

13 OCT. 2005

# Municipality of Otter Lake

## - By-law for the Administration and Interpretation of the Planning By-laws -

No. 031-05-2003

P . U . R . E

P l a n n i n g . U r b a n i s m . R u r a l . E n v i r o n m e n t .  
P l a n n i n g C o n s u l t a n t

*True copie conforme certifiée*  
*Quita Lapierre*

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## **CHAPTER 1 DECLARATORY DISPOSITIONS**

### **1.1 TITLE OF THE BY-LAW**

The present By-law number 031-05-2003 is titled «By-law for the Administration and Interpretation of the Planning By-laws».

### **1.2 OBJECTIVES**

This By-law is used to administer and ease the interpretation of the Planning By-laws. It includes the declaratory provisions, the definitions, the interpretation rules, the recourses and sanctions as well as the administrative provisions common to the Planning By-laws.

### **1.3 CONTEXT OF THE BY-LAW**

The present By-law is applicable, in whole and in part, to the Planning By-laws known, by definition, as the "Zoning By-law no. 032-05-2003", the "Subdivision By-law no. 033-05-2003" and the "Construction By-law no. 034-05-2003" and any amendment to these By-laws. This By-law indicates some means of implementation in the framework of a coherent development policy for the Municipality and for the region. The By-law is patterned from the Master Plan of the Municipality of Otter Lake and of the Regional Master Plan (Schéma) of the MRC of Pontiac.

### **1.4 EFFECTIVE DATE**

The present By-law will come into force in accordance with the provisions of the Provincial Planning Act.

### **1.5 SUBJECTED TERRITORY**

The present By-law, of which the provisions are imposed to individuals as well as to legal persons of public right or of private right, applies to the entire territory under the jurisdiction of the Municipality of Otter Lake.

### **1.6 REPLACED BY-LAWS**

The By-law stated hereafter and including its amendments, is abrogated and replaced by the present By-law:

By-Law number 136-001, known as "Development and Planning – Administration"

Are also abrogated, all other regulatory provisions incompatible with the present By-law.

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Such replacements do not however affect procedures instituted under the authority of the By-laws hereby replaced, which will continue under the authority of the said replaced By-laws until final judgment and execution. Furthermore, they do not affect the permits issued under the authority of the By-laws hereby replaced.

### **1.7 EFFECTS OF OTHER BY-LAWS**

Any parcel of land or any building raised, reconstructed, extended, moved, modified, repaired, occupied or used for the authorised purposes and in the manner prescribed in the present By-law are subjected, moreover, to the special prescriptions of the other Municipal By-Laws related to them.

### **1.8 AFFECTED CONSTRUCTIONS AND LAND**

Any lot or part of lot meant to be occupied, as well as any building or part of building and any construction or part of construction, must be built in accordance with the provisions of the Planning By-laws. Any building, any construction or any property where an amendment to the occupation or use is being considered, must comply to the requirements of the Planning By-laws. This also applies to any lot, part of lot or property meant to be divided.

### **1.9 METHOD OF AMENDMENT TO THE PRESENT BY-LAW AND TO THE PLANNING BY-LAWS**

#### **1.9.1 Amendment to the present By-law and to the Planning By-laws**

An amendment of the present By-law and of the Planning By-laws can be initiated by a taxpayer, a designated officer, or Municipal Council.

Any amendment request must be submitted in writing and initially analysed by the designated officer, then presented to Municipal Council.

The designated officer offers his recommendation to Council.

If the request is deemed suitable to the interest of the Municipality, the designated officer recommends that Municipal Council approve the request and begin the amendment procedures.

#### **1.9.2 Adoption of the amendment By-law**

The Council proceeds to the amendment in accordance with the applicable provisions of the Provincial Planning Act.

### **1.9.3 Cost relating to a request for an amendment to the Planning By-laws for an individual or a corporation**

Fixed rate: \$ 200.00

- Receipt and analysis of the request by the designated officer;
- Preparation of the documents in order to proceed with the amendment of the By-law;
- Validation of the number of eligible voters;
- Preparation of the public notices, posting, publication and publication costs;
- Registration period;
- If applicable - Referendum: amount unknown and total responsibility of the applicant;
- Adoption notice;
- Effective date Notice.

The fixed rate of \$ 200.00, is payable by the applicant upon submitting his written request. This amount is non refundable.

Furthermore, should the administrative procedure reach the referendum stage, the Municipality will prepare a cost estimate for the referendum and present it to the applicant, if he wishes to continue the procedure he therefore agrees to pay the total costs relating to a referendum.

Note: At any stage of the procedure, the municipal Council can decide to terminate this procedure and not to accept the proposed amendment.

## **1.10 APPENDIX DOCUMENTS**

Form an integral part of the present By-law for all legal purposes:

The charts, graphs and symbols included in the present By-law and appendix.

## **1.11 VALIDITY**

Council adopts the present By-law as a whole and also part per part, chapter per chapter, article per article, paragraph per paragraph and sub-paragraph per sub-paragraph, whereas a part, an article, a paragraph or a sub-paragraph of the present By-law was or should have been declared null and void, the other provisions of the present By-law continue to be applicable.

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**1.12 DIVERGENCE BETWEEN THE PLANNING BY-LAWS**

Should there exist a divergence between the Planning By-laws, the provisions of the Zoning By-law are prevail.

**1.13 DIVERGENCE BETWEEN THE GENERAL AND SPECIAL DISPOSITIONS**

Should there exist a divergence between the general provisions for all the zones or for one zone and the special provisions to each of the zones, the special provisions to a zone are applicable. Should there exist a divergence between the text and the SpecificationS Grid, the provisions of the text will prevail.



## **CHAPTER 2 INTERPRETATION RULES**

### **2.1 INTERPRETATION OF THE TEXT AND TERMINOLOGY**

The titles included in this By-law form an integral part for all legal purposes. Should a contradiction exist between the said text and the titles, the text will prevail:

The use of verbs in the present tense includes the future;

The singular includes the plural and vice versa, unless the phraseology implies otherwise;

The use of the word "MUST" or "WILL" indicates absolute obligation; the word "CAN" indicates an optional meaning;

The word "WHOEVER" includes all moral or physical person;

The word "MUNICIPALITY" designates the Municipality of Otter Lake;

The word "COUNCIL" designates the Municipal Council;

The expression "MASTER PLAN" signifies the master plan of the territory of the Municipality according to the articles of the Provincial Planning Act;

A uniform numbering system was used for all of the By-laws. The first number indicates the chapter of the By-law and the following numbers indicate the articles.

All measures mentioned in the Planning By-laws are expressed in units of the International System SI (metric system).

#### **INTERPRETATION OF THE CHARTS**

The charts, diagrams, specifications grids, graphs, symbols or any form of expression other than the said text, which are referred to in this By-law, form an integral part for all intent and legal purposes.

Should a contradiction exist between the text and the charts, diagrams, graphs, symbols and other forms of expression, the text prevails. Should a contradiction exist between a chart and a graph, the data of the graph prevails.

When a restriction or an interdiction presented by the present By-law or for one of its provisions is shown to be incompatible or in discordance with another provision of the present By-law, the most restrictive or prohibitive provision must apply.

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TERMINOLOGY

A

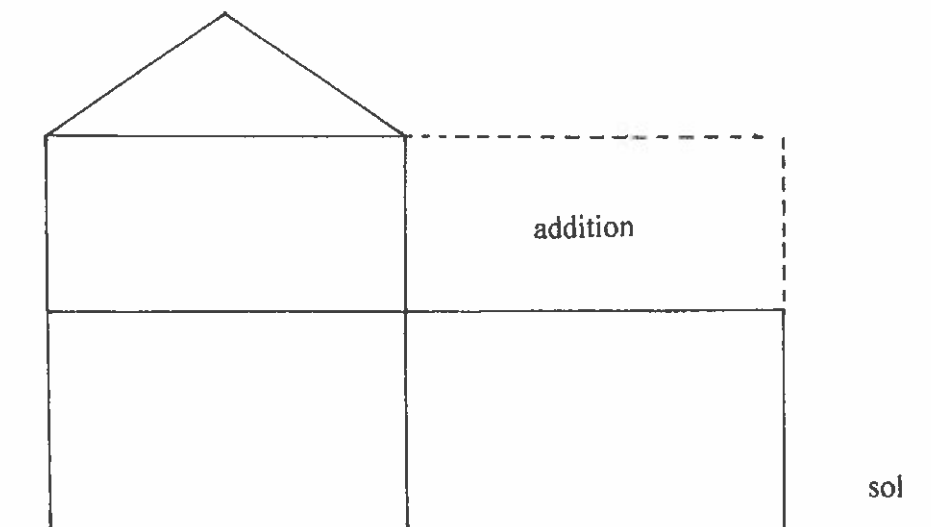
ACQUIRED RIGHTS

Recognized right to a use, a lot or a derogatory construction existing before the effective date of any law or by-law regulating this use, this lot or this construction, or, the use the lot or the construction must have established or created at the time, when the by-law in effect at that date, permitted it. From the moment where an acquired right exists, it is regulated in accordance with the provisions of the articles specific to the uses, lot and derogatory constructions.

ADDITION

Addition to the volume, the structure, the fixed or permanent installations of a building. Addition to the floor surface area of a building or of a use, without adding to the ground surface area.

Sketch:



AGRICULTURE EXPLOITATION

A grouping of agricultural production activities managed by a proprietor or tenant of the land or the buildings.

ARTIST'S WORKSHOP (or artisan) (ou craftsman)

Area used as a work area or as a work area for the creation of art or crafts.

AVERAGE GROUND LEVEL

The average ground level surrounding (touching) the building.

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### B

#### BALCONY (Deck and terrace)

Platform extending from the walls of a building, surrounded or not by a balustrade or a railing, and that could be protected by a roof supported or not by pillars.

#### BOAT LAUNCH RAMP

Public or private installation permitting the launching of pleasure boats into the water. To be implemented, this type of installation must be approved by the ministère de l'Environnement et de la Faune.

#### BUILDING

Structure with a roof supported by pillars and/or by walls and used to shelter persons, animals or objects

#### BUILDING, FARM

Main or secondary building used to shelter animals and/or the storage of machinery or others, used for the normal operation of an agricultural use. The auxiliary building as defined by the LPTAQ is also considered as a farm building.

#### BUILDING, MAIN

Building where is exercised a use prescribed in the zone where it is located.

#### BUILDING, TEMPORARY

Building erected or installed for a special reason and for a short and limited time.

#### BUILDING, SECONDARY

Building, detached or attached to the main building, located on the same lot or the same property or adjacent property, belonging to the same owner. The use of a secondary building is reserved for storage of goods complementary to the permitted use and mainly exploited on this building and in the zone where it is located. The use of a secondary building cannot, in any case, be residential, meant to house persons, but can be used sporadically as a dormitory. May include a garage, shed, cabin...

### C

#### CADASTRAL OPERATION

All of the procedures meant to perform a division, a vertical cadastre, a subdivision, a redivision, a correction, a replacement, a cancellation, an addition, a cadastral grouping, including those done and where the plan is tabled in conformity to the Loi sur le cadastre

#### CARPORT

Space covered by a roof supported by columns. A carport is considered as a garage for the purposes of this present By-law.

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CARPORT TEMPORARY

Metal or other portable structure covered by a non-rigid material and used to shelter an automobile during the winter.

CELLAR

Part of a building where less than 2 meters are located above the average adjacent ground level.

CONSTRUCTION

Assembly of materials fixed or not to the ground or attached to any object fixed to the ground including, but not limited to, sheds, buildings, etc. A fence is not considered a construction.

CUL-DE-SAC

Any road that does not exit onto another road at one of its extremities.

D

DEROGATORY CONSTRUCTION

Any construction non-conforming to the applicable By-law in force.

DRIVEWAY ENTRANCE

Level difference of a sidewalk or the edge of a road for the purpose of easing the circulation of vehicles between the public road and private property.

DWELLING

Building or part of a building designed to house persons and comprising of one or more housing units.

DWELLING, COLLECTIVE

Dwelling designed to house a group of persons, administered by a profit or non profit corporation or by an individual for profit. In this dwelling, the meals are prepared in collective kitchen.

Are included in this group:

- Group homes for the physically and mentally handicapped
- Nursing homes
- Les centres de jour (Detention Centers)
- Youth Centers
- Rooming houses
- Community Residences for the religious orders
- Extended care and Rehabilitation Centers for the handicapped and for those possessing social integration difficulties
- Halfway houses for ex-inmates
- Retirement home, convalescent homes, rest homes, orphanages and student residences.

Any other dwelling meeting the definition of a collective dwelling.

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DWELLING UNIT

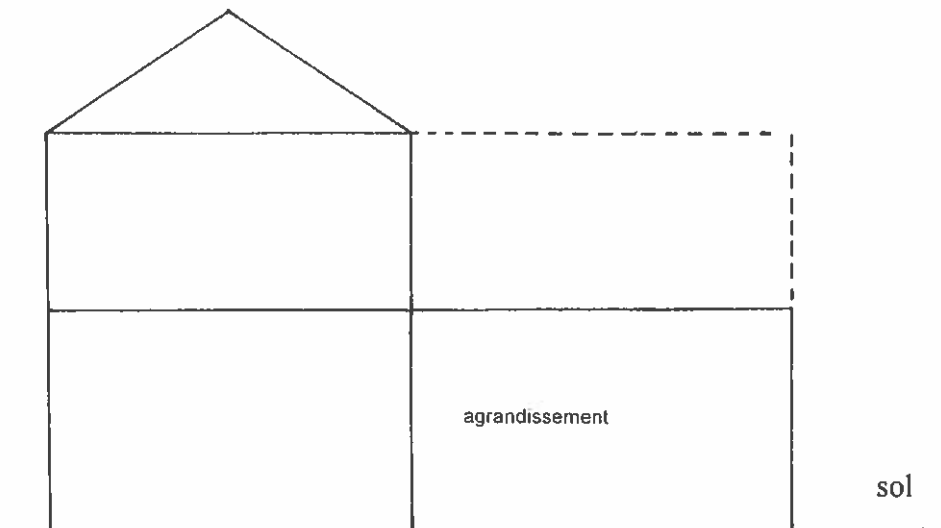
Room or a group of rooms in a building, with a private access, designed to be used as a residence and provided with sanitary facilities, sleeping quarters, food preparation and cooking of meals. Does not mean or include a motel, hotel, rooming house or trailer.

E

EXTENSION

Addition to the ground surface area of a building or the surface area occupied by a use.

Sketch:



EXTERIOR COVERING OR FINISHING

Materials used for covering the exterior of the building

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F

FENCE

Installation that may be common or not, meant to separate a property or part of a property from another property or other sections of the same property and/or to forbid the access.

FLOOR SURFACE AREA OF A BUILDING

Floor surface area of a building measured from the exterior face of the exterior walls. The cellars are excluded from this surface area.

FOUNDATIONS

Part of the construction located under the ground floor and including the walls, footings, pillars, and piers, that transfer the load of the building to the ground or the rock on which the foundations are supported.

FRONTAGE

Measurement between lateral lines of a lot bordering the line of the right-of-way of a public or private road, existing or proposed. In the case of a waterfront lot of a lake or a watercourse, the frontage also defines the straight line between the two (2) lateral lot lines, as shown in the Subdivision By-law. In the case of a lot located at the intersection of two (2) streets or roads, the measurement must be taken from one lateral line only until the point of intersection.

G

GROUND SURFACE AREA

The ground surface area of a building, measured from the exterior walls of the building to the height of the ground.

H

HEDGE

Continuous row formed of shrubs and plants which have formed roots and that the branches can be trimmed.

HEIGHT EXPRESSED IN METERS

Vertical distance measured between the **average grade level adjacent** to the construction and a horizontal plan passing through:

- the highest point of the roof surface, excluding the chimney and an antenna;

I

IMMOVABLE

Possession that cannot be moved or that the law considers as such; designates any building, construction or property.

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L

LATERAL LINE

Dividing line located between lots or properties: this line is generally or almost perpendicular to the road, can be broken.

LOT

A lot is a parcel of land designated by a distinct number on the official cadastre plan or the registered subdivision plan in accordance with the provincial provisions.

LOT, ANGLE OR CORNER

Lot situated at the intersection of a street.

LOT, CONTIGUOUS

A lot where at least one lot line is common in whole or in part to another lot line.

LOT, (DEPTH OF A LOT)

Average distance between the front and rear lot lines. Where there is no rear lot line, the distance is measured using an imaginary parallel front line, passing through the property and of a length of at least sixty percent (60 %) of the minimum frontage required.

LOT, INTERIOR

Lot other than a corner lot situated along a street.

LOT LINE

Cadastral lines marking the boundaries of a lot.

LOT, TRANSVERSAL

Any other lot other than an angle lot bounded by at least two (2) streets but there is no rear lot line.

LOT, TRANSVERSAL ANGLE

Lot situated at a double intersection of streets having three front lines. The fourth line being a lateral lot line.

LOT, (WIDTH OF A LOT)

Distance between the lateral lines of the lot.

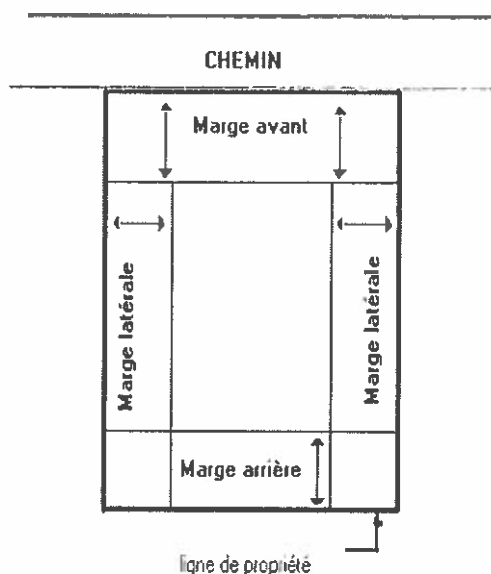
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M

### MARGIN OR SETBACK MARGIN

Prescription of the Planning By-law determining the minimum width of free space between the lot or the property lines. This minimum distance is prescribed in the Specifications Grid and determines the parallel setback margin in relation to the rear, front and lateral lot lines.

Sketch:



### MECHANIC WORKSHOP

Establishment designed for the repair of motor vehicles or any other type of mechanical equipment.

### MOBILE HOME

Single family dwelling measuring nine (9) meters or more in length, constructed in a factory and transportable, manufactured in units and designed to be made mobile using its own wheels to the designated property and its permanent placement. It includes the septic installations in compliance with the standards of the responsible ministry. It can be installed on a concrete slab or a permanent foundation.



## Municipality of Otter Lake

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N

### NORMALISATION

Subdivision procedure meant to cadastre a property with a conforming or non-conforming use (in relation to its size, surface area or its zoning) and where there exists a registered title before the effective date of the first interim control by-law of the MRC of Pontiac.

O

### OCCUPATION, MIXED OR MULTIPLE

Occupation of a building or part of a building, by more than one different use.

### OFF-ROAD

Located outside the lines of the right-of-way of a road.

### OPENING

Any empty space or hole within the construction; arch, bay window, cat door, soffit (embrasure), window, wicket, opening, peep hole, dormer, bull's eye window, door, vent, trap-door, ventilators (vasistas), etc.

### OWNER

Any person owning a building in whatever title, including a usufructuary title, occupant of an immovable trustee or long term lease holder (ou emphyteutic lessee) or that occupies Crown land in virtue of a Promise to purchase, an occupation permit or a rental note.

P

### PARK AND PLAYGROUND

Shall mean a parcel of land used for the purpose of or destined to recreation, relaxation, to sport and thus, for the general public. This property is sometimes occupied by community equipment.

### PARKING AREA

Space or a number of parking spaces including the access lanes leading to the parking spots.

### PARKING SPACE OR SPOT

Space required for parking a motor vehicle, the access lanes not being included.

### PARKING SPACES

Exterior area of land where are provided and maintained individual parking spaces and passageways or circulating aisles.

### PARKING SPOT

Space reserved for parking a motor vehicle in accordance with the size and provision requirements stipulated in the various articles of the Planning By-laws.

## *Municipality of Otter Lake*

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### PEDESTRIAN TRAILS

Public path reserved for the use of pedestrians.

### PERMITS AND CERTIFICATES

Documents issued in virtue of the municipal by-laws by the designated officer. It is necessary to obtain a permit or a certificate to exercise an afferent (ou related) right when the request or the proposed project is conforming to the municipal by-laws of the Municipality.

### PLANNING BY-LAWS

Legal tool to control uses, the constructions, the land occupation and the subdivision on the territory of the Municipality in compliance with the main development orientations of the territory, the land use and the occupation density provided in the Master Plan. They are the Master Plan, the present By-law, the Zoning By-law, the Subdivision By-law, the Construction By-law, the By-law regulating minor variances and the By-law regulating the Advisory Planning Committee.

### PORCH

Projecting construction covered and/or enclosed, uninsulated and uninhabitable during the winter, and giving access to a building.

### PROJECTING

Part of a building that protrudes from the building line of one of its walls.

### PROPERTY

Ground surface area that could be constituted of one or many parts of lots, used or that could be used for a principal use and constituting a unique and same property.

### PUBLIC UTILITY SERVICES

Shall include the public utility networks such as electricity, gas, telephone, aqueduct, sewer, and not limited to their accessory equipment.

### R

### RENOVATION

Intervention made to the building without increasing the floor surface area of the building or the ground surface area of the building.

### RETAINING WALLS

Any wall built to retain or support an embankment.

### RIGHT-OF-WAY (a street)

Surface area of a property, owned by the Municipality, of any other public entity, or private property, destined for the passage of a road or of a traffic lane. Also signifies the boundaries or the perimeter of this property.

## Municipality of Otter Lake

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### ROAD

Traffic lane of public or private property or built in a right-of-way for the movement of automobiles.

### S

### SAWMILL, TRADITIONAL AND SMALL SCALE

An area where logs are sawed for transformation into board, beams or girders using mechanically activated saws. The sawing operations can be performed inside or outside of the buildings. The traditional sawmill can also plane the wood that it transforms. The total maximum surface area of any building related to a traditional saw mill is of 2,500 square feet.

### SIGN

Anything written, (including letter, word or number), any pictorial representation (including illustration, drawing, engraving, image or decor), any emblem (including slogan, symbol or trademark, any flag (including banner, banderole or pennant) or any other figure or similar characteristics which:

- is attached, or that is painted, or that is shown in any possible manner on a building or a construction and,
- is used to warn, inform, announce, advertise, publicize, promote, attract attention and,
- is visible from outside of a building.

### SIGN (Surface area of a)

Surface area defined by a continuous line, real or imaginary, surrounding the extreme boundaries of a sign, to the inclusion of any material used to clear this sign from a background, but to the exclusion of the fasteners. When a sign carries a message or a symbol on two of its faces or façades, the surface area is one of the two sides only. However, if the sign can be read on more than two sides, the surface area of each additional face is considered as one of a separate sign.

### SIGN (Height of)

The height of a sign is the vertical distance between the ground and the highest point of the sign. When the ground is at an inferior level than the level of the road, the height is measured from the level of the road.

### SIGN, COMMERCIAL

A sign drawing attention to a firm, a profession, a product, a service or an exploited entertainment venue, pursued, sold or offered on the same property as the property where it is located.

### SIGN, IDENTIFICATION

A sign giving the names and addresses of the occupant of a building, or the names and addresses of the building itself, including the authorized use, without mentioning a product.

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### SIGN, DIRECTIONAL

A sign that indicates a direction to follow to reach a destination.

### SITE PLAN

A scaled drawing showing the existing and proposed constructions and their respective construction set back. The levels, distances, surface area, etc. must be clearly indicated.

### SPECIAL DISPOSITIONS

Prescription that makes exception to one or many general rules of application; constitutes or can constitute a subsidiary by-law in terms of the Planning Act.

### STANDARD (general and minimum)

Planning prescription determining what should be done in a determined situation.

### STOOP

Small exterior staircase ending with a platform and giving access to the ground floor.

### STREET

Shall designate a local traffic lane (or local service) for vehicles giving access to bordering properties, with or without borders and sidewalks. A road can be public or private.

### SUBDIVISION

Cadastral operation for which a lot is parceled in whole or in part according to the provisions of the Civil Code, creating an additional lot respecting the provisions of the Subdivision By-law and where a building permit could be issued for a main building.

### SUBDIVISION PLAN

Plan prepared by a Land Surveyor illustrating a cadastral operation of a parcel of land into lots and/or in streets in accordance with the provisions of the present By-law. (Also refer to SUBDIVISION)

### SURFACE AREA OF A LOT

Surface measurement of a lot included within its continuous boundaries.

### T

### TRAILER

Full trailer, semi-trailer or recreation vehicle, measuring less than nine (9) meters in length, used or destined to be used as a temporary use for recreational purposes, as a dwelling, office, commercial or industrial establishment, that cannot become an immovable, meaning that can be towed by an automobile.

## *Municipality of Otter Lake*

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### U

#### USE

The purpose for which an immovable, a building, a construction, an establishment, a room, a lot or one of its portions is used, occupied or designated.

#### USE, MIXED OR MULTIPLE

Authorized use of an immovable for two or many distinct purposes, corresponding to different uses. The mixed use is authorized in the zones where different category uses are identified in the Specifications Grid.

#### USE, TEMPORARY

Authorized use for predetermined periods of time.

### V

#### VERANDA, SOLARIUM

Covered and enclosed balcony outside of a building. Any veranda must respect the prescribed margins. Where a veranda or a solarium is insulated and habitable during the winter, it forms an integral part of the main building, is therefore no longer considered as a veranda or a solarium.

### Z

#### ZONE

Identified in the Zoning By-law, the zone constitutes a portion of the territory of the Municipality defined in consideration of the uses and the constructions demonstrating certain compatibility.

#### ZONE, AGRICULTURE

In matters of zoning, the term is reserved exclusively to parcels of land located under the jurisdiction of the Loi sur la protection du territoire agricole du Québec.

#### ZONING

Action of parceling the Municipality into zones and sectors of zone, for the purpose of regulating the shape, the dimensions and the site plan of the constructions including their use and that of the properties. In compliance with the law.

#### ZONING PLAN

Plan showing the division of the territory into zones for the purpose of regulating the Planning By-laws.

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### **2.1.1 Definitions requested from the MRC of Pontiac**

**ACCESSORY BUILDING:**

Building separated from the main building or use located on the same plot or the same lot and designed to improve the usefulness, convenience and enjoyment of the main building or use.

**ANNEX:**

Accessory structure or building attached to the main building and built on the same site as the latter; it aims at improving its usefulness, convenience and enjoyment.

**BASAL AREA:**

Forest cover unit currently used in forestry during inventories and tree marking made with the help of a prism ; residual basal area is this same unit used after a forest cut ; residual basal area is expressed in square metres per hectare.

In the case of a tree, a basal area is the area of the cross section at breast height of the stem ; in the case of a stand, the basal area is the sum of trees.

**BREEDING FARM:**

Breeding building or feed area in which are kept animals and a structure or facility for the storage of farm fertilizers, or a group of several of these installations when each of them is not separated by a neighbouring one by more than 150 metres and that is part of the same operation.

**CAMPING:**

Site designated as such on a municipal zoning plan or in the land development plan of a regional county municipality.

**CONGLOMERATE HOUSING :**

Building with several superimposed or adjacent dwellings served by separate entrances.

**COTTAGE INDUSTRY:**

Category including activities and uses that have no impacts on the neighbourhood (noise, smoke, dust, odour, vibration, traffic, etc.) or on the quality of the environment ; all operations are conducted indoors, no storage is done outdoors and product is designed for commerce on the premises or locally.

**DWELLING HOUSE:**

House properly speaking or place of residence on the farm of an area of at least 21 square metres that does not belong to the owner or operator of the breeding farm in question or by the stakeholder or manager.

**EMBANKMENT:**

Operation consisting in placing materials on top of the land in the purpose of proceeding with landscaping or to fill a cavity.

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### EXCAVATION:

Operation consisting of digging or clearing the ground of which works are designed to change the natural shape of the land.

### HEAVY INDUSTRY:

Category including activities and uses for the processing of products with appreciable impacts on the neighbourhood and on the quality of the environment ; outdoor storage is allowed.

### LIGHT INDUSTRY

Category including activities and uses for assembly or processing of products with low impacts on the neighbourhood and on the quality of the environment ; moreover, most of the operations are completed indoors.

### MANAGEMENT OF LIQUID:

Method of management intended for manure made up mostly of animal excrements sometimes mixed with litter and a quantity of washing water ; manure is stored in liquid form and handled by pumping.

### MANAGEMENT OF SOLID:

Method of management intended for manure made up mostly of animal excrements and litter ; manure is stored in solid form and handled with a loader.

### MARINA:

Site designated as such on a municipal zoning plan or in the land development plan of a MRC.

### MEDIUM INDUSTRY:

Category including activities and uses related to the assembly and processing of products with moderate impacts on the neighbourhood and on the quality of the environment; outdoor storage is allowed.

### MULTI-FAMILY HOUSING:

Building with at least two dwellings with shared entrances and hallways.

### PROTECTED IMMOVABLE:

Business or recreation, sport or culture centre ;  
Municipal park ;  
Public beach or marina ;  
Landed property of a learning establishment or of an establishment within the meaning of the Health and Social Services Act (R.S.Q., c. S-4.2) ;  
Campground ;  
Buildings in an open air base or nature interpretation centre ;  
Chalet of a ski resort or of a golf club ;

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Church ;  
Summer theatre ;  
Accommodation facilities, resort or youth hostel within the meaning of the Regulation Respecting Tourist Establishments ;  
Vineyard or restaurant business with a year-round operation permit.

### OUTDOOR FEED AREA:

Area outside of a building where animals are kept occasionally or continuously, where they are fed by food coming solely from outside that area.

### SINGLE-FAMILY HOUSING:

Building with only one dwelling.

### TRAILER CARAVAN:

Licensed vehicle mounted on wheels used seasonally, or designed to be, as premises where individuals may live, eat and/or sleep, built to be towed by a motor vehicle.

### URBANIZATION PERIMETER:

Boundary provided for the future extension of the urban-type habitat in a municipality as established in the land development plan of the regional county municipality in that municipality, as well as any other boundary of this extension established by the regional county municipality after an amendment of the land development plan, except for any part of this extension that would be included in the agricultural zone.



## **CHAPTER 3 ADMINISTRATION OF THE PLANNING BY-LAWS**

### **3.1 RESPONSIBILITY IN ISSUING PERMITS AND CERTIFICATES**

The responsibility of issuing permits and certificates relating to the Planning By-laws is given to the municipal officer or officers duly designated by means of a resolution adopted by the municipal Council.

#### **3.3.1 Duties of the designated officer**

The designated officer duly authorised by Council, exercises, in relation to the municipal by-laws, the control and supervision of constructions, of uses and roads, and in this capacity, the following attributions are conferred upon him:

Administer and apply all of the sections of the Planning By-laws;

Supervise and control the design of roads, the subdivision, the land use ;

Refer, if needed, any questions of interpretation or of the application of the Planning By-laws, to the legal advisor mandated by the Municipality;

Ensure due process of all files relating to :

- All requests pertinent to the enforcement of the present By-law;
- All inspections and all tests;
- All permits and the orders issued.
- Keep copies of all documents pertaining to the administration of the present By-law. These documents will form part of the public files and the archives of the Municipality.
- Advise the owner in writing when a construction is found to be in non compliance with the provisions of the Planning By-laws, by indicating in the notice:
  - The reasons for the non compliance;
  - The immediate measures to be performed following the date the notice is received;
  - The permanent measures to be performed within a reasonable time frame following the date the notice is received;
  - The aforementioned notice can be hand delivered or if required, sent by registered mail or otherwise.

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- Revoke a permit:
  - When one of the conditions for issuing the permit is not respected;
  - When it was issued by mistake or;
  - When it was issued on the faith of false information.

Submit to the Planning Committee and Council any request relating to a minor exemption or a request for an amendment to the Planning By-laws. At the request of either one, he must supply all of the information required for the analysis of the file relating to the non-conforming work.

### **3.1.2 Powers of the designated officer**

The designated officer can:

At any reasonable hour, visit the premises and enter into any building constructed or being constructed to ensure that the provisions of the Municipal By-laws applicable in this particular case, are observed. The owners and the occupants must allow him to visit and offer any information necessary to his work;

In accordance with the provisions of the Planning By-laws regarding the necessity to give notice, deliver or have delivered to any owner, occupant or other person responsible for the premises or being found there, a notice prescribing to rectify a condition when he deems that this condition constitutes an infraction to the Municipal By-laws

Order any owner occupant or other person responsible for the premises, to suspend all occupation or all work in a building when the occupation use or the work contravenes to the Planning By-laws or when the building is deemed dangerous;

Extend the delay normally provided by the Planning By-laws for the renovation, the repair or demolition of a dangerous or deteriorated construction, by giving a special authorization when there is evidence that the work will be performed but valid reasons prevent the completion of the work within the prescribed time delays normally provided for in the Planning By-laws;

Require from the owner that he provide, at his cost the information or the proof deemed necessary to determine if the materials, equipment, devices, developments and interventions are in compliance with the requirements of the Municipal By-laws;

Order to cease the work and to correct the derogatory situation when the results of the tests mentioned in the previous paragraph are not satisfactory;

Issue any permit indicated in Chapter 4 for work that is in conformity with the present By-law and refuse any permit for work which is non conforming to the Planning By-laws;

Request of any owner, a certificate of location or a site plan prepared by an approved Land Surveyor to ensure the respect of the margins when the existing or proposed implantation appears to be non conforming or uncertain.

Order any owner occupant or other person responsible for the premises, to suspend or to proceed with certain corrective interventions, any occupation or all work in a building or on a property, when the occupation use or the work is deemed dangerous.

### **3.1.3 Interdiction**

Whoever fails to respect an ordonnance or a notice issued by the designated officer, infringes the Planning By-laws.

No person can begin or continue work that is described in the Planning By-laws unless the owner or his authorized representative has obtained a permit for this purpose.

No person can proceed with work other than what forms part of the plans and specifications tabled and accepted during the delivery of the construction permit, without having first obtained the approval of the designated officer.

No person exercising an authority on the matter of construction, reconstruction, demolition, transformation, removal, relocation or building occupation should cause, tolerate or maintain a dangerous condition.

No person can perform excavation work or others on public domaine either over, nor under it, and not erect or place a construction, any type of work or storage of any kind before having first received the written authorization from the designated officer.

No one can permit the modification of the property limits of a building lot or a constructed lot, in a manner as to cause the building or a part of the building to be in contravention of the Planning By-laws, unless to modify the building or the affected part, after having obtained the necessary permit ensuring that the modification of the property limit or ground levels approved, do not entail any infraction.

Whoever knowingly provides false or misleading information contravenes the Planning By-laws.

### **3.1.4 The duties of the designated officer relating to the refusal of a permit**

The designated officer must refuse a permit:

- When the information provided fails to properly determine if the project is in compliance with the requirements of the applicable By-laws in kind;
- When the information provided is false;
- When this permit concerns work for a construction designated to a non authorized occupation use by the Zoning By-law;
- When the construction constitutes an infraction to any other By-law.
- The designated officer must advise any applicant of the contents of the Planning By-laws and the procedures relating to this By-law.

## **CHAPTER 4 DISPOSITIONS RELATING TO THE ISSUING OF PERMITS AND CERTIFICATES**

### **4.1 GENERAL PROCEDURE FOR REQUESTING A PERMIT OR A CERTIFICATE**

Any request for a permit or a certificate must be submitted in writing to the designated officer on the forms provided for this purpose by the Municipality. The request must include the documents required according to the nature of the permit or the certificate. After the form is properly completed, the designated officer must:

- Stamp and date all of the documents received;
- Provide to the person acquiring the permit, or his representative if applicable, the information list and documents required whenever a request is deemed incomplete.
- Determine the quality of the documents submitted. **He can at his discretion request all of the details or information which he deems necessary to the comprehension of the request and to the control of the observance of the provisions of the Planning By-laws.** It is the responsibility of the applicant or his representative to ensure his file is complete. Once the file is duly completed, the study of the compliance of the request will begin and the delay relating to the decision of issuing the permit will begin;
- Study the conformity of the request to the provisions of the Planning By-laws or to any other Municipal By-law;
- If the request is non-conforming, prepare a report detailing in writing the reasons that render this request non-conforming. This report is included with the permit request;
- Deliver to the applicant within the maximum time period stated in the present By-law, either the requested permit if the application is conforming, or the reason for the refusal if the request is non-conforming.

#### **4.1.1. Delay for issuing permits**

Within a delay of no more than thirty (30) days from the date when the request is deemed complete, the designated officer must issue the permit requested if the proposed work meets the requirements of the provincial and municipal sanitary authorities and of the provisions of the Municipal By-laws. If the request is refused, the designated officer must, within the same time period, inform the applicant in writing of his justified refusal.

#### 4.1.2 Possible recourse

If a request is refused, an applicant can choose one of the following avenues:

- Proceed with a modification to the project.
- Request a minor variance to the Planning By-laws, in accordance with the procedures decreed in the Minor variance Municipal By-Law.
- Request an amendment to the Planning By-laws, in accordance with the procedures decreed at article 1.9 of the present By-law.

### 4.2 CONSTRUCTION PERMIT

#### 4.2.1 Obligation to obtain a building permit

General rule: Interventions requiring a permit

No one can build a permanent or temporary construction, modify, repair, renovate, transform, whatever construction or a part of construction, install a prefabricated building, proceed with excavation work with the prospect of the construction or the installation of a construction, without having first obtained from the Municipality a permit for this purpose.

General rule: Interventions **not** requiring a permit

It is not however necessary to obtain a building permit for painting or for minor repairs necessary in the **normal maintenance** of the constructions (cornices, roofs, shingles, windows, doors, deck or balcony boards), when this work does not include any modification to the existing structure.

#### 4.2.2 Contents of the request for a building permit

The request for a building permit must be submitted in writing on the official forms of the Municipality. On this request, duly dated, must appear the surname, name and residence of the owner or his authorized agent, the cadastral identification, the surface area and the lot dimensions, details pertaining to the proposed work, the estimated time frame for the completion of the work and the cost estimation for the construction.

- When requesting a building permit for a main building, the request must include the documents mentioned at subsections 1 to 6.
- In the case of a first addition to a main building with a floor surface area of less than or equal to 19 m<sup>2</sup> or (200 square feet), either with an extension or an addition, the obligation to provide the documents mentioned at subsections 1 to 6, except for those of subsection 3, being: plans showing the elevations, sections, details and specifications of the construction project, is not required.

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- In the case of a permit request for the construction, the addition, the reconstruction, the renovation or the modification of a public building as defined by the *Loi sur la sécurité dans les édifices publics*, specifically a building, with a surface area of 300 square meters and more, destined to commerce, to industry or to a public use, **must** include the plans and specifications signed and sealed by a member of the Order of Architects. Furthermore, the foundation work, carpentry, electrical or mechanical systems for which the costs exceed one hundred thousand dollars (\$100,000.00) or work of the same nature performed on a public building as defined by the *Loi sur la sécurité dans les édifices publics* requires plans and specifications signed and sealed by a member of the Order of Engineers of the province of Québec or possess a written approval from this Order to practice in the province of Québec. The request must also include the documents mentioned at subsections 1 to 6.
  - In the case of a request for a building permit of a secondary building, the request must include the documents mentioned at subsections 2, 3 and 5.
  - In the case of a request for a building permit for an addition or a renovation to a main building, the request must include the documents mentioned at subsections 2 to 5.
  - In the case of a request for a building permit of an extension (increase of the ground surface area) to a main building of more than 19 m<sup>2</sup> or (200 square feet), this request may include the documents mentioned at subsections 1 to 6, see condition article 4.2.3. of the present By-Law.
  - In the case of a request for a building permit of a main building on an agricultural property (LPTAQ), the request must be accompanied by an authorization from the *Commission de protection du territoire agricole du Québec* (CPTAQ) and also include the documents mentioned at subsections 2 to 6.
- 1) A cadastral plan duly registered or a subdivision plan approved by the designated officer in accordance with Subdivision By-Law 033-05-2003 including a letter from a Land Surveyor attesting that the plans and official register were forwarded to the ministry responsible for the registration;
  - 2) A proposed site plan, completed by the applicant of the permit or by a Land Surveyor:

This plan must indicate:

- The location of the proposed building;
- The location of the existing buildings, constructions, structures and septic installations;
- The location of water courses;
- The surface area, the dimensions, the shape and cadastral identification of the lot;
- The adjacent roads;
- The natural high water lines;
- The driveway and the parking area;
- The well(s);
- The high voltage electrical power lines;
- The set-back margins;

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- The distance between the elements mentioned above.
- 3) The plans prepared by an architectural technologist or a representative or by the applicant of the permit – must show: elevations, sections, details and specifications demonstrating a clear picture of the construction project and of its occupation use – are required. These plans must be drawn to scale.
- 4) A plan of the septic installation prepared by the designated officer or by an engineer or by a technologist competent in this matter and member of a recognized corporation. The designated officer, if he deems a situation too complex, can decide not to prepare the plan and request from the applicant to have the plan prepared by an engineer or a technologist competent in this matter and member of a recognized corporation. This report plan must ensure the conformity of the proposed installation in relation to the applicable by-law governing these installations.

In certain cases, the plan of the septic installation must be analysed by the Ministère de l'environnement et de la Faune (MEF). Therefore, the authorization of the MEF must be tabled at the Municipality.

When there is the addition of bedrooms to the building, it is necessary before issuing the permit to obtain a report or an attestation from an engineer or a technologist competent in the matter and member of a recognized corporation or by the designated officer for the approval of the conformity of the septic installation. The designated officer, if he deems a situation too complex, can decide not to prepare this report or this attestation and request from the applicant to have these documents prepared by an engineer or a technologist competent in the matter and member of a recognized corporation.

- 5) An evaluation of the probable costs for the work.
- 6) A plan in accordance with the provisions of the Zoning By-law No. 032-05-2003, when an applicant declares that the lot targeted by this request presents risks relating to landslides.

The Municipality must provide a receipt to the applicant of the building permit request.

### **4.2.3 Conditions for issuing the building permit**

The designated officer issue a building permit if:

- The request is conforming to Planning By-laws and to the present By-law;
- The request includes all plans and documents requested by the present By-law;
- The cost for obtaining the permit has been paid;
- The land where each proposed main building is to be erected or an addition with a ground surface area of more than 61 m<sup>2</sup> (or 200 square feet), excluding its dependencies in the case of an existing main building, must form one or several distinct lots on the official cadastral plans in conformity with the subdivision standards or, if they do not conform with these standards, are

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protected by acquired rights, or the land must be described in a deed when it is located in territories without original surveying.

- In the case of work performed on a building and which does not increase the ground surface area and in the case of the construction of a secondary building, the condition to having received a subdivision permit, and therefore having the property on which the intervention is done cadastered, is not compulsory.
- In the case of work performed on a building and which does not increase the ground surface area and in the case of the construction of a secondary building, the condition to having received a subdivision permit, and therefore having the property on which the intervention is done cadastered, is not compulsory.
- The lot where the building is to be erected is adjacent to a public or private street, a public or private road or an existing right-of-way before the coming into force of the present By-law;
- The plan for the supply of drinkable water and purification of wastewater for the structure to be erected on the land must be in conformity with the Regulation on the evacuation and treatment of wastewater from isolated dwellings (R.S.Q., c. Q-2, r.8) or with a plan approved in accordance with the Environment Quality Act (R.S.Q., c. Q-2), or water and sewer systems being the subject of an authorization or permit according to law must be installed on the street or road along which the structure is projected or the law ordering their installation must be in force
- In the case of the addition of one or more bedrooms to an existing main building, the request must include:
  - A report from the designated officer or an engineer or a technologist competent in the matter and member of a recognized corporation, indicating that the existing septic installation is suitable to receive the proposed addition designated in conformity to the applicable By-law to this effect.

In certain cases, the plan of the septic installation must be analysed by the Ministère de l'environnement et de la Faune (MEF). Therefore, the authorization of the MEF must be tabled at the Municipality.

- In the case where the septic installation is not suitable to receive the proposed addition, a report from the designated officer or an engineer or a technologist competent in the matter and member of a recognized corporation, is required. This report, prepared and signed by this person, demonstrates the capacity of the septic installation to be compliant.
- The proposed construction is conforming to the provisions stipulated in the Zoning By-law.
- The construction in an agricultural zone erected by virtue of a right, a privilege or an authorization conferred by the *Loi de la protection du territoire agricole*



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(LPTAQ). The constructions are exempted from conforming to point 1 (regarding the casting of the lot) of Article 4.2.2.

### **4.2.4. Modifications to the plan**

The permit applicant is required to submit to the designated officer the modifications to the plan, when applicable, to render the site plan and/or the construction plans conforming to the Planning By-laws. Issuing of the building permit will be postponed insofar as the appropriate modifications have not been done.

### **4.2.5 Validity of the permit**

The permit is valid for a period of twelve (12) months. Any permit becomes null and void:

- If a person having committed an infraction to the Planning By-laws and to the present By-law fails to conform to the notice that was issued to him by the designated officer.
- If the construction has not started within six (6) months from the date the permit was issued.
- The permit can be renewed, only once, for a twelve (12) month period.

### **4.2.6 Posting of the permit**

The permit authorizing the construction, the modification, the repair, the demolition or the relocation of whatever building must be located in a visible area for the duration of the work, and on the lot where the work is being performed.

## **4.3 RELOCATION OF A MAIN BUILDING**

### **4.3.1 Obligation to obtain a permit authorizing the relocation**

Any person wishing to relocate and install a main building or whatever building on a lot, from one lot to another lot or from outside the Municipality to within the Municipality, must first obtain a permit to this effect from the designated officer.

### **4.3.2 Contents of the request for a relocation permit**

The request for a relocation permit must be submitted in writing on the official forms of the Municipality. The application form of a relocation permit of a main building being established within the municipal boundaries must include the following documents and information:

The name of the owner of the main building to be relocated;

- The name of the person or the company responsible for the relocation;
- A clear and recent photo, less than one (1) month old, of the different façades of the main building to be relocated;
- The lot number where the main building will be located;
- The type of main building, the present occupation use and the future use.

### **4.3.3 Conditions for issuing the permit**

The designated officer issues a relocation permit if:

- The request is conforming to the Planning By-laws and to the present By-law;
- The request includes all plans and documents required by the present By-law;
- The cost for obtaining the permit has been paid;
- Concrete foundations, beams or posts designed to support this building have been erected at the new location;
- For any relocated construction requiring modifications or repairs, a construction permit has been requested and issued prior to the relocation.

### **4.3.4 Validity of the relocation permit**

The relocation permit is valid for a period of one (1) month from the date the permit was issued.

## **4.4 DEMOLITION PERMIT**

### **4.4.1 Obligation to obtain a demolition permit**

Any person wishing to demolish a building must first obtain a permit to this effect.

### **4.4.2 Contents of the request for the demolition permit**

The request for a demolition permit must be submitted in writing on the official forms of the Municipality. This request, duly dated, must show the surname, name and place of residence of the owner or of his authorized agent, the cadastral identification of the lot, the details of the proposed work, the estimated time frame for the work.

The application form for the demolition permit must include the following information:

A site plan showing the structures to be demolished and those to be preserved if applicable, the well, the septic tank, the weeping field.

#### 4.4.3 Conditions for issuing this permit

- The request includes the information required at Article 4.4.2;
- The cost for obtaining the permit has been paid;
- The owner commits in writing to empty the septic tank, to fill in the foundation, to fill in or remove the septic tank, pool and surface well or to proceed with any intervention that could be required to render the property secure.

#### 4.4.4 Validity of the demolition permit

The demolition permit is valid for a maximum period of one (1) month from the date the permit was issued.

A demolition permit is not renewable.

### 4.5 CERTIFICATE OF AUTHORIZATION FOR THE USE OF A PROPERTY

#### 4.5.1 Obligation to obtain an authorization certificate for the use

Any person wishing to proceed with a modification to the use or intended use of a property, in total or in part, must beforehand, obtain from the designated officer a Certificate of Authorization for the use, attesting to the conformity of the use in relation to the Zoning By-law.

Furthermore, any person responsible for a proposal amendment for the use of a property, in total or in part, implies a construction project, a transformation, an addition or a repair, is also required to obtain a construction permit.

#### 4.5.2 Contents of the request for a Certificate of Authorization for the use

Any request for a Certificate of Authorization for the use, must be submitted in writing, on the official forms of the Municipality. In the case where the proposed use may have an incidence on the structure of the building, the request must include the documents or the plans drawn to scale, showing the existing uses of the building and those subjected to the request and including the payment of the certificate. These documents or plans must be prepared by a technologist or an architect when required by the "Loi sur les architectes", for example changing the use of a residence to a pool hall. In the case where the proposed use may have an incidence on the septic installation, the request must include the documents prepared in accordance with the provisions of Article 4.2.2 subsection 6 of the present By-law.

#### **4.5.3 Conditions for issuing the Certificate of Authorization for the use**

The authorization for a modification to the use of a property is subjected to a verification of the compliance to the proposed use and the uses permitted in the Zoning By-law.

#### **4.5.4 Caducity of the Certificate of Authorization for the use**

The certificate is null and void if the use for which it was intended is not in force within the twelve (12) months from the date the certificate was issued.

Following this delay, the applicant must submit a new request in accordance with the provisions of the By-law in force. The amount paid for the original certificate is not refundable.

### **4.6 PERMIT TO POST A SIGN**

#### **4.6.1 Obligation to obtain a permit to post a sign**

Whoever wishes to erect, extend, modify, relocate, install, a sign or an advertisement board within the territory of the Municipality, must first obtain from the designated officer a permit for this purpose in accordance with the provisions of the Planning By-laws.

#### **4.6.2 Request for a permit to post a sign (procedure)**

The permit request must be submitted in writing to the designated officer, on the forms provided for this purpose by the Municipality. This request must include the following documents and information:

The surname, name and address of the owner of the property where the sign will be located;

A sketch of the sign drawn to scale showing:

- Its size, its surface area, its height, the materials used and its location.

#### **4.6.3 Conditions for issuing a permit to post a sign**

A permit to post a sign cannot be issued unless it meets all of the provisions of the present Planning By-laws.

## **4.7 RESPONSIBILITY AND OBLIGATIONS OF THE APPLICANT FOR A PERMIT OR A CERTIFICATE**

### **4.7.1 General rule**

Issuing of a permit, the approval of plans, the inspections performed by the designated officer will not relieve the owner of a building or a property of his responsibility to perform the work or to have the work performed in accordance with the prescriptions of the present By-law and the By-laws and Laws which apply in kind.

### **4.7.2 Responsibility of the owner**

The owner is fully responsible to perform or have performed all of the construction work in accordance with the provisions of the Planning By-laws and in compliance to the information and/or the plan which the applicant has submitted to the Municipality during the request for the permit. It is not permitted to start any work before a construction permit or certificate is issued.

Any owner must:

Obtain all permits or authorizations relating to the proposed work;

Perform the work in full compliance with the plans and documents approved without making any modification unless it has been approved beforehand, in writing, by the designated officer;

Permit the designated officer to access, at any reasonable time, any building or premises, in order to ensure the respect of the Planning By-laws;

Ensure that the permit is posted and clearly visible in the work area and for the duration of the work project;

Perform or have performed at his costs the tests and necessary inspections to prove that the work is in conformity with the requirements of the Planning By-laws. He must forward to the designated officer, copies of all of the test and inspection results;

Provide the designated officer with a recent certificate of location showing the location of the building, when deemed necessary by the designated officer.

At the request of the designated officer, uncover and replace at his cost any work having been covered contrary to an order from the designated officer;

Pay the repair of all damages caused to public domain or to work located on the public domain that could occur because of work for which a permit is required according to the terms of the present By-law;

At no time, avoid the requirements of the present Planning By-laws or the conditions of the permit or certificate or to omit work required before having obtained, beforehand, the written authorization from the designated officer.

Ensure that no excavation work or other is performed on municipal property, that no building is constructed and that no material is stored before the designated officer has given his written consent.

### **4.7.3 Inspection**

When the work for which a permit was issued has progressed sufficiently or in the case of a permit issued for the construction of housing unit, which is occupied or livable, the permit applicant must inform the designated officer, so he can:

- Assure himself of the compliance of the work in relation to the municipal by-laws in force;
- Inform the M.R.C. to proceed with the inspection of the work in order to modify, if necessary, the assessment roll.

## **CHAPTER 5 COST OF PERMITS AND CERTIFICATES**

### **5.1 LIST OF COSTS**

Cost of the permits:

#### **For an agricultural and residential use**

New main building	\$50
Extension, addition or renovation to a main building	\$35
Secondary building	\$40
Full septic installation	\$40
Septic installation correction	\$40
Pool aboveground or inground	\$25
Dock	\$25
Other, for ex. Gazebo, deck...	\$25

Renewal of a permit 50% of the initial cost

#### **For a use other than agricultural and residential**

New main building	\$100
Extension, addition or renovation to a main building	\$70
Secondary building	\$70
Full septic installation	\$80
Septic installation correction	\$40
Pool aboveground or inground	\$25
Dock	\$25
Other, for ex. Gazebo, deck...	\$25

Renewal of a permit 50% of the initial cost

Demolition permit	\$20
Subdivision permit	\$25
Permit for the relocation of a main building	\$30
Permit to post a sign	\$ 0

*Municipality of Otter Lake*

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Cost of the Certificate:

Certificate of Authorization for the use	\$20
Cost for special requests: i.e. Certificate of conformity for a septic installation	\$10
Request for an amendment to the Planning By-laws	\$200



## **CHAPTER 6 RECOURSE AND SANCTIONS**

### **6.1 CONTRAVENTIONS TO THE PLANNING BY-LAWS**

When whoever contravenes the provisions of the Planning By-laws, the designated officer must :

- Order the work or the use to be suspended;
- Inform the owner in writing, by giving him instructions regarding the contravention.
- When the offender fails to respond to the notice within forty-eight (48) hours, the designated officer must undertake the necessary procedures in order to terminate the work or the use.

### **6.2 RECOURSE**

When an offender refuses or neglects to conform to an order issued by virtue of Article 5.1, the competent authority can address a request to the Superior Court in accordance with the Provincial Planning Act, to:

Order the work and uses non-conforming to the present By-law, to cease;

Order, at the owner's expense, the performance of the required work to render the use conforming to the Planning By-laws or, in the absence of other useful alternatives, the demolition of the construction or return the property to its original state;

Authorize the Municipality to perform the required work or the demolition or to return the property to its original state, in default by the owner of the building or the property, to proceed within the prescribed delay and to recover from the owner the costs incurred by means of a lien against the property, registered on the property tax;

When the owner omits to post the permit(s) or certificate(s), the costs relating to the verification are at the owner's expense;

Any offender is also subjected to, in addition to the sanctions provided by the Planning By-laws, to all recourses or sanctions provided by the Laws and By-laws in force in the Municipality of Otter Lake.

### **6.3 SANCTIONS**

Upon sentencing by the Municipal Court of the offender or of whoever has failed to conform to the Planning By-laws.

Each day during which an infraction to the Planning By-laws is allowed to continue or persists, constitutes a distinct and separate infraction. The offender is subject to:

A fine of three hundred (\$300.00) dollars plus fees;

Failure to pay the fine and the fees, the offender is subject to a prison term not exceeding three (3) months.

### **6.4 CIVIL LAW RECOURSE**

Notwithstanding the recourse by penal legal action, the Council could exercise, before the civil jurisdiction tribunals, all recourses of civil law necessary to ensure the respect of the provisions of the Planning By-laws.

## **CHAPTER 7**

### **7.1 ABROGATIVE DISPOSITION**

The present By-law abrogates all regulatory provisions of same, specifically By-law number 136-001 and its amendments.

## **CHAPTER 8**

### **8.1 EFFECTIVE DATE**

The present By-law will come into force following the accomplishment of all formalities provided by the Law.

GIVEN AT OTTER LAKE, QUEBEC this XX<sup>th</sup> day of September 2004.

.....  
Terry Richard,  
Mayor

.....  
Anita Lafleur,  
Secretary-Treasurer

Adoption date of the Notice of Motion: May 27, 2003

Adoption date of the Draft By-law: May 27, 2003

Date of the Public Consultation: June 14, 2003

Adoption date of the By-law: *October 4, 2005*

Reception date of conformity certificate: