

Construction Bylaw

*In the case of discrepancy between the English version
and the French version of this bylaw, only the French
version is considered valid for the application of the bylaw*

Bylaw 2012-004

Construction

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 construction bylaw 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 present bylaw was also 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 Vanessa Goodwin
Seconded by Miles Clarke
And unanimously approved by the Councillors present

THAT bylaw number 2012-004, 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 2012-004 is entitled “Construction Bylaw”.

Article 1.2 PREAMBLE AND ANNEXES

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

Article 1.3 PURPOSE OF THE BYLAW

The purpose of this bylaw is to ensure a rational, harmonious and integrated development of the Municipality of Grosse Ile, while ensuring the quality of constructions by minimal conception standards.

This bylaw constitutes a means to implement a rational policy for the physical development of the municipality.

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 former construction bylaw of the Municipality of Grosse Ile.

CHAPTER 2

INTERPRETATIVE PROVISIONS

Article 2.1 DIVERGENCES 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

CONSTRUCTION PROVISIONS

Article 3.1 CONSTRUCTION NORMS

3.1.1 Materials and assembly

Foundations

All main buildings, with the exception of mobile homes and agricultural buildings, must have continuous foundations made of stone, concrete, cement blocks or be supported by cement, steel or wooden pillars.

Prohibited facing materials

The following materials are prohibited for exterior facing or finishing:

- tar paper or mineralized paper or other similar papers;
- paper that imitates or that attempts to imitate stone, bricks or other natural materials, in packages, rolls, cardboard sheets and other similar papers;
- plywood and particle-board panels;
- concrete blocks not covered by a finishing material;
- polyethylene and any type of canvas and fiberglass panels, except for porticos, greenhouses, car ports, temporary garages and agricultural buildings;
- asphalt shingles on walls;
- steel or any other sheet metal, except for exterior finishing on new industrial, agricultural or secondary buildings.

Prohibited insulation materials

The following are prohibited as insulating materials:

- urea formaldehyde foam;
- sawdust;
- wood chips;
- eelgrass;

Architectural appearance and form

No building is to be constructed or modified, entirely or in part, to take the shape of human beings, animals, fruits, vegetables or other similar objects.

Moreover, with the exception of buildings used for agricultural purposes and located in an agricultural zone, the construction of free-standing metal domes is also prohibited within the Municipality's territory.

Use of vehicles or other means or transportation equipment

The permanent or temporary use of unused vehicles such as automobiles, buses, railroad cars or streetcars, boats, airplanes, trailers or containers, as a main or secondary building is prohibited.

Exceptionally, the use of a trailer is authorized for office purposes or for storage of materials or for the purpose of a business office on a construction site while the work is being carried out.

Article 3.2 BUILDING MAINTENANCE AND FINISHING

3.2.1 Building maintenance and finishing

Buildings and structures must be maintained in good condition, be repaired when necessary and painted or have a protective coating applied if necessary. Moreover, the exterior finishing must be kept in good condition.

Exterior finishing on a building must be completed within the 12 months following the date that the permit was issued.

Article 3.3 STABILITY, PUBLIC HEALTH, SECURITY OR INSULATION STANDARDS

3.3.1 Foundations

All foundations, excluding those of mobile homes and secondary buildings, must be waterproof and be at a sufficient depth in order to be protected from frost or be on rock.

3.3.2 Presence of vermin or rodents

Any condition of nature that provokes the presence of vermin or rodents or animals that are harmful to public health, must be eliminated from buildings; the necessary measures must be taken to exterminate them and prevent their reappearance.

3.3.3 Unoccupied, incomplete or disaster-affected structures

Any structure that is unoccupied, incomplete or having been the object of a disaster must be adequately enclosed or barricaded in order to prevent accidents. In the case of a disaster, these measures must be taken, at the latest, within the 5 days following the event.

3.3.4 Structure destroyed, entirely or in part, by a disaster

In the 30 days following the date of the disaster, work must be undertaken to renovate or to demolish any structure destroyed entirely or in part by a disaster, with exception to the sections that still meet the construction standards set forth in this bylaw.

3.3.5 Deadline relative to the restoration or demolition of a disaster-affected structure

The work to renovate any structure destroyed, entirely or in part, by a disaster must be completed within a maximum period of 1 year, calculated from the date of the disaster.

Demolition work of any structure destroyed, entirely or in part, by a disaster must be completed within a maximum period of 90 days, calculated from the date of the disaster.

3.3.6 Obligation to repair or demolish a building

When a building is destroyed, becomes hazardous or has lost at least half of its value entered on the evaluation role following a fire or another cause, and is in a state as such that can be dangerous to people, the Municipality can take legal action in order to oblige the owner of the building or any other person who is responsible for it to carry out, in accordance with the provisions of this bylaw, the necessary reconstruction or repair work to ensure the safety of people. If no other useful approach can be found, and if the owner was implicated, the Municipality can take legal action in order to oblige him to demolish the building. Failing to do so in the specified time period, the Municipality may carry out the necessary work or proceed with the demolition of the building at the owner's expense.

In the case of an exceptional emergency or when the owner of the building or the person responsible for it, is unknown, cannot be found or uncertain, the Municipality, with a favorable judgment, can carry out the necessary work or proceed with the immediate demolition of the building. Following this, the Municipality may claim the cost of this work or demolition from the building owner, if he is known and can be found.

In all cases, the Municipality, with a favorable judgment, can also order people to evacuate the building within the time period specified by the Municipality.

3.3.7 Unused Foundations

Unused foundations, including a hollow that was used or will eventually be used as a basement, must be surrounded by a non-openwork fence, made of wooden boards that are at least 1 m (3,3 ft) high. The owner has 30 days to erect this fence, thus ensuring the safety of the area.

Unused foundations of a building destroyed by fire or relocated must be razed within the 3 months following the date of the fire or the relocation, and the interior space delimited by these must be filled in. If these foundations can still be used, they must be decked in by the owner, within the 3 months following the date of the fire or the relocation.

At the expiry of these time periods, upon reception of a notice given to this effect by the designated municipal officer, the owner will have 30 days to carry out the required work. Failing to comply with this stipulation in the prescribed time period, the Municipality will have the said work carried out at the expense of the owner.

Article 3.4 BUILDING DEMOLITION

3.4.1 Interruption of public services

Any person who requests an authorization certificate to demolish a building must be able to prove to the designated municipal officer that he notified, at least 10 days before the demolition or relocation work, any business providing electricity, telephone, cable distribution services, or any other service susceptible to be affected by the work, that the said service will be interrupted beginning on such a date.

3.4.2 Measures to take after demolition

Within the 10 days following the completion of the demolition work, the owner must clear the land of any debris or material resulting from the demolished building in order to leave the site in clean condition.

Open holes must be filled in to ground level. If not, the land must be enclosed in a way that it cannot be entered within the 30 days following the demolition date.

3.4.3 Destruction or disposal of debris and materials

It is forbidden to burn or bury on the construction or demolition site, the materials or debris resulting from this construction or demolition.

Article 3.5 SEPTIC INSTALLATION

All septic installations must be in accordance with the regulations on the evacuation and treatment of liquid waste of isolated residences (L.R.Q., Chapter Q-2, r-8).

Article 3.6 LAND DEVELOPMENT NORMS

3.6.1 Bathrooms and toilets

Each lodging must have a closed room large enough to contain a bathtub or shower, a toilet and a sink. This room must have a window that opens or a fan connected to the exterior.

3.6.2 Windows

With the exception of the bathroom, storage areas and rooms located in a basement and used by the owner, any closed room must have a window.

3.6.3 Exits

All lodgings must have at least 2 exits giving access to the exterior of the building.

Article 3.7 PROVISIONS APPLICABLE TO MOBILE HOMES

3.7.1 Platform

A platform must be built on each mobile home lot and designed in a way that it will support the anticipated maximum weight of a mobile home in any season, and also to prevent sagging or any other type of movement.

3.7.2 Supports

On this platform, the mobile home must be supported and fastened down with pillars, posts or other acceptable ways firmly fixed at a sufficient depth to prevent any movement caused by frost, and in a way to support the anticipated weight at the corners of the chassis indicated by the manufacturer. Particularly, in the case of an extensible unit, we must ensure that all parts of the mobile home are in a stable position.

3.7.3 Moorings fixed in the ground

Moorings, having the form of metal grommets encased in concrete molded in place, corkscrew screws or arrowhead anchors, must be placed at all angles of the mobile home platform and in places where they may be needed to solidly secure the mobile home and make it able to resist extensive winds. These devices for anchoring the chassis of the mobile home must be secured to a cable or any other approved device. The mooring itself and the means for connecting it must be able to resist a tension of at least 2180 kilograms.

CHAPTER 4

FINAL PROVISIONS

Article 4.1 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 4.2 VIOLATION REPORT

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

Article 4.3 LEGAL PROCEEDINGS

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

Article 4.4 LEGAL PROCEEDINGS INITIATIVE

Only the council is entitled to authorize legal proceedings.

Article 4.5 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 4.6 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