

**PROVINCE DE QUÉBEC  
MUNICIPALITÉ DE LA PÊCHE**

**BY-LAW 11-588**

**BY-LAW PERTAINING TO PRECONDITIONS RELATIVE TO THE ISSUANCE OF BUILDING PERMITS**

Whereas a municipality may adopt a by-law with respect to preconditions relative to the issuance of building permits on its whole territory or part thereof (L.R.Q., c. A 19.1);

Whereas the council of the Municipality of La Pêche deems necessary and in the public interest to replace the by-law 03-429 and its amendment such as by-law 95-259, 04-458, 08-527, 10-574;

Whereas a notice of motion pertaining to this by-law was given during a previous meeting of council, on March 7<sup>th</sup>, 2011;

Therefore the council of the Municipality of La Pêche adopts the new by-law pertaining to preconditions relative to the issuance of building permits, bearing number 11-588 and this council orders and decrees by this by-law, as follows:

**CHAPTER I LEGISLATIVE PURPOSE AND INTERPRETIVE CLAUSES**

**1.1 TITLE OF THE BY-LAW**

This by-law is entitled " The Municipality of La Pêche by-law pertaining to preconditions relative to the issuance of a building permit " and bears number 11-588.

**1.2 REVOCATION OF PREVIOUS BY-LAWS**

For all legal purposes, this by-law revokes and replaces article 3.3.2 of by-law number 89-147 entitled "*By-law pertaining to the process of issuing permits and certificates and to minor variances*". Said article refers specifically to the *preconditions relative to the issuance of a building permit*.

**1.3 TERRITORY SUBJECT TO THIS BY-LAW**

This by-law applies to the whole territory under the jurisdiction of the Municipality of La Pêche.

**1.4 PERSONS SUBJECT TO THIS BY-LAW**

This by-law applies to any individual or corporate entity under public or private right.

**1.5 THE BY-LAW WITH RESPECT TO LAWS**

No provision of this by-law may be used to exclude a person from the operation of a federal or provincial law or any regulation resulting from these laws.

**1.6 VALIDITY**

The council of the municipal corporation decrees this by-law as a whole as well as each chapter, article, subsection and paragraph separately, in such a way that if any chapter, article, subsection or paragraph were declared void by the Court, the other provisions of this by-law will remain enforceable as much as possible.

### **1.7 PERMITS AND AUTHORIZATIONS ISSUED BEFORE THE COMING INTO FORCE OF THIS BY-LAW**

Notwithstanding the provisions contained in this by-law, the holders of permits or authorizations issued by the municipal corporation prior to the coming into force of this by-law may proceed with the constructions, cadastral operations and other planned work within the time fixed.

### **1.8 REFERENCE TO THE ZONING MAP**

For the purpose of enforcing this by-law, when zone districts are referred to in this by-law, it is in reference to the following zoning plans:

- Comprehensive zone system, no. PZ -03 (1/5);
- Precise plan- Service centre- Sainte-Cécile de Masham district, no. PZ-03 (2/5);
- Precise plan- Recreation and tourism centre- Wakefield district, no. PZ-03 (3/5);
- Precise plan- Secondary service centres- no. PZ-03 (4/5);
- Precise plan- Secondary services centre- no. PZ-03 (5/5);

### **1.9 ENFORCEMENT OF THE BY-LAW**

Enforcement of this by-law is entrusted to the municipal officer designated as the "*officer responsible for the issuance of building permits and certificates*" in accordance with the *By-law pertaining to the process of issuing permits and certificates* within the boundaries of the municipality of La Pêche.

### **1.10 TERMINOLOGY (DEFINITIONS)**

For the purposes of interpreting this by-law, unless the context indicates a different meaning or unless specifically stated otherwise, the words, terms and expressions used in this by-law have the same meaning and significance as they are given in *Chapter II : Interpretation clauses* of the *Municipality of La Pêche Zoning by-law* (number 03-429).

If a word, term or expression is not specifically defined, it is used according to the usual meaning given to this word, term or expression.

### **1.11 UNITS OF MEASUREMENT**

Dimensions stated in this by-law are given in metric units of measurement (SI system) and have force of law.

## **CHAPTER II GENERAL PROVISIONS**

### **2.1 PRECONDITIONS RELATIVE TO THE ISSUANCE OF A BUILDING PERMIT**

Except in the cases provided in article 2.2 of this by-law, no permit shall be granted for the construction of a *main building*, unless one or more of the following conditions, according to each of the zone districts delimited on the zoning plans of the municipality of La Pêche, are complied with:

1. the landsite on which each proposed structure, including its dependencies, is to be built, forms one or more separate lots on the official cadastral plans, which are in conformity with *the Municipality of La Pêche subdivision by-law* (number 03-430) or, if not, which are protected by acquired rights ;
2. the waterworks and sewer services for which an authorization has been received or a permit issued under the law are installed in the street on which the structure is proposed or unless the by-law ordering their installation is in force;

3. in the case where the waterworks and sewer services are not installed in the street on which a structure is proposed or the by-law ordering their installation is not in force, the waste water treatment planned for the structure to be erected on the land complies with the *Regulation respecting waste water disposal systems for isolated dwellings* (R.R.Q., c. Q-2, r-8);
4. the land on which a structure is to be erected is adjacent to a public road
5. if the construction is adjacent to a private street, or a right-of-way established or an easement and registered prior to this by-law coming into force and must respect the following minimal norms:
  - To be free of all obstructions to a width of 6 meters.
  - To be free of all obstructions to a height of 5 meters.
  - The traveled portion must have a minimum width of 4 meters.

However, said easement or right of way or private road must have been a technical description prepared by a land surveyor.

Preconditions applicable to each of the zone districts delimited on the zoning plans of the municipality are indicated in chart 1 which is an integral part of this article.

## **2.2 EXEMPTIONS TO PRECONDITIONS RELATIVE TO THE ISSUANCE OF A BUILDING PERMIT**

1. The condition defined in subsection 1) of article 2.1 (cadastral plans) does not apply in the following cases:
  - a) building permit request for the construction of a farm building on land under cultivation;
  - b) building permit request for the reconstruction of a building on the identical location of a demolished, destroyed or burned building;
  - c) building permit request for the construction of lodging facilities such as a *cabin, lodge, or cottage* as part of a larger unit, namely: a hotel complex, commercial lodging complex, outfitter, recreation and tourism centre or campground, on the condition that these buildings are part of one single unit of assessment;
  - d) building permit request for the expansion of an existing main building;
  - e) building permit request for the construction of a hunt camp

However, such exemption may only be granted where it is proved that the proposed structure will not be erected on parcels of land belonging to different owners.

2. The conditions defined in subsections 3, 4 and 5) of article 2.1 do not apply in the following case:
  - a) building permit request for the construction of a farm building on land under cultivation.

However, no residence situated on land under cultivation may be exempted from the obligation contemplated under subsection 3 of article 2.1 of this by-law.

**CHART 2.1 PRECONDITIONS RELATIVE TO ISSUING A BUILDING PERMIT FOR A MAIN BUILDING (1)**

ZONES	PRECONDITION				
	1. Cadastral plan	2. sewer	3. septic installation	4. Public or private road, registered right-of-way	5. public street
Contr - 601	X	X			X
Contr - 602	X		X		X
Contr - 603	X	X			X
CRT - 601	X	X			X
CRT - 602	X	X			X
CRT - 603	X	X			X
MCS - 601	X	X			X
MCS - 602	X	X			X
Pa - 601	X	X			X
Pa - 602	X	X			X
Pa - 603	X	X			X
Pa - 604	X	X			X
Pa - 605	X	X			X
Pa - 606	X	X			X
Pa - 607	X	X			X
Pa - 608	X	X			X
Pb - 601	X	X			X
Ra - 601	X		X		X
Ra - 602	X	X		X (2)	
Ra - 603	X	X			X
Ra - 604	X	X			X
Ra - 605	X	X			X
Ra - 606	X	X		X (2)	
Ra - 607	X		X		X
Ra - 608	X	X			X
Ra - 614	X		X	X (2)	
Rb - 601	X	X			X
Rm - 601	X	X			X
Ra/RT - 602	X		X		X
Ra/RT - 603	X	X			X
REC - 601	X	X			X
REC - 602	X	X			X
Autres zones	X		X	X (2)	X

(1) Subject to exemptions provided in article 2.2 of this by-law.

(2) see precondition to the subsection 4 of the article 2.1

X Precondition (mandatory).

Not required

## **CHAPTER III FINAL PROVISIONS**

### **3.1 BY-LAW VIOLATIONS**

Anyone (individual or corporate entity) who does not comply with the requirements of this by-law is in violation of the by-law and liable to a fine plus costs, or in default of payment of the fine and costs, a term of imprisonment.

Upon request from the Municipality or any interested person, the Superior Court may order the annulment of a subdivision or a cadastral operation carried out in contravention of this by-law or orders the termination of a land use or use of a structure which is incompatible with this by-law.

The Court may also order that work required to bring the use of the land or structure in compliance with the law and relevant regulations be carried out at the owner's expense or, in the absence of a viable solution, that the structure be demolished or the land reclaimed.

### **3.2 PENALTIES RELATED TO THIS BY-LAW**

For each breach of this by-law, the amount of the fine will be left to the court's discretion, but said fine may not exceed one thousand dollars (\$1000) plus costs where the breach is committed by an individual and, two thousand dollars (\$2000) plus costs where the breach is committed by a corporate entity.

In the case of a repeat offence by an individual, said fine may not exceed two thousand dollars (\$2000) plus costs.

In the case of a repeat offence by a corporate entity, said fine may not exceed four thousand dollars (\$4000) plus costs.

In all cases, the costs mentioned above include the costs related to the enforcement of a judgment.

### **3.3 CONTINUOUS VIOLATION**

In the case of a continuous violation of this by-law the continuity constitutes a separate offence on a daily basis.

### **3.4 CIVIL LAW RECOURSE**

Notwithstanding the recourses the Municipality has with respect to penal action for the purpose of enforcing this by-law, said Municipality may exercise before the competent courts any appropriate remedies of civil law in order to obtain compliance with the provisions of this by-law, these recourses may be exercised by turns or cumulatively.

### **3.5 ENTRY INTO FORCE**

This by-law will come into force following the observance of formalities required by the Land Use Planning and Development Act and shall not be modified other than by means of another by-law in accordance with the provisions of the Land Use Planning and Development Act.

Executed and approved by the council of the Municipality of La Pêche, during a regular meeting held on March 7<sup>th</sup>, 2011.

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Robert Bussière  
Mayor

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Charles Ricard  
General director and  
secretary treasurer

Notice of motion  
Approval of the draft  
Consultation meeting  
Certificate of conformity.

February 7<sup>th</sup>, 2011  
March 21<sup>st</sup>, 2011  
March 21<sup>st</sup>, 2011  
April 26<sup>th</sup>, 2011