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Municipality of Otter Lake

- Construction By-law -

No. 034-05-2003

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**CHAPTER 1 **DECLARATORY AND INTERPRETATIVE
DISPOSITIONS****

1.1 *TITLE OF THE BY-LAW*

The present By-law is the Construction By-law No. 034-05-2003. The interpretation and administrative rules of the Planning By-laws regulating the present By-law are found in By-law No. 031-050-2003.

1.2 *OBJECTIVES*

This By-law specifies the construction standards that are applicable and regulated by the Municipality within the boundaries of its territory

1.3 *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.

1.4 *REPLACED BY-LAW*

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

Construction By-law of the Municipality of Otter Lake number 136-004 and its amendments;

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

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

1.5 *AMENDMENTS*

The provisions of this By-law cannot be adopted, modified or abrogated except by an approved By-law, in accordance with the applicable provisions of the Provincial Planning Act.

CHAPTER 2 ADMINISTRATIVE DISPOSITIONS

2.1 FIELD OF APPLICATION

The present By-law is **applicable**:

To every building and part of building.

To every building damaged by fire, by an earthquake or any other factor for which work is required and to the reconstruction of the damaged areas of the building;

To every building for which a dangerous condition exists within or in proximity and for which work is required to suppress this dangerous condition;

The present By-law is **not applicable**, obtaining a building permit is however necessary:

To public work performed in a roadway;

To poles and pylons owned by the Public Utility Service, to self-supporting structures or television transmission antennas, radio or other means of public utility telecommunication;

To dams and hydroelectric constructions or flow regulators including mechanical equipment or others not mentioned specifically in this present By-law;

In the case of seasonal dwellings, all of the requirements of the present By-law concerning permanent residences must be respected, **except** for thermal insulation standards and standards relating to foundations.

2.2 RESPONSIBILITIES OF THE OWNER

The owner is fully responsible to perform or to have performed all of the construction work in accordance with the Laws, standards or By-laws Federal, Provincial and Municipal.

CHAPTER 3 ARCHITECTURE

3.1 EXTERIOR COVERING MATERIALS PROHIBITED ON A MAIN BUILDING

The following exterior covering materials are prohibited on main buildings:

Tar or mineralized paper or other similar papers;

Asphalt shingles as a wall covering;

Paper imitating or attempting to imitate stone, brick or other natural materials, in bundles, rolls, cardboard sheets or others;

Rigid or thermal insulation materials or others;

Plywood, pressed wood sheets and metallic panels that are non-architectural.

3.2 EXTERIOR COVERING

The exterior covering of every proposed building as shown on the construction plan submitted for approval, must be installed before the expiry of the building permit or of its renewal, if applicable.

3.3 BUILDING IN THE FORM OF A HALF-CYLINDER

Is prohibited in all of the Municipality, having the general form of a horizontal half cylinder, defined as the walls and the roof forming a whole and of which the transversal cut is a continuous line, more or less circular or elliptic.

Farm buildings constructed on exploited agricultural land **are excluded** from this rule, but they must be built in accordance with trade practices.

3.4 BUILDINGS WITH COMBINED USES

In a building where we find a residential use combined to a use in the commercial category, each of the two uses must have a separate entrance (door). However, this rule is not applicable to a complementary residential use where the access to the housing unit and that of the commercial use, can be the same.

3.5 TEMPORARY CONSTRUCTION OR INSTALLATION ON A CONSTRUCTION SITE

On a construction work site for which a building permit was issued and is valid, it is permitted to install, for the period of validity of the construction permit, a camper trailer, a commercial vehicle or a trailer.

3.6 ACCESS TO THE HOUSING UNIT

Each of the housing units must be accessible without having to go through another housing unit.

CHAPTER 4 SPECIAL DISPOSITIONS

4.1 OBSTRUCTION OF THE SIDEWALK OR OF THE PUBLIC ROADWAY

No door or gate, by opening, will obstruct in any manner either the sidewalk or the public roadway.

The Municipality can have removed at the owner's expense, stoops, stairs, porches, balustrades, decks, buildings or other constructions that encroach on the alignment of the road or obstruct the public roadway.

4.2 RETAINING WALL

In all cases deemed necessary by the designated officer, during the construction of a retaining wall having a height of one (1) meter or more at any given point, a plan prepared by an engineer or an architect can be requested. This plan must show, in a non-restrictive manner, the topography of the existing ground, the modified ground, the elevation, the plan and a section of the proposed wall and confirm the stability of the intervention proposed by the applicant.

The use of tires is prohibited in the construction of retaining walls.

A safety fence must be installed at the summit of any part of a retaining wall giving onto a public roadway and exceeding a continuous height of two (2) meters, measured on the opposite side of the ground being retained.

When the designated officer deems that an existing retaining wall presents risks to public safety, he can request an engineer's certificate attesting to the stability of the retaining wall or request its demolition.

4.3 SNOW AND ICE

Every owner or occupant will be obligated to remove snow and ice from the roof of houses or other buildings constructed bordering a public road if this snow and this ice constitute a danger to the public.

4.4 DANGEROUS OR DETERIORATED CONSTRUCTION

When a construction is in a state such as to endanger the safety of persons, -first – the designated officer informs the owner in writing that the required work to ensure the safety of the persons must be performed immediately or the construction rendered inaccessible, upon observation of the dangerous state. All measures to protect public safety must be taken by the owner, at his costs; such measures can include the installation of barricades, intermittent lights, supports or guards.

Second, this dangerous or deteriorated construction must be returned to its original safety state or demolished, no later than ninety (90) days after the designated officer issued the written notice following the observation of the dangerous state.

4.5 DANGEROUS EXCAVATION

A fence of at least two (2) meters in height must be erected around dangerous excavations or dangerous construction sites, in order to prevent access by the public.

4.6 UNOCCUPIED, INCOMPLETE OR ABANDONED CONSTRUCTION

All unoccupied, incomplete or abandoned construction must be appropriately closed or barricaded as to prevent any accidents. In the case where work would be stopped for a consecutive thirty (30) day period, all incomplete construction must be appropriately closed or barricaded within thirty (30) days following this work stoppage.

4.7 MAINTENANCE OF THE BUILDINGS

Main buildings including their annexes must be kept in good order, repaired and painted when necessary.

4.8 PROHIBITED INSTALLATION AND/OR CONSTRUCTION

The use of railway cars, tramways, busses or any other vehicle not manufactured to shelter persons, disused or not, and of the same nature, is prohibited for all purposes.

4.9 POOLS

All pools must be built or installed in conformity with the present by-laws and respect the set-back margins applicable to the zones where the pool is located. The pool must not cover more than 1/3 of the lot on which it is installed.

4.9.1 Dispositions applicable to pools

Any pool of more than 0.5 metres (1.64 feet) must be surrounded by a fence or an approved wall. The said pool must be a minimum of 1.2 m (3.9 feet) high. The owner has the responsibility of ensuring that the door is equipped with a lock.

When a pool is above-ground, an integrally mounted fence of seventy-five (75) centimetres over the pool and a minimum total height of one metre twenty (1.2 m) above the adjacent ground level can serve as a mandatory fence or a pool with an elevated patio. However, the fence must completely surround the pool;

Walkways around the pool must be built using slip resistant materials and have a minimum width of 0.6 metres (1.96 feet);

Any lighting used around a pool must not adversely affect neighboring properties;

Draining of the pool must not interfere or cause drainage problems to neighboring properties, and the operation of the pool and its equipment must always be free of objectionable odors, gas smoke, not be too noisy nor spill any type of waste.

4.9.2 Use of the pool

No new pool can be used before receiving the proper authorization from the designated officer.

4.10 GARBAGE STORAGE AREA FOR RESTAURANTS

Each restaurant operator must build and maintain an enclosed storage area to hold all garbage. This area must be constructed in such a way as to prevent all access to animals and insects.

CHAPTER 5 ABROGATIVE DISPOSITIONS

The present By-law abrogates all regulatory provisions of same, and more specifically By-law No. 136-004 and its amendments.

CHAPTER 6 EFFECTIVE DATE

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

GIVEN AT OTTER LAKE, QUÉBEC this XXth day of September 2004.

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Terry Richard,
Mayor

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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: *4 October 2005*

Reception date of conformity certificate: