

Consultation version

In case of discrepancy, the French version shall prevail



VILLE DE LAC-BROME
TOWN OF BROME LAKE

**BY-LAW ON THE CONDITIONS FOR
THE ISSUANCE OF BUILDING PERMITS no 600**

August 2013

ADMINISTRATIVE CODIFICATION

Amended by	By-law 600-1	EEV 2015-10-27
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Town of Brome Lake
Town clerk's office

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**CANADA
PROVINCE OF QUEBEC
TOWN OF BROME LAKE**

BY-LAW ON THE CONDITIONS FOR THE ISSUANCE OF BUILDING PERMITS

At a regular meeting of the Town Council held in the Fulford Hall on August 5, 2013, in accordance with the law, at which were present Councillors Marta Gubert Gomes and Cynthia Wilkinson and Councillors Donald Gagné, Thomas McGovern, Jacques Lecours and Patrick Ouvrard, forming quorum under the chairmanship of Mayor Gilles Decelles.

BY-LAW no. 600

- WHEREAS a municipality has the power to revise its planning program every five years, in accordance with section 10.3.1 of the Act respecting land use planning and development;
- WHEREAS the Town of Brome Lake decided to undertake such a procedure in 2009;
- WHEREAS that at the meeting of May 15, 2013, the Council adopted a first draft by-law replacing the current Urban Plan, in accordance with articles 110.3.1 and 109.1 of the aforementioned Act;
- WHEREAS that, in order to implement its new urban plan, Town of Brome Lake wishes to avail itself of the special procedure for the replacement of its by-law governing the issuance of permits provided for in section 110.10.1 of the aforementioned Act;
- WHEREAS that at the council meeting of July 2, 2013 a notice of motion with dispensation from reading was given by Councillor Jacques Lecours;
- WHEREAS that all Councillors have had the opportunity to examine the said draft by-law and that it has been made available for public consultation at Town Hall;
- WHEREAS that on June 8, 2013, this by-law was submitted to the public for consultation;
- WHEREAS on this occasion, Council heard those wishing to express their views on the content of the aforementioned by-law;

CONSEQUENTLY:

It is proposed by Councillor Patrick Ouvrard, seconded by Councillor Jacques Lecours, and unanimously carried to adopt By-law number 600 replacing Building Permit By-law no. 359.

CHAPTER I: DECLARATORY AND INTERPRETIVE PROVISIONS

SECTION I : DECLARATORY PROVISIONS

1. TITLE

This by-law shall be known as the “By-law on conditions for the issuance of building permits”

2. TERRITORY AFFECTED

The present by-law applies to the entire territory of Town of Brome Lake.

3. REPLACED BY-LAWS

This by-law replaces by-law no. 359 and its amendments.

SECTION II: INTERPRETIVE PROVISIONS

4. TERMINOLOGY

The words and expressions used in this by-law have the meaning given to them in order of precedence:

1° The present by-law;

2° The zoning by-law;

3° The Subdivision By-law;

4° Building by-law.

5. SPECIFIC DEFINITIONS

Unless the context indicates otherwise, the following definitions apply:

« **adjacent à une rue** » - “**Adjacent to a street**”: means a lot with a front lot line as defined in the subdivision by-law. Also considered adjacent is any vacant lot or the site of a construction erected and used in accordance with the by-laws in effect on June 20, 1984, which does not have a front line, and for which a right-of-way or access to a public street is registered at the registry office and encumbering the lot on that date;

« **inspecteur en bâtiment** » - “**Building inspector**”: Official designated by the municipal council, in accordance with the Act. Also includes assistant building inspector;

« **sur la rue en bordure** » - «**on the bordering street**» “The expression “on the bordering street” means that the entire front lot line runs along the street served by the aqueduct and sewer or otherwise served, or a street for which the by-law decreeing their installation is in force. For a corner lot, this expression means that at least one of the two

front lot lines must run entirely along the street served, or that a by-law decreeing the installation of the networks is in force.

CHAPTER II: ADMINISTRATIVE PROVISIONS

SECTION I: APPLICATION OF THE BY-LAW

6. ADMINISTRATION OF THE BY-LAW

The Town's Department of Urban Planning and the Environment is responsible for the administration of this by-law.

7. APPLICATION

The building inspector is responsible for enforcing the present by-law. In particular, he is authorized to issue a notice of offence for any violation of the present by-law.

Council may, by resolution or by-law, authorize any other person to issue a statement of offence for any infraction of this by-law.

8. POWERS OF THE PERSON RESPONSIBLE FOR APPLYING THIS BY-LAW

The person responsible for enforcing the by-law exercises the powers conferred upon him or her by this by-law, and in particular:

1° May visit and examine, between 7 a.m. and 7 p.m., any immovable or movable property as well as the interior or exterior of any house, building or edifice to ascertain whether this by-law, other by-laws or resolutions of the council are being complied with, to verify any information or to ascertain any fact necessary for the municipality to exercise the power to issue a permit, to issue a notice of compliance of an application, to give an authorization or any other form of permission, conferred upon it by an Act or by-law. In a territory declared a permanent agricultural zone by the Act respecting the preservation of agricultural land and agricultural activities (LPTAA), the building inspector may be assisted by an agronomist, a veterinarian, a professional technologist or a land surveyor, in order to gather any information or observe any fact necessary for the application of a separating standard;

2° May give formal notice to temporarily evacuate any building that could endanger the life of anyone;

3° May give formal notice to carry out any repair work he deems necessary for the safety of the building, and recommend any emergency measures to the council;

4° May give formal notice to rectify any situation constituting an offence under the present by-law;

5° May take any necessary measures to stop the construction, occupation or use of a part of a lot, a property, a building or a structure that is incompatible with the present by-law. *(amended by by-law 600-1)*

9. OBLIGATION TO ALLOW THE INSPECTOR TO VISIT

The owner or occupant of any movable or immovable property, house, building or structure whatsoever is obliged to allow the person responsible for enforcing the by-law to enter for the purpose of examination or verification between 7 a.m. and 7 p.m., with respect to the enforcement of or compliance with this by-law, other by-laws or Council resolutions.

Upon request, the person in charge of enforcing the by-law must provide proof of his or her identity and show the certificate issued by the municipality attesting to his or her status.

SECTION II: FINES AND PENALTIES

10. OFFENSES AND PENALTIES

Anyone who contravenes a provision of this by-law commits an offence and is liable:

1° For a first offence, to a fine of \$500 to \$1,000 in the case of a physical person, or to a fine of \$1,000 to \$2,000 in the case of a legal entity; *(amended by by-law 600-1)*

2° In the case of a second or subsequent offence, to a fine of \$1,000 to \$2,000 in the case of a physical person, or \$2,000 to \$4,000 in the case of a legal entity. *(amended by by-law 600-1)*

11. CONTINUOUS OFFENCE

When an offence has lasted more than one day, the penalty is applied for each day or fraction of a day that the offence has lasted.

12. RECURRENCE

Where the regulation provides for a heavier penalty in case of repeated offence, it may be imposed only if the repeated offence took place within two years of the offender's conviction for an offence under the same provision as that for which the heavier penalty is sought.

13. LEGAL RECOURSE

In addition to legal recourse, the Town may exercise before the courts all civil recourses at its disposal to ensure compliance with the provisions of the present by-law.

14. FEES

Fees are added to the penalties provided for in the present by-law. They include costs related to the execution of the judgment.

CHAPTER III: BUILDING PERMIT

15. CONDITIONS FOR ISSUING A BUILDING PERMIT

Table I hereafter lists the conditions for issuing a building permit for the various zones delineated on the zoning plan that forms an integral part of the zoning by-law.

TABLE I
ISSUE OF BUILDING PERMIT

ISSUANCE CONDITIONS OF THE BUILDING PERMIT	ZONES For all zones identified on the zoning plan
The lot on which each proposed construction is to be erected, including its appurtenances, forms one or more distinct lots on the official cadastre plans, which comply with the subdivision by-law or, if they do not comply, are protected by acquired rights. <i>(amended by by-law 600-1)</i>	X^{1,2,3,4}
Water and sewer services for which an authorization or permit has been issued under the law are established on the bordering street on which construction is planned, or if the by-law decreeing their installation is in force.	X⁵
In the event that water and sewer services are not installed on the bordering street on which a construction is planned, or the by-law decreeing their installation is not in force, the drinking water supply and wastewater treatment projects for the construction to be erected on the lot must comply with the Environment Quality Act and the by-laws enacted under its authority, or with municipal by-laws dealing with the same subject matter.	X⁵
The lot on which each proposed construction is to be erected is adjacent to a public or private street that complies with the subdivision by-law.	X^{2,6,7}

- 1- This condition does not apply to any proposed construction whose location is identical to that of an existing construction or for a shed of 10 m² or less (subject to condition 4).
- 2- Does not apply to constructions for agricultural purposes on land under cultivation.
- 3- This condition does not apply to any proposed construction for which it has been demonstrated to the building inspector that it will not be erected on land belonging to different owners (subject to condition 4).
- 4- The conditions mentioned in 1 and 3 do not apply when the estimated cost of the cadastral operation to create one or more separate lots with the land on which the construction is to be erected does not exceed 10% of the estimated cost of the construction.
- 5- Does not apply to constructions for agricultural purposes on land under cultivation, except for housing.
- 6- Does not apply to zone R-3-I15.
- 7- For the UREC-1-E15 zone, the lot on which each protected structure is to be erected must be adjacent to a public street.

COMING INTO FORCE

This by-law comes into force in accordance with the law.

Gilles Decelles, Mayor

M^e Edwin John Sullivan, Town clerk

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