

**UNORGANIZED TERRITORY
OF LAC NILGAUT**

CONSTRUCTION BY-LAW

BY-LAW NUMBER 157-2010

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CONSTRUCTION BY-LAW
OF THE UNORGANIZED TERRITORY OF LAC NILGAUT

TNO-2011-05-08

WHEREAS the Council of the Regional County Municipality of Pontiac is presumed to be the council of a local municipality with regard to its unorganized territory, hereafter called the TNO Lac Nilgaut, in accordance with Section 8 of the Municipal Territorial Organization Act (R.S.Q., c. O-9);

WHEREAS the Council of the Regional County Municipality of Pontiac may adopt by-laws with regard to the TNO Lac Nilgaut, in accordance with Section 9 of the said Act;

WHEREAS the Council of the Regional County Municipality of Pontiac established a local committee of elected officials for the TNO Lac Nilgaut, hereafter called the Council of the TNO Lac Nilgaut, in accordance with Section 10 of the said Act;

WHEREAS it is necessary to revise the planning by-laws of the TNO Lac Nilgaut, in force since October 26, 1993;

WHEREAS the provisions in Sections 123 to 137, 137.15 and 137.17 of the Land Use Planning and Development Act (R.S.Q., c. A-19.1);

WHEREAS a notice of motion with dispense with reading was given by Mr. John A. Lang at a regular meeting of the Council of the TNO Lac Nilgaut held on March 22, 2011, in accordance with Section 445 of the Québec Municipal Code (R.S.Q., c.-27.1);

THEREFORE, it is moved by Mr. John A. Lang and resolved to adopt By-law Number 157-2010 enacting the Construction By-law of the TNO Lac Nilgaut, and Council enacts what follows, to wit:

TABLE OF CONTENTS

DIVISION 1 DECLARATORY PROVISIONS

1.1	Title	2
1.2	Scope	2
1.3	Context	2
1.4	Effective Date	2
1.5	Defined Area	3
1.6	Repeal of Existing By-laws	3
1.7	Provisions of Other By-laws	3
1.8	Field of Application	4
1.9	Partial Invalidity	4
1.10	Federal and Provincial Laws and Regulations	4
1.11	Appended Document	4

DIVISION 2 INTERPRETATIVE PROVISIONS

2.1	Text and Words	5
2.2	Tables, Diagrams, Graphs and Symbols	6
2.3	Measurement Units	6
2.4	Terminology	6

DIVISION 3 APPLICATION OF BY-LAWS

3.1	Application of By-laws	7
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DIVISION 4 ADMINISTRATIVE PROVISIONS

4.1	Construction and Works Subject and Not Subject	8
4.2	Groundwater Catchment Work	8
4.3	Disposal System for the Evacuation, Reception and Treatment of Waste Water	9

4.4	Wharves and Boat Shelters	9
4.5	Maintenance	10
4.6	Demolition Work	10
4.7	Shape, Appearance and Exterior of Buildings	10
4.8	Fire Protection	11
4.9	Destroyed Building	11

DIVISION 5 SANCTIONS, RECOURSES AND FINAL PROVISIONS

8.1	Violation to this By-law	13
8.2	Sanctions and Penalties	13
8.3	Legal Proceedings or Recourse to Civil Law	13
8.4	Motion for Cessation	14
8.5	Dangerous Construction	14

DIVISION 1 DECLARATORY PROVISIONS

1.1 Title

This By-law, which number is 157-2010, is cited as the “Construction By-law of the Unorganized Territory of Lac Nilgaut”. The rules for the administration of this By-law are included in By-law Number 153-2010 enacting the By-law for the Administration of the Planning By-laws of the Unorganized Territory of Lac Nilgaut.

1.2 Scope

This By-law aims at the harmonious development of the unorganized territory and specifies the construction standards applicable to ensure the safety and sanitation of buildings.

1.3 Context

This By-law is consistent with the implementation of a rational policy for the land use and development of the unorganized territory. This By-law follows from the general aims of land development policy, as well as the general policies on land use for the various parts of the unorganized territory included in the land use planning and development plan of the Regional County Municipality of Pontiac. It also harmonizes with the elements of implementing the Regional Plan for Public Land Development of the Outaouais, the Regional Plan for Public Land Development of the Outaouais, and the recreational activities development plans of the controlled zones.

1.4 Effective Date

This By-law shall come into force according to the provisions of the Land Use Planning and Development Act (R.S.Q., c. A-19.1).

1.5 Defined Area

This By-law, whose provisions are binding on individuals and legal entities in public or private law, applies to all the Unorganized Territory of Lac Nilgaut under the jurisdiction of the Regional County Municipality of Pontiac.

1.6 Repeal of Existing By-laws

This By-law abrogates and replaces By-law Number 13-93 cited as the “Building By-law”, as well as its amendments.

All other provisions incompatible with this By-law are also abrogated and replaced.

The repeal of those by-laws does not affect proceedings instituted under the authority of the by-laws thus replaced, nor the permits and certificates issued or acquired rights before the implementation of this By-law.

1.7 Provisions of Other By-laws

Any building erected, installed, rebuilt, enlarged, renovated or transformed and any parcel of land or any building occupied or used for the authorized purposes and in the manner provided for in the planning by-laws, are also subjected to the specific provisions of the other by-laws of the unorganized territory which affect it.

When a restriction or prohibition stipulated by the planning by-laws or any one of their provisions is considered to be incompatible or in disagreement with any other by-law or with any other provision of the planning by-laws, the most restrictive or prohibitive provision shall apply.

1.8 Field of Application

Any lot or part of lot, and any land or part of land intended for occupancy, as well as any building or part of building, and any structure or part of structure, shall be erected in accordance with the provisions of this By-law. As well, any building, structure or land for which the occupancy or use is planned for modification shall conform to the requirements of this By-law.

1.9 Partial Invalidity

Council shall adopt this By-law in its entirety and also part by part, division by division, section by section, subsection by subsection, paragraph by paragraph and subparagraph by subparagraph, in such manner that if a part, a division, a section, a paragraph or a subparagraph should be declared null and void by a competent tribunal, the other provisions contained in this By-law shall continue to apply.

1.10 Federal and Provincial Laws and Regulations

No section of this By-law shall have effect to escape any individual or legal entity from the application of the laws and regulations of Canada or the Province of Québec.

1.11 Appended Documents

The Groundwater Catchment Regulation (R.S.Q., c. Q-2, r.6) and the Regulation respecting waste water disposal systems for isolated dwellings (R.S.Q., c. Q-2, r.22) are integral parts of this By-law as if they were hereafter repeated in full.

DIVISION 2 INTERPRETATIVE PROVISIONS

2.1 Text and Words

Except for words hereafter defined, all words used in this By-law keep their usual meaning.

- The verbs used in the present tense include the future tense;
- The singular includes the plural and vice versa, unless the phraseology clearly implies that cannot be the case;
- The use of the word “shall” or “will” assumes an absolute obligation; the word “may” retains a possibility of choice;
- The word “whoever” includes all individuals and legal entities in public or private law;
- The word “municipality” or “regional county municipality” designates the Regional County Municipality of Pontiac;
- The word “council” designates the Council of Mayors of the Regional County Municipality of Pontiac or the Council of the TNO of Lac Nilgaut;
- A uniform numbering system is used for the entire by-law. The first number indicates the division of the by-law. The second number refers to the section of the by-law. The section is preceded by a dot following the number of the division. It can be divided up into subsections, which are preceded by no number or calling letter. A subsection can be divided up into paragraphs, identified by an Arabic numeral followed by the symbol of degree. A paragraph can be divided up into subparagraphs, identified by lowercase letters followed by a right parenthesis.

- 1. DIVISION**
- 1.1 Section**
 - Subsection
 - 1° Paragraph
 - a) Subparagraph

2.2 Tables, Diagrams, Graphs and Symbols

Tables, diagrams, graphics, symbols or any other form of expression other than the proper text, to which it is referred to in this By-law, are integral parts of this By-law for all intents and purposes.

In the event of inconsistency with the proper text, this one shall prevail on the tables, diagrams, graphs, symbols or any other form of expression contained in this By-law. In the event of inconsistency between the table and a graph, the data in the table shall prevail.

Where a restriction or prohibition shown in this By-law or any of the provisions is proved to be incompatible or in disagreement with another provision contained in this By-law, the most restrictive or prohibitive provision shall apply.

2.3 Measurement Units

All measurements mentioned in this By-law are expressed using the International System of Units (IS), the metric system.

2.4 Terminology

Unless the text indicates otherwise, the words and expressions used in this By-law have the meaning attributed to in Appendix A of By-law Number 155-2010 enacting the Zoning By-law.

DIVISION 3 APPLICATION OF BY-LAWS

3.1 Application of By-laws

Division 3 of By-law Number 154 relating to the Issuing of Permits and Certificates in the Unorganized Territory of Lac Nilgaut is an integral part of this By-law as if it was hereafter repeated in full.

DIVISION 4 ADMINISTRATIVE PROVISIONS

4.1 Construction and Works Subject and Not Subject

The provisions of this Division shall be applicable to:

- 1° the work of establishing, erecting or modifying of all buildings;
- 2° reconstruction and repair work of any buildings that are destroyed or have become dangerous, or that have lost more than half of their total assessment value following a fire or other cause;
- 3° work necessary for the suppression of any dangerous conditions existing in the interior or area surrounding the building.

It shall not apply to:

- 1° poles or towers of public works, to television, radio, or other telecommunication transmission antennae, with the exception of charges carried from those situated on or fixed to a building;
- 2° to bridges and hydroelectric installations, as well as other mechanical equipment and equipment not mentioned specifically in this By-law which control water flow;
- 3° to construction and works connected with activities related to exploitation, management and regeneration of wood products (forestry, silviculture, etc.), with the exception of forestry camps.

4.2 Groundwater Catchment Work

All work for private groundwater catchment work and those of which the daily capacity is less than 75 m³ shall conform with the Groundwater Catchment

Regulation (R.S.Q., c. Q-2, r.6). These works are not subject to authorization from the Québec Ministry of Sustainable Development, Environment and Parks, but require authorization from the regional municipal county.

Groundwater catchment works of a capacity less than 75 m³ per day which will provide for more than 20 persons, as well as those which have a capacity greater than 75 m³ per day, are subject to authorization from the Québec Ministry of Sustainable Development, Environment and Parks. These works shall not require the authorization of the regional municipal county.

4.3 Disposal System for the Evacuation, Reception and Treatment of Waste Water

All buildings for which the purpose, the use, or activity is susceptible to the rejection of waste water, grey water or toilet water into the environment shall be provisioned with a means of evacuation, reception, or treatment that conforms with the Regulation respecting waste water disposal systems for isolated dwellings (R.S.Q., c. Q-2, r.22), unless this building is subject to certificate of authorization from the Québec Ministry of Sustainable Development, Environment and Parks in accordance with Section 22 of the Environment Quality Act (R.S.Q, c. Q-2).

The connection of two (2) or more buildings to the same device for the evacuation, reception, or treatment of waste water, grey water or toilet water is forbidden, unless such a connection is the only solution to solve a safety problem or nuisance, and provided that it is approved by the Québec Ministry of Sustainable Development, Environment and Parks.

4.4 Wharves and Boat Shelters

No part of these structures that is intended to be submerged or in contact with water may be fabricated with tar, or painted, or chemically treated or pressure-treated wood.

4.5 Maintenance

Buildings and structures shall be kept in good condition, repaired when necessary, and painted or treated if necessary. In addition, the outer appearance must be conserved and uniformly affixed to the building.

4.6 Demolition Work

In the thirty (30) days following the end of demolition, the property shall be cleared of all debris or materials related to the demolition in order to return it to a proper condition.

4.7 Shape, Appearance and Exterior of Buildings

Buildings shall have, where possible, an exterior facade composed of natural materials, such as wood and rock, have earth-tone colours, and be integrated into the natural environment in which they have been erected.

The use of wagons, tramways and buses, or automobiles shall by all means prohibited.

All buildings in the shape of animals, fruits, or tending to symbolize these shall be prohibited.

Only the following materials shall be permitted for exterior siding:

- 1° wood or wood finished products, painted or treated;
- 2° brick;
- 3° natural or reconstituted stone;
- 4° stucco;

- 5° ceramic;
- 6° glass;
- 7° architectural cement blocks;
- 8° steel or aluminum panels which are oxidized pre-painted and pre-treated in the factory;
- 9° aluminum clapboard and 24 gauge enamelled steel, vinyl or equivalent material;
- 10° insulated brick.

4.8 Fire Protection

In or near forested areas, the Forest Act (R.S.Q., c. F-4.1) and the Forest Protection Regulation (R.S.Q., c. F-4.1, r.11) are in effect. Their application is administered by the *Société de protection des forêts contre le feu*.

Notwithstanding the first subsection, all buildings for dwelling purposes shall be equipped with one or several working smoke detectors. The application of this provision is under the supervision of the Building and Environment Inspector, his assistant and any other employee authorized by Council by way of resolution.

4.9 Destroyed Building

The reconstruction or repair of a building that has been destroyed or become dangerous, in total or in part, shall be performed in conformity with the provisions of this By-law and of those of By-law 155-2010 enacting the Zoning By-law and of By-law 156-2010 enacting the Subdivision By-law.

If the destruction is the result of a fire or a natural disaster, the replacement or reconstruction is authorized within twenty-four (24) months following the disaster under the following conditions:

- 1° if it is a main derogatory building, the reconstruction or repair shall be permitted in the same location without aggravation of the situation of noncompliance. However, reconstruction may not occur in the lakeshore or riverbank protection strip.
- 2° Section 4.3 of this By-law shall be applicable.

SECTION 5 SANCTIONS, RECOURSES AND FINAL PROVISIONS

5.1 Violation to this By-law

Any person who acts in contravention to this By-law shall commit an infraction.

The Building and Environment Inspector shall prepare a notice of infraction, notify the offender and submit it to Council which may exercise any recourse under By-law Number 153-2010 enacting the By-law for the Administration of the Planning By-laws of the Unorganized Territory of Lac Nilgaut.

5.2 Sanctions and Penalties

Any infraction to this By-law shall make the offender liable to a fine specified in By-law Number 153-2010 enacting the By-law for the Administration of the Planning By-laws of the Unorganized Territory of Lac Nilgaut, as the case may be.

Each day of violation shall constitute a separate offence and the fines imposed for each offence may be imposed for each day the offence continues, in accordance with this Section.

Upon failing to pay immediately the fine and costs, the offender shall be liable to imprisonment for thirty (30) days which may end as soon the fine and costs are paid.

5.3 Legal Proceedings or Recourse to Civil Law

If the offender fails to conform within the time limit shown on the notice of infraction, the Building and Environment Inspector so inform Council which may mandate the attorney of the municipality to exercise all recourses in Civil and Criminal Courts necessary for making the provisions of this By-law be respected.

5.4 Motion for Cessation

When a structure in nonconformity with this By-law, the Superior Court of Québec may, upon request, order the cessation of work or the execution, at the expense of the owner, certain work to make the building comply with the laws and regulations or order the demolition of the structure.

5.5 Dangerous Construction

If a structure is in a state that may endanger a person, or if it has lost half of its value with age, fire, or explosion, the Superior Court of Québec may, upon the request of the regional municipal county or anyone interested, order the execution of work required to assure the safety of people, or, without another solution, the demolition and construction.

In the rare case of an emergency, the tribunal may authorize the regional municipal county to execute work or to proceed with the on-site demolition and reclaim the cost from the property owner. The tribunal may, in all cases, require the inhabitants of the building evacuate within a specified period.

When the motion requires the execution of work, demolition, or construction, the tribunal may, to the default of the landowner or person with custody of the building, proceed within the period specified, to authorize the municipal regional county to proceed at the expense of the building owner.

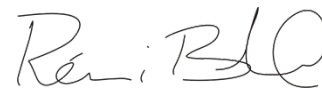
Adopted in Litchfield, Québec

This 24th of May 2011.

Notice of motion	:	March 22 nd , 2011
Adoption of By-law	:	May 24 th , 2011
Publication notice	:	June 1 st , 2011
Effective date	:	June 1 st , 2011



Michael McCrank
Warden



Rémi Bertrand
Secretary-treasurer