/OR CERTIFICATE**

Any application regarding the issuing of a permit or certificate must be submitted to the inspector on the forms provided for this purpose accompanied by the required documents in order to study the request.

Article 4.3 **ADMINISTRATIVE PROCEDURE FOLLOWED BY THE INSPECTOR IN THE STUDY OF A REQUEST**

After a person submits an application for a permit or certificate, the inspector:

1. Stamps the submitted documents and clearly indicates the date received;
2. Ensures all files are complete and that follow-ups are carried out. The inspector decides the pertinence of the submitted documents and is free to request any detail or information that he deems necessary in order to fully understand the request and to ensure that the provisions of the applicable bylaws are being strictly followed;
3. For any type of permit or certificate request, the inspector must reply to the applicant within thirty (30) calendar days from the date that the initial request was received once the file is complete, or a modified application was submitted following his observations.

CHAPTER 5

SUBDIVISION PERMIT

Article 5.1 OBLIGATION TO OBTAIN A SUBDIVISION PERMIT

Anyone wishing to carry out a cadastral operation must first submit all plans for the said operation to the municipal inspector for approval, whether or not this plan includes roads or an overall plan. Individuals must obtain a “subdivision permit” in accordance to the provisions of this chapter and those of the subdivision bylaw.

Article 5.2 REQUIRED INFORMATION TO STUDY A SUBDIVISION REQUEST

Any subdivision plan must be prepared by a land surveyor and sent to the municipal inspector; the application must be signed by the applicant or his representative, submitted according to the procedure stipulated by the Municipality and must include the following information:

- The name, address and telephone number of the owner who is applying or his duly authorized representative; in the latter case, the authorized person must show proof that he is acting on behalf of the owner. A letter, prepared by a land surveyor appointed by the applicant and describing the cadastral operation, may replace the signature of the owner or his duly accredited representative.

Moreover, if necessary, the applicant will instruct his land surveyor to provide the following information:

- The layout and easements of the proposed traffic routes on the property that is subject to the request and also on the adjacent property if such traffic routes are required to ensure proper territorial planning;
- The date, title, the true north, scale, name of the owner, name and signature of the professional who prepared the plan;
- Any other information deemed necessary by the municipal inspector in order to fully understand the project.

Article 5.3 **VALIDITY DURATION OF THE SUBDIVISION PERMIT**

If the plan of the cadastral operation is not registered at the Ministry of Natural Resources within the twelve (12) months following the issuance of the subdivision permit, it becomes void and null.

Article 5.4 **EFFECTS OF THE APPROVAL OF A CADASTRAL OPERATION**

The subdivision permit is an authorization to carry out a cadastral operation.

The issuing of a subdivision permit in regards to a cadastral operation can not constitute any type of obligation for the Municipality. Among others, the municipal inspector's approval of a project regarding a cadastral operation does not mean that the Municipality has an obligation to accept the assignment of roads and routes as proposed in the plan, nor to take responsibility of their construction and maintenance costs or to assume liability or to provide public utility services.

CHAPTER 6

CONSTRUCTION PERMIT

Article 6.1 **OBLIGATION TO OBTAIN A CONSTRUCTION PERMIT**

Anyone wishing to erect, establish, reconstruct, enlarge, alter or renovate must first obtain a "construction permit" from the municipal inspector in accordance to the provisions of this chapter and those of the zoning and construction bylaws.

Article 6.2 **CONDITIONS FOR APPROVAL OF A CONSTRUCTION PERMIT REQUEST**

In order for a permit request, that authorizes the following work: to erect, establish, reconstruct, enlarge, alter or renovate, to be received and analyzed by the municipal inspector, it is mandatory that the applicant duly complete and sign the form which is provided for this purpose. Moreover, no application for a construction permit can be approved unless the following conditions are respected:

1. The project complies with this bylaw, the zoning and construction bylaws as well as any other provision of an applicable bylaw;
2. Unless bound to a lease giving explicit right to the tenant to proceed with the construction work, the applicant is the legitimate owner of the property where the intervention is planned;
3. The property on which each main building will be erected forms one or several distinct lots on the official cadastre plans and complies with the subdivision regulations that are in force or is protected by acquired rights;
4. Before issuing a construction permit for the erection of a new building that does not have municipal sewer services, the applicant must submit to the Municipality a characterization study; also known as a soil test in accordance to the regulation concerning *l'évacuation et le traitement des*

eaux usées des résidences isolées (c.Q-2,r.8). This provision does not apply to agricultural buildings.

5. Before issuing a construction permit for the erection of a new building that does not have municipal water services, the applicant must submit to the Municipality documents stamped by a well drilling contractor who is licensed under the *Régie de bâtiment*, guaranteeing that the location will enable the drilling of a well for drinking water and that the water will be of a sufficient quality and quantity;
6. Prior to issuing a construction permit to erect or to displace a main building, the applicant must submit the following to the Municipality^{**}:
 - the shape, dimensions and surface area as well as the cadastral description of the property;
 - the road lines;
 - the type and localization of servitudes;
 - the localization, dimensions and surface area of the planned buildings, and both the main and secondary uses;
 - the setbacks of the proposed building (s);
 - the location of the high water mark or that of the cliffs when the property is located along the shoreline;
 - the presence or not of wetlands and their boundaries;
 - the zoning boundaries;
 - the localization and dimensions of the access to the property;
 - location and dimensions of the parking spaces;
 - identification and localization of any existent construction
 - reference to non-conforming lots, whether they have acquired rights or not.

Note:

If the property owner is unable to provide the abovementioned information, or if the municipal inspector is not satisfied with the information supplied, he may require an implementation plan prepared by a land surveyor which includes all or part of the abovementioned information and this at the expense of the property owner.

Article 6.3 ISSUING A CONSTRUCTION PERMIT IN REGARDS TO THE NATIONAL BUILDING CODE

The construction permit is not a certificate to say that the plans and specifications conform to the National Building Code. The responsibility to respect the provisions of this code lies with the applicant.

Moreover, particular attention must be given to the provisions of this code regarding the design requirements relating to barrier free design.

Article 6.4 **ISSUING A CONSTRUCTION PERMIT IN REGARDS TO THE ARCHITECTS LAW**

No construction permit will be issued by the municipal inspector if the plans that were submitted do not respect the provisions of the Architects Law (L.R.Q., chapter A-21).

Article 6.5 **DURATION AND VALIDITY OF A CONSTRUCTION PERMIT**

The issued permit that authorizes to erect, establish, reconstruct, enlarge, alter or renovate must be considered void within a six (6) month period following the date of issuance if the work has not begun. Moreover, the permit can not be transferred and only the holder can use it to carry out the work for which it was specifically issued.

The permit is valid for the duration of the work as indicated on the application form. However, the exterior facing of a building must be placed in accordance to the plans and specifications within an eighteen (18) month period from the date that the permit was issued.

Article 6.6 **AMENDMENT OF THE APPROVED PLANS AND SPECIFICATIONS**

The holder of a construction permit can not modify the construction project that was already approved without obtaining a new permit that is issued by following the procedure provided in this bylaw.

Article 6.7 **OBLIGATION OF THE OWNER**

Each owner must:

- Give at least 48 hours notice to the municipal inspector of his intention to begin the work;
- Provide the inspector with a localization certificate prepared by a land surveyor no later than thirty (30) days after the foundation has been poured or the establishment of the building if it is sitting on pillars or other foundations authorized in the construction bylaw.

CHAPTER 7

CERTIFICATE OF OCCUPANCY

Article 7.1 **OBLIGATION TO OBTAIN A CERTIFICATE OF OCCUPANCY**

Anyone wishing to use or occupy a building or property or to change the use of a building or property as such, must first obtain a certificate of occupancy from the municipal inspector.

Article 7.2 **REQUIRED INFORMATION FOR THE STUDY OF AN OCCUPANCY CERTIFICATE APPLICATION**

The following information is required in order to study an application for an occupancy certificate.

- the construction permit, if the building was already subject to a permit as such;
- if not, all the documents mentioned in Article 6.2.

Article 7.3 **CONDITIONS FOR APPROVAL OF AN OCCUPANCY CERTIFICATE APPLICATION**

No certificate can be issued unless the building and/or use respect all the provisions of this bylaw, as well as those of the zoning bylaw and those pertaining to construction standards and sanitary provisions, and be conform to the plans and documents approved when the construction permit was requested.

Article 7.4 **SPECIFIC RULES PERTAINING TO THE ISSUING OF AN OCCUPANCY CERTIFICATE**

When the use was previously subject to a construction permit and the municipal inspector carried out a final inspection once the construction was completed, his signature at the bottom of the construction permit takes the place of the occupancy certificate.

When the use was not previously subject to a construction permit and that the application is conform to the provisions stipulated in the previous article, the municipal inspector approves it and sends a copy of the approved documents along with the certificate to the applicant.

Article 7.5 **VALIDITY DURATION OF THE OCCUPANCY CERTIFICATE**

Any occupancy certificate is void and ineffective if there is no occupancy within the twelve (12) months following its date of issue; in a case as such, the applicant must submit a new request.

CHAPTER 8

CERTIFICATE OF AUTHORIZATION

Article 8.1 **OBLIGATION TO OBTAIN A CERTIFICATE OF AUTHORIZATION**

Anyone wishing to proceed with work regarding the demolition of a building, cutting of trees, excavation and backfill or the carrying out of work within the shoreline must first obtain an authorization certificate from the municipal inspector.

Article 8.2 **REQUIRED INFORMATION FOR THE STUDY OF AN AUTHORIZATION CERTIFICATE APPLICATION**

The following information must be provided according to the type of planned work:

- 1) For tree cutting:

A plan of the property, to scale and indicating:

- the shape, dimensions and surface area as well as the cadastral description;
- the road lines;
- the type and localization of the servitudes affecting the location;

2) For excavation and backfill:

A plan of the property, to scale and indicating:

- the localization of buildings;
- the shape, dimensions, surface area, topography, hydrography and cadastral description of the property;
- the road lines;
- the type and localization of the servitudes affecting the location;

A sketch illustrating the projected work as well as the final inclinations once the work has been completed

3) Carrying out work within the shoreline

The description and localization of the planned work;

A plan of the property, to scale and indicating:

- the shape, dimensions, surface area, and cadastral description of the property;
- the road lines;
- the type and localization of the servitudes affecting the location;
- the identification of the boundaries of the shore and/or cliffs or the embankment as well as their height;
- the flow direction of surface water;
- the sections of land depicting the high and low points of the embankment before and after the completion of the planned work in order to ensure that the request is fully understood and to enable the inspector to carry out the necessary verifications for the issuance of the permit in accordance to the requirements of the concerned bylaws.

4) For the demolition of a building:

- the use of the building;
- the duration of the demolition work and clean-up.

Article 8.3 **CONDITION FOR APPROVAL OF AN AUTHORIZATION CERTIFICATE APPLICATION**

No request for a certificate of authorization can be approved unless it respects all of the provisions of the urban planning bylaws.

Article 8.4 **APPROVAL OF THE CERTIFICATE REQUEST AND ISSUANCE OF THE PERMIT**

If the request conforms to the urban planning and municipal bylaws, the municipal inspector issues a certificate of authorization, upon payment of the required fee for a certificate as such.

If the request does not conform, the inspector must refuse its approval and present, in writing, to the applicant the reasons of his refusal stating, if necessary, the required modifications in order to make it conform.

Article 8.5 VALIDITY DURATION OF A CERTIFICATE OF AUTHORIZATION

If the work intended by the certificate is not completed within the six (6) months following the date of issuance, the said certificate becomes null and void.

CHAPTER 9

CERTIFICATE OF COMPLIANCE TO MUNICIPAL BYLAWS

Article 9.1 SPECIFIC PROCEDURES FOR THE ISSUING OF A CERTIFICATE OF COMPLIANCE TO MUNICIPAL REGULATIONS

Anyone wishing to obtain a certificate of compliance to municipal regulations, required by a government department or representative, must submit, in support of his application, all the required information to fully understand the project. This information is usually the same as what the Municipality itself requires in order to issue a permit or certificate in regards to a project as such.

The procedure to follow to obtain a certificate of compliance to municipal bylaws is the same as that which applies to other certificates issued by the Municipality.

The time period to analyze and issue a certificate as such is a maximum of thirty (30) days.

CHAPTER 10

PERMIT AND CERTIFICATE FEES

Article 10.1 FEES TO BE CHARGED ACCORDING TO THE TYPE OF PERMIT OR CERTIFICATE

The fees for issuing a permit or certificate stipulated in this bylaw are the following:

Construction permit

Residential	\$ 50.00/housing unit
Commercial, industrial, institutional and recreational	100.00
Agricultural building	50.00
Secondary building	25.00

Permit to alter, renovate, move or demolish

Residential	\$ 10.00
Commercial, industrial, institutional	25.00
Agricultural building	10.00
Secondary building	10.00

Subdivision permit

Per lot \$ 20.00

Any occupancy or authorization certificate

Certificate \$ 20.00

CHAPTER 11

FINAL PROVISIONS

Article 11.1 PENALTIES

Anyone who violates one or another of the provisions in this bylaw commits an infraction and is liable to a penalty, with or without fees; the amount of this penalty is as follows:

1. If it is an individual:

- For a first offence, a penalty of 100\$ and maximum of 1000\$.

- For a second offence within a one year period, a minimum penalty of 300\$ and maximum of 2000\$.

2. If it is a corporation:

- For a first offence, a penalty of 600\$ and maximum of 2000\$.

- For a second offence within a one year period, a minimum penalty of 1000\$ and maximum of 4000\$.

A continuous violation of one or another of the provisions of this bylaw constitutes, day-by-day, a separate and distinct infraction.

Article 11.2 VIOLATION REPORT

When the municipal inspector notices a violation to this bylaw, he is authorized to issue a violation report. He forwards a copy to the offender.

Article 11.3 LEGAL PROCEEDINGS

The Municipality can use the necessary legal action against anyone who violates this bylaw.

Article 11.4 LEGAL PROCEEDINGS INITIATIVE

Only the council is entitled to authorize legal proceedings.

Article 11.5 CIVIL OR CRIMINAL COURT

In order to respect the provisions of this bylaw, the Municipality can exercise consecutively or alternately the legal proceedings foreseen in this bylaw, as well as any other appropriate civil or criminal legal action.

Article 11.6 COMING INTO FORCE

This present bylaw will come into force conforming to the provisions of the Act Respecting Land Use Planning (L.R.Q.,c.A-19.1).

Rose Elmonde Clarke
Mayor

Janice Turnbull
Director General

NOTICE OF MOTION: April 2, 2012
ADOPTION: November 5, 2012
PUBLICATION: March 25, 2013