



MORIN-HEIGHTS
1855

DRAFT - By-Law 644-2022
Regarding Construction

September 14, 2022

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CHAPTER I: DECLARATORY, ADMINISTRATIVE, AND INTERPRETIVE PROVISIONS

DIVISION A – DECLARATORY PROVISIONS

1. Title of the by-law

This by-law shall be known as “By-Law 644-2022 Regarding Construction.”

2. Superseded by-law

This by-law supersedes, for all legal purposes, *By-Law 418 Regarding Construction* and its amendments, as well as any irreconcilable provisions of other by-laws.

This replacement does not affect the permits and certificates issued under the authority of the superseded by-law or the rights acquired before this by-law came into force.

3. Scope

This by-law applies to all people and throughout the entire territory of the Municipality of Morin-Heights.

4. Activities and compliance

All activities relating to a structure or work, or part thereof, must be carried out in accordance with this by-law.

Certain activities require permits or certificates under the *By-Law Regarding Permits and Certificates*.

Compliance with this by-law does not release any person from the obligation to comply with any other provincial or federal legislation or any other municipal by-laws applicable to the matter.

5. Schedules

For all legal purposes, the schedules attached to this by-law are considered an integral part thereof.

6. Adoption in parts

This by-law is enacted chapter by chapter, division by division, section by section, paragraph by paragraph, and subparagraph by subparagraph so that if any part of this by-law is declared null and void by a court of law, the decision shall not affect the remaining parts of the by-law except to the extent that the meaning and scope of the by-law or any of its provisions are thereby altered or modified.

7. Entry into force

This by-law shall come into force in accordance with the law.

DIVISION B – ADMINISTRATIVE PROVISIONS

8. Administration of the by-law

The administration and enforcement of this by-law shall be the responsibility of the designated official, whose powers are detailed in the *By-Law Regarding Permits and Certificates*.

9. Infractions and penalties

Any person who contravenes, or permits or tolerates the contravention, of any provision of this by-law; performs construction without a permit; or maintains a condition that requires a certificate without having first obtained one is guilty of an infraction. Individuals who commit such infractions shall be liable to a fine of not less than \$500 and not more than

\$1,000; legal persons who commit such infractions shall be liable to a fine of not less than \$1,000 and not more than \$2,000.

For repeat infractions, individuals shall be liable to a fine of \$1,000 to \$2,000 plus costs and legal persons shall be liable to a fine of \$2,000 to \$4,000 plus costs.

If the infraction is of a continuous nature, it shall constitute a separate infraction each day and the offender shall be liable to the aforementioned fine for each day on which the infraction continues.

DIVISION C – INTERPRETIVE PROVISIONS

10. Rules of interpretation

The following rules of interpretation shall apply to this by-law in the event of conflicting provisions:

1. The most specific of the provisions shall prevail.
2. The most restrictive of the provisions shall prevail.
3. In the event of a discrepancy between a table, an illustration, or a title and the text, the text shall prevail.

11. Structure

This by-law is structured as follows:

Chapter I: Chapter

Division A – Division

1. Section
 - Paragraph
 1. Subparagraph
 - a) Clause

12. Definition

Unless the context otherwise dictates, words and phrases have the meaning assigned to them in the *By-Law Regarding Permits and Certificates*. If a word or expression is not defined, it is understood to have its common dictionary meaning.

CHAPTER II: PROVISIONS RELATING TO CONSTRUCTION

DIVISION A – CONSTRUCTION STANDARDS FOR BUILDINGS AND STRUCTURES

13. Compliance with building codes

The applicant for a permit or certificate is responsible for preparing and submitting plans that comply with the *Quebec Construction Code*, the *Quebec Safety Code*, and other codes in force under the *Building Act* (CQLR c. B-1.1).

If the drafter of the plans is not a technologist, architect, or engineer, the applicant or drafter must attach a signed letter certifying that the plans submitted comply with the applicable codes.

14. Foundations

A building or structure must be supported on one of the following types of foundations:

1. On continuous foundations of cast-in-place monolithic concrete;
2. On a concrete slab on the ground;
3. On screwed piles or on concrete or steel pilings, if at least 70% of the footprint is a foundation described in paragraphs 1 or 2.

When piles or pilings are used for an area of 25 m² or more or for a building that will be inhabited, the plans must be signed and sealed by an engineer.

The requirement of the first paragraph does not apply in the following cases:

1. Accessory buildings with a footprint of less than 25 m²;
2. Accessory structures;
3. Temporary buildings and structures.

In the cases provided in the third paragraph, wooden pilings are authorized.

15. Anchoring a mobile home

Notwithstanding the foundation requirements in this division, it is prohibited to install a mobile home on a foundation.

A mobile home must be anchored in such a way that it can withstand the wind. The anchor system must be recommended by a professional at the time of application for a permit or certificate.

Wheels, coupling devices, and all other rolling equipment must be removed within a maximum of 30 days after the mobile home is placed on the lot.

16. Overhanging structure

Overhanging structures are permitted under the following conditions:

1. The maximum depth of the structure is 3 metres, measured perpendicularly from the plane of the main wall in question, which is resting on a foundation.
2. If the depth of the overhanging structure is greater than 1.5 metres, measured perpendicularly from the plane of the main wall in question, which is resting on a foundation, a technologist, architect, or engineer must certify the structural capacity of the building.

17. Garage door

For buildings where the main use is residential, electric garage doors must be equipped with a reversing sensor.

18. Protective mesh for chimneys

All chimneys must be equipped with a protective mesh.

19. Snow guard

The owner of a building whose roof edge projection is less than 3 metres from the street and whose roof pitch is greater than 8/12 must take suitable measures to prevent snow from falling onto public property, for example, by installing a snow guard.

The owner must also take suitable measures to prevent water from falling onto public property, whether or not it forms an accumulation of ice, for example, by installing gutters.

20. Flood plain flood-proofing measures

Structures and works authorized in a flood plain under the *By-Law Regarding Zoning* must respect the following flood-proofing rules, which must be adapted to the context of the infrastructure in question:

1. No opening (window, window well, access door, garage, etc.) must be below the 100-year flood level.
2. No ground floor must be below the 100-year flood level.
3. Drains must be equipped with check valves.
4. For any structure or part of a structure located below the 100-year flood level, a study must be produced demonstrating the capacity of the structure to withstand the flood, including calculations relating to:
 - a) Waterproofing
 - b) Structural stability
 - c) Necessary reinforcement
 - d) Pumping capacity to remove seepage water
 - e) The compressive and tensile strength of the concrete
5. Backfill must be limited to immediate protection around the structure or work in question and must not extend over the entire property where it is located. The average slope from the top of the backfill adjacent to the protected structure or work to the bottom must be at least 33.3% (ratio of 1:3 vertical to horizontal).

When flood-proofing measures are being applied, if the flood plain shown on a map has been determined without a 100-year flood elevation, the 100-year flood elevation must be replaced by the highest water level of the flood used to determine the flood plain boundary, plus 0.30 metres for safety reasons.

21. Fortification of buildings

The fortification of a building or the use of fortification elements is prohibited except in the following cases:

1. Where a fortification element is required under Quebec's *Construction Code*, another code in force under the *Building Act* (CQLR c. B-1.1), or a provincial or federal safety law, regulation, or standard;
2. For a building intended for a use that requires the use of fortification elements due to the nature of the activities, except for residential use, such as a financial institution, including its outlets (ATM); a research laboratory; a jewelry store; a police station; a shelter for people fleeing abuse; municipal and governmental services; or establishments for the cultivation and processing of cannabis or the sale of cannabis products.

When the activities for the use referred to in subparagraph 2 of the first paragraph end, the fortification elements must be dismantled at the time the building is occupied by a new use that does not require such elements. Notwithstanding the above, fortifications for a vault inside a building can remain in place.

For the purposes of this section, fortification elements are:

1. All materials used, assembled, or maintained to shield or fortify a building against firearm projectiles, explosives, vehicle impact or ramming, or any other type of assault, including:
 - a) Protective plates made of metal or any other material placed inside or outside a building;
 - b) Laminated glass or any other bulletproof glass or material placed near windows, in windows, or in doors;
 - c) Bulletproof or explosive- and impact-resistant shutters and curtains made of any material and attached to windows, doors, or any other building opening;
 - d) Armoured or specially reinforced doors;
2. An observation tower.

DIVISION B – SUSTAINABLE BUILDING STANDARDS

22. Erosion control

Where there is a risk of erosion due to land management, levelling, or any other soil work, or where the nature of the work requires it, erosion control measures must be undertaken to prevent the transport of soil particles of any size by runoff or currents.

If work takes place at the edge of the shoreline, a sediment barrier or other similar temporary measure must be installed and maintained at the edge of the shoreline for the duration of the work to prevent erosion into a body of water or a wetland.

23. Green or living roof

Green or living roofs are permitted subject to a demonstration by a professional of the roof's load-bearing capacity according to the type of green roof being considered (extensive or intensive).

24. Low-flow toilet

Toilets must have a water flow rate of less than 6 litres per flush (L/flush). This requirement applies to new installations and the replacement of existing installations.

25. Vehicle charging station

For a new main building served by one or more parking spaces, electrical supply infrastructure dedicated exclusively to accommodating one or more electric vehicle charging stations must be provided and, where applicable, one or more electric vehicle charging stations must be installed. The requirements are identified in the following table according to the use group described in Chapter II of the *By-Law Regarding Zoning*.

Table 1: Infrastructure and stations required

Use group	Minimum requirements for electricity supply infrastructure	Minimum number of charging stations
Residential	1 per unit	1 per 10 units
Commercial	1 per 600 m ² of floor area (per building)	1 per 30 parking spaces
Industrial	1 per 1,000 m ² of floor area (per building)	1 per 30 parking spaces

Use group	Minimum requirements for electricity supply infrastructure	Minimum number of charging stations
Public	1 per 600 m ² of floor area (per building)	1 per 30 parking spaces
Agricultural	1 per field	1 per 30 parking spaces

DIVISION C – WATER SUPPLY AND WASTEWATER MANAGEMENT

26. Water withdrawal system

Groundwater or surface water withdrawal facilities must comply with the *Water Withdrawal and Protection Regulation* (CQLR c. Q-2, r. 35.2).

27. Geothermal system

Geothermal systems must comply with the *Water Withdrawal and Protection Regulation* (CQLR c. Q-2, r. 35.2).

28. Septic system

Septic systems must comply with the *Regulation respecting waste water disposal systems for isolated dwellings* (CQLR c. Q-2, r. 22).

DIVISION D – PROTECTION AND MAINTENANCE STANDARDS FOR BUILDINGS AND STRUCTURES

29. Maintenance and upkeep

Buildings and structures must be maintained, and kept clean and in good repair.

30. Protection of siding materials

The exterior siding materials of a building or structure must be rot-resistant or protected from the weather by paint, stain, varnish, or oil, or covered with generally recognized finishing materials.

Exterior metal siding materials must be painted, enamelled, or otherwise treated with similar products.

DIVISION E – CONSTRUCTION STANDARDS FOR CULVERTS AND STREETS

31. Compliance with policies and regulations

The construction of a culvert or a street, including the related infrastructure, must be in compliance with the related policies and regulations adopted by the Municipality of Morin-Heights.

CHAPTER III: PROVISIONS FOR UNSAFE, UNFINISHED, BURNED, OR DEMOLISHED STRUCTURES

32. Burned, destroyed, or unsafe structures

Any structure that is partially or fully burned, destroyed, or unsafe must be completely closed or barricaded without delay to prevent accidents and to ensure public safety. In addition, the site must be surrounded by a security fence that is at least 1.80 metres tall.

Foundations, structures, and materials must be removed from the property within 60 days of the incident.

The second paragraph does not apply if the owner has filed an application for a permit or certificate for the reconstruction or renovation of the structure within 60 days of the incident.

33. Unfinished or abandoned structures

A structure that is unfinished or abandoned for more than 30 days after the expiry of the term of the permit or certificate for that structure must be completely enclosed and barricaded without delay to prevent accidents and to protect public safety. In addition, the site must be surrounded by a security fence that is at least 1.80 metres tall.

The foundations, structures, and materials must be removed from the lot no more than 60 days after the 30-day period provided for in paragraph 1.

The second paragraph does not apply if the owner has filed an application for a permit or certificate to complete the construction no more than 60 days after the 30-day period provided for in paragraph 1.

34. Demolished structure

When a structure is demolished, the foundations, structures, and materials must be removed from the lot within 60 days of demolition.

35. Excavation or foundation

Every excavation and every foundation of an unfinished, burned, destroyed, or displaced structure must be surrounded without delay by a security fence of at least 1.80 metres in height at all times to protect public safety.

Excavations must be backfilled within a maximum of 60 days, and foundations must be removed within the same timeframe. This obligation does not apply if the applicant has filed an application for a permit or certificate to complete the construction within that time period.

36. Site redevelopment

During demolition work and after demolition work is completed, the lot must be cleared of rubble and waste.

The lot must be backfilled or levelled in accordance with the conditions set out in the *By-Law Regarding Zoning* within 60 days of completion of the demolition work.

CHAPTER IV: PROVISIONS REGARDING ACQUIRED RIGHTS

37. General provisions

The conditions relating to the acquired rights of a building that has been destroyed, become dangerous, or lost more than half (50%) of its value are set out in the *By-Law Regarding Zoning*.