



TOWN OF MONTREAL WEST

BY-LAW N° 2009-010 – BY-LAW CONSOLIDATING THE BUILDING BY-LAW OF THE TOWN OF MONTREAL WEST, MODIFYING VARIOUS PROVISIONS AND AMENDING OTHERS TO COMPLY WITH THE MODIFIED PLANNING PROGRAMME

September 25th, 2009

Prepared by:



PROVINCE OF QUEBEC
TOWN OF MONTREAL WEST

BY-LAW N^O 2009-010

BY-LAW CONSOLIDATING THE BUILDING
BY-LAW OF THE TOWN OF MONTREAL
WEST, MODIFYING VARIOUS PROVISIONS
AND AMENDING OTHERS TO COMPLY WITH
THE MODIFIED PLANNING PROGRAMME

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By-law number	Coming into force

THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:



TOWN OF MONTREAL WEST

BUILDING BY-LAW N° 2009-010

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Prepared by:



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TOWN OF MONTREAL WEST

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CHAPTER 1 :

Declaratory, Administrative and Interpretative Provisions

Prepared by:



Division 1.1 : Declaratory provisions

1.1.1 : Title of the By-Law

This by-law may be quoted under the short title of « *Building By-Law* » and carries the number 2009-010.

1.1.2 : Repeal

1. The present by-law repeals By-Law number 447, entitled « *Building By-Law* », as modified by all its amendments, as well as any other repugnant provision in another by-law in force ;
2. This abrogation does not affect legally-issued permits issued under the authority of the replaced by-law and the acquired rights from before the coming into force of the present by-law.

1.1.3 : Scope of the by-law and subject territory

The present by-law, of which the provisions are imposed on all persons, is applied to the entire territory of the Town of Montreal West.

1.1.4 : Incompatibility with other by-laws or laws

Conforming to the present by-law does not absolve the obligation to law of the provincial or federal government as well as any other applicable municipal by-law.

1.1.5 : Part-by-part adoption

The municipal Council of the Town of Montreal West hereby declares that it is adopting the present by-law, chapter by chapter, section by section and article by article, paragraph by paragraph, sub-paragraph by sub-paragraph, so that if a part of the present by-law were to be declared null and void by a tribunal, such a decision would have no effect on the other parts of the by-law, except in cases where the significance and scope of the by-law or of one of its provisions should be altered or modified as a result.

CHAPTER 1 :
Declaratory, Administrative and Interpretative Provisions

Division 1.2 : Administrative provisions

1.2.1 : Administration and application of the by-law

The administration and application of the present by-law are entrusted to any person nominated as a « designated official », by a resolution of the Municipal Council.

1.2.2 : Powers of the designated official

The powers of the designated official are stated in the *Permit By-Law*.

1.2.3 : Subject interventions

The erection of a new construction, renovation, extension, reconstruction, displacement or demolition of a construction or a part of a construction, use or the modification of the use of a construction, the division and subdivision of a dwelling, as well as work on a lot, must be carried out in a manner compliant to the provisions of the present by-law.

The terms and conditions of issuance of permits are defined in the *Permit By-Law*.

1.2.4 : Provisions relating to derogatory constructions

Provisions relating to derogatory constructions are stated in the *Zoning By-Law*.

1.2.5 : Infractions and penalties

1. Whomever contravenes the provisions of the present by-law is committing an infraction;
2. An infraction to the present by-law exposes the offender to the following fines:

	Individual		Corporation	
	Minimum	Maximum	Minimum	Maximum
First offense	300 \$	1 000 \$	600 \$	2 000 \$
Repeat offense	500 \$	2 000 \$	1 000 \$	4 000 \$

3. In all cases, court fees are added ;
4. The delay for payment of imposed fines and fees of the present by-law, and the consequences of default of payment of the said fines and fees within the prescribed delays are determined in compliance to the *Code of Penal Procedure of Quebec (R.S.Q., c. C-25.1)* ;
5. If an infraction lasts more than one day, the infraction on each day constitutes a distinct infraction and the enacted penalties for each infraction can be imposed for each day the infraction lasts, in compliance to the present section.

Division 1.3 : Interpretative provisions

1.3.1 : Interpretation of provisions

1. When 2 standards or provisions of the present by-law apply to a use, building, lot or any other object governed by the present by-law, the following rule applies :
 - a) A specific standard or provision prevails over a general provision ;
 - b) The most restrictive provision prevails.
2. Unless the context specifies otherwise, it is understood that :
 - a) Singular includes plural and vice versa ;
 - b) Masculine includes feminine and vice versa ;
 - c) The use of the words « MUST » and « SHALL » implies an absolute obligation ;
 - d) The use of the word « CAN » implies an option ;
 - e) The word « WHOMEVER » includes individuals and corporations.
3. The table of contents and the chapter titles, the divisions and sections of the present by-law are provided to improve the text's readability. In case of contradiction between the text and the concerned title(s) of table of contents, the text prevails ;
4. Plans, annexes, tables, graphics and symbols and all forms of expression aside from the text, and contained in the present by-law, are an integral part of the by-law for all legal purposes ;
5. The dimensions, areas and other measures stated in the by-law are expressed in units of the International System.

1.3.2 : Numbering

The numbering method used in this by-law is the following (when the section's text does not contain numbering relating to a paragraph or sub-paragraph, it is referred to as an indented line):

- | | |
|-------|---------------|
| 1. | Chapter |
| 1.1 | Division |
| 1.1.1 | Section |
| 1. | Paragraph |
| a) | Sub-paragraph |

1.3.3 : Terminology

Unless there is an explicit indication of the contrary or unless the context indicates otherwise, the expressions, terms and words have the meaning and application attributed to them in the *Permit By-Law*.



TOWN OF MONTREAL WEST

BUILDING BY-LAW N° 2009-010

CHAPTER 2 :

Provisions Relating to Construction Standards

Prepared by:



CHAPTER 2 :
Provisions Relating to Construction Standards

Division 2.1 : General provisions

2.1.1 : Foundations

All main buildings, including extensions as well as private garages adjoining the main building and their extensions, must be built on foundations. The foundations must be continuous and designed in monolithic concrete poured on site. Foundations made of concrete blocks are prohibited.

2.1.2 : Mitoyen wall

Any mitoyen wall separating 2 semi-detached or contiguous buildings that have a residential main use must be built as a fire barrier.

2.1.3 : Cantilever constructions

Overhang constructions are authorized with the following conditions:

1. The maximum depth of the construction, measured perpendicularly from the plane of the facade in question resting on foundations, is set at 1 meter ;
2. The construction must not encroach onto the setbacks.

2.1.4 : Retaining wall

When the height of a retaining wall is equal to or superior to 1.75 meters, measured from the average grade level, the plans must be prepared by a member of *l'Ordre des ingénieurs du Québec* as to certify the capacity and strength of the retaining wall. This requirement also applies when the slope of the terrain is greater than 15% and the height of the retaining wall is equal to or greater than 1 meter.

A fence must be installed when the height of the retaining wall is equal to or greater than 1.75 meters, in compliance to the *Zoning By-Law*.

2.1.5 : Chimney

Any chimney or smoke conduit projecting from a construction's exterior wall must be covered by an exterior cladding material authorized in the *Zoning By-Law*.

2.1.6 : Snow and ice

Any main building that has a roof slope greater than 12/12 must be equipped with a snow guard attached to the wall or to the roof as to prevent snow or ice from falling, except if the roof is made of asphalt shingles. This provision only applies when the main building is located at less than 1 meter from the public right-of-way.

When the accumulation of snow or ice on the roof of a building can become a potential danger to the public, the owner must take the necessary measures to remove it.

2.1.7 : Drains

All main buildings must be equipped with a foundation drain (French drain). All foundation drains must be connected to the drainage system correctly and with materials approved for building drains. The drainage system must also be equipped with a back-water valve and a catch basin, both functional and built to the standards of the *Quebec Plumbing Code*. Furthermore, if a driveway is present with a negative slope towards the main building, the catch basin must also be equipped with a functional sump pump.

CHAPTER 2 :
Provisions Relating to Construction Standards

Rain water must be evacuated to the street's storm sewer. The connection to the drainage system must be made inside the building, leading to the catch basin. The discharge line from the roof must not be connected to the storm sewer except discharge lines from flat roofs. The lines must discharge on the lot or in a basin running parallel to the lot line, as needed.

These provisions apply to all main buildings of the Town of Montreal West, new or existing. All owners must ensure that they are in compliance to the provisions of this section within 1 year of the coming into force of the current by-law, in compliance with the law. If the owner of a building fails, neglects or refuses to install the equipment mentioned in the present section and to maintain it in good working order, the Town shall not in any event be liable for damages caused to any such building or its contents through flooding or back-flow of sewage.

2.1.8 : Construction semi-detached or attached dwellings

In the case of a new construction project integrating two or more dwellings erected as semi-detached or contiguous, the dwellings must be built at the same time.

2.1.9 : Location of equipment and conduits

Equipment and conduits (ducts, outlets, electricity meters, etc.) must be located on the side or rear walls of the building.

2.1.10 : Encroachment onto the public domain

Unless otherwise mentioned in the present by-law or in the *Zoning By-Law*, no construction can encroach onto the public domain. Devices to allow the evacuation of water must be included in any overhang as to not spill any water onto the public domain.

2.1.11 : Care and maintenance of exterior surfaces

Exterior surfaces made of wood of any construction must be protected by paint, stain or varnish, or any other coating that is not prohibited in the present by-law or in the *Zoning By-Law*.

Exterior surfaces made of metal of any construction must be protected by paint or any other coating that is not prohibited in the present by-law or in the *Zoning By-Law*.

Exterior surfaces of any construction must be maintained in order to preserve a uniform appearance, must not be stripped of their weatherproof cladding or protection and must not be damaged.

2.1.12 : Security

Any building, construction, worksite or lot must be kept safe and in condition at all times.

CHAPTER 2 :
Provisions Relating to Construction Standards

Division 2.2 : Provisions relating to sustainable construction techniques

2.2.1 : Insulation materials

All types of insulation materials are authorized, with the exception of sawdust and straw that is not in bales, for the roof and walls of main buildings so long as they are covered with an exterior cladding material authorized in the *Zoning By-Law*.

2.2.2 : Green roofs

Extensive or intensive green roofs are authorized with the following conditions:

1. The slope of the roof is less than 35 % ;
2. Roof access is provided, inside or outside the building. Exterior roof access must be located at the rear ;
3. The applicant must demonstrate the bearing capacity of the roof, in function of the type of the projected green roof.

2.2.3 : Low-flush toilets

For all new buildings and constructions, toilets must have a flush flow of less than 6 liters per flush (L/flush). This requirement also applies to renovations, extensions and reconstructions that include a powder room or a bath room.

CHAPTER 2 :
Provisions Relating to Construction Standards

Division 2.3 : Provisions relating to fortification and protection elements of a construction

2.3.1 : Scope of application

Fortification and protection elements are prohibited except for constructions or parts of these housing the following uses or activities:

1. Financial institutions and foreign exchange offices, excluding all activities related to the pawning or consignment of goods ;
2. Automatic teller machines ;
3. Jewelry stores ;
4. Vaults or secured rooms inside a business or an industrial premise for the protection and conservation of goods and products ;
5. Storage or transfer centre for an enterprise engaging in the transportation of funds ;
6. Research, manufacturing and storage establishments using products or methods requiring elevated protection by a provincial or federal law or by-law;
7. Municipal, governmental or paragonmental establishments.

2.3.2 : Authorized materials or works in building fortification

The use, assembly, installation and the upholding of construction materials or components aimed at providing a construction with armour, bullet-proofing, fortification, or protection against projectiles, explosive discharges, shocks or vehicular strikes or any other type of assault are only authorized for the uses and activities listed in section 2.3.1 of the present by-law.

The elements associated with fortification and protection include, but not exclusively, the following:

1. Laminated glass (H-6) or any other glass specially reinforced to resist the impact of firearm projectiles, explosions or assault; polycarbonate compounds, Plexiglas or any other similar materials making glass difficult to break;
2. Protective shutters made of steel, whether opaque or in posts, inside or outside a building or construction, or any other material designed to resist the impact of firearm projectiles, explosions or assault, whether it be steel or any other material ;
3. Armoured doors made of steel or doors specially reinforced to resist the impact of firearm projectiles, explosions or assault ;
4. Protective steel plates, inside or outside a building or construction ;
5. Anti-intrusion grilles or metal bars, whether they be at a pathway, at the doors or at the openings of a building, except those installed to protect the openings of a basement or a ground floor;

CHAPTER 2 :
Provisions Relating to Construction Standards

6. Walls or part of walls, inside or outside a building, made of armoured steel, reinforced concrete, or specially reinforced to resist the impact of firearm projectiles, explosions or assault;
7. Watch keeping area or lookout specifically located on the roof of a building and non accessible to the public ;
8. Rigid or flexible materials with bullet-proof properties.

2.3.3 : Image collection or night-vision system

The installation of an image collection or night-vision system is prohibited for all constructions having a residential use.

For all constructions having uses other than residential, these systems can only be installed in storage areas, parking lots, in openings for doors and windows or in areas providing access to vehicles.

2.3.4 : Remote control system for vehicular access

Inside a building or part of a building, the installation of a remote control system for vehicular access is only authorized in the following cases:

1. A construction listed in section 2.3.1 of the present by-law;
2. An immovable or part of an immovable used for exterior storage of goods, machinery, tools or vehicles ;
3. An immovable or part of an immovable having an industrial use that requires, in the course of its operation, exterior storage areas ; or that in absence of a remote control system for access, by the nature of its activities, may compromise public health and safety ;
4. An immovable or part of an immovable used or exploited as vacant land, a park or a parking garage for vehicles.

2.3.5 : Termination of use

Fortification and protection elements authorized in the present division must be completely dismantled in no more than 6 months following the termination of use or removal of the equipment for which they were authorized.

CHAPTER 2 :
Provisions Relating to Construction Standards

Division 2.4 : Provisions relating to private seniors' residences

2.4.1 : Conditions for layout

Private seniors' residences composed of 9 rooms or less must respect the following conditions:

1. One or more common areas must be made available, having a minimum area of 2.5 square meters per room, while having a minimum area 12 square meters per common area ;
2. The rooms must be located on the ground floor or on the upper floors : no room can be located in the basement ;
3. The minimum area of a room must be 8 square meters for 1 occupant and 13 square meters for 2 occupants, excluding areas required for closets and other storage ;
4. Each room must have a closet or a storage area having a minimal area of 1 square meter ;
5. Each room must have a sink ;
6. Each room must be directly accessible by a distinct exterior entrance or by a common hallway ;
7. No room can have direct access or open directly to a common area, a kitchen or a dining room ;
8. The residence must be equipped with a kitchen and a dining room capable of holding 60 % of its residents ;
9. The bathrooms and powder rooms must be equipped with supporting bars ;
10. Common hallways must be equipped with handrails ;
11. There must be a laundry room with a minimal area of 0,5 square meters per room ;
12. If there are common areas in the basement, a direct exit to the exterior must be provided. Furthermore, the staircase must be dressed with fire-retardant materials ;
13. If the main entrance of the building is accessed by steps with more than 2 risers, an exterior access ramp must be built at the main entrance.

**CHAPTER 2 :
Provisions Relating to Construction Standards**

**Division 2.5 : Provisions relating to responsibilities of the applicant, of the owner
or of the person executing the work**

2.5.1 : Security on work-sites

When work is carried out within 3 meters of the public domain or when the designated official deems it appropriate for public security, work-sites must be surrounded by a fence at least 1.80 meters high and all measures must be taken to protect the public. The owner is responsible for any accident or damage to any person or property, public or private, as a consequence of the work.

Any excavation 2 meters or deeper must be surrounded by a fence at least 1.80 meters high at all times to protect the public.

2.5.2 : Machinery and tools on-site

A building permit grants the right, for the person carrying out the work, to install and maintain machinery, tools and devices on-site, so long as they are necessary for the execution of work.

Machinery, tools and devices must be removed from the lot within 7 days following the completion of work.

2.5.3 : Temporary occupation of the public domain

During the course of work, temporary occupation of the public domain is authorized to place devices and construction materials or to excavate a cavity, if this cannot be done on private property.

Deterioration of the road or sidewalk resulting from work carried out must be repaired at the expense of the permit applicant or the owner. This person is responsible for any accident involving people or for damage to private property as a result of occupying the public domain.

Activities such as the preparation of mortar, sawing or the preparation of wood, stone or cement for construction are not authorized on the public domain.

2.5.4 : Restoring original site conditions

When a construction work is completed, all materials, debris, garbage and equipment must be removed. The site must be returned to its original condition within 14 days following the completion of work.

When doing excavation or fill to restore site conditions, it is prohibited to modify the natural grade of a site by more than 1 meter. It is prohibited to use materials, debris or garbage doing fill on a site.

CHAPTER 2 :
Provisions Relating to Construction Standards

Division 2.6 : Provisions relating to dangerous, incomplete or burnt constructions

2.6.1 : Burnt, destroyed or dangerous construction

Any construction that has been burnt, destroyed or that is dangerous, in part or in whole, must be completely closed off, barricaded and the site fenced off by a security fence at least 1.80 meter high, as to immediately prevent any accident and to immediately ensure the public's safety.

In this case, the construction must be demolished or rebuilt within 6 months.

2.6.2 : Excavation or foundation

Any excavation or foundation of any incomplete, burnt, destroyed or displaced construction must be surrounded by a fence at least 1.80 meters high as to immediately and permanently ensure the public's safety.

In all cases, the incomplete, burnt, destroyed or displaced foundation must be demolished or rebuilt within 6 months.

2.6.3 : Incomplete or abandoned construction

An incomplete or abandoned construction, left as is for more than 30 days after the expiration of the delay granted by the permit, must be completely closed-off and barricaded as to prevent any accident and to ensure the public's safety.

In all cases, an incomplete or abandoned construction must be demolished or completed within six months.

2.6.4 : Demolition of a construction

Before beginning the demolition of a construction:

1. All measures requested by the designated official to protect the site and the public must be executed ;
2. Warning signs must be adequately installed and the owners of adjacent properties must be notified ;
3. Public utility connections must be disconnected and protected up to the lot line.

Once a construction or part of a construction's demolition work has been completed, the lot must be cleaned of all debris or materials and must be in a clean state within 14 days following completion. All excavation must be filled in the same timeframe.



TOWN OF MONTREAL WEST

BUILDING BY-LAW N^o 2009-010

CHAPTER 3 :

Final Provisions

Prepared by:



**CHAPTER 3 :
Final Provisions**

Division 3.1 : Coming into force

3.1.1 : Coming into force

The present by-law comes into force in compliance to the law.

(S) Campbell Stuart, Mayor

(S) Claude Gilbert, Town Clerk