

PROVINCE OF QUÉBEC

CITY OF DORVAL

BUILDING BY-LAW

NO RCM-60G-2016

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THE COUNCIL OF THE CITY OF DORVAL DECLARES AS FOLLOWS:

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CHAPTER 1. APPLICATION, INTENT, INTERPRETATION AND ADMINISTRATIVE PROVISIONS

SECTION 1. APPLICATION AND INTENT

1. TERRITORY AFFECTED BY THE BY-LAW

This By-law applies to the area contained within the municipal boundaries of the City of Dorval.

2. SCOPE OF APPLICATION

The construction, enlargement, conversion, relocation, repair, demolition of or addition to a construction or part of a construction, the use or change of use of a construction or part of a construction, the dividing or subdividing of a dwelling unit or a suite, the installation of a mobile home, as well as the execution of work on a lot or a construction must be done in conformity with the provisions of the By-law, including all provisions of any code associated with or attached to it.

3. LAWS AND REGULATIONS

No provision in this By-law may be interpreted in such a way as to exempt a person from the application of any law or regulation issued by the provincial or federal government.

4. QUÉBEC CONSTRUCTION CODE

The Quebec Construction Code, its supplements, appendices, related codes and standards are adopted by the City as applicable regulations.

Amendments made to this Code and all other above-mentioned documents also form an integral part of this By-law without the necessity of adopting any by-laws to validate the applicability of any amendment made to the Code and to these documents. Such an amendment takes effect on the date determined by resolution of Council.

SECTION 2. INTERPRETATION

5. MEASUREMENTS

All dimensions and measurements used in this By-law are expressed in units of the Metric System.

6. REFERENCES

All references in this By-law to other regulations shall be open, that is to say they extend to any changes that may be subject to these regulations, created after the coming into force of this By-law.

7. PRECEDENCE OF A PROVISION

In the case of a conflict between a provision in a code mentioned in Article 4, including its amendments, and a provision in this By-law, the latter takes precedence.

In the case of a conflict between two provisions in this By-law or between a provision in this By-law and a provision in another by-law, the specific provision takes precedence over the general provision.

In the case of a conflict between restrictive or prohibitive provisions contained in this By-law, or in the case of a conflict between a restrictive or prohibitive provision in this By-law and a provision in another by-law, the most restrictive or prohibitive provision shall apply.

In the case of a contradiction between the text and a title, the text takes precedence.

8. TERMINOLOGY

For the interpretation of this By-law, the words and expressions shall have the following meanings:

- 1° "Competent Authority" means the Urban Planning Department Director or a person nominated by City Council to assist or replace the Director if necessary;
- 2° "City" means the City of Dorval;
- 3° "Council" means the Municipal Council of the City of Dorval;
- 4° "Committee" means the Planning Advisory Committee of the City of Dorval;
- 5° "Street" means public streets, private roads, and thoroughfares open to traffic;
- 6° "By-law" means this By-law.

In the interpretation of this By-law, all words or expressions shall be given the meaning they are ascribed in the list of definitions in Chapter 13 of the Zoning By-law in force. Any word or term not specifically mentioned in said list shall have the meaning commonly given to this word or term.

Notwithstanding the first two paragraphs, a code mentioned in Article 4 must be interpreted according to the definitions and rules of interpretation specific to that code.

SECTION 3. ADMINISTRATIVE PROVISIONS

9. MANAGEMENT AND APPLICATION OF THE BY-LAW

The management and application of the present By-law falls under the jurisdiction of the Urban Planning Department Director.

The City Council may also nominate one or more person to assist and replace the Director if necessary.

10. POWERS AND DUTIES OF THE DIRECTOR

The Director of the Urban Planning Department is responsible for making sure that this By-law is respected and as such, may exercise all the powers granted to him, as defined in the Permits and Certificates By-law in force.

11. FINES, SANCTIONS, APPEALS AND PROSECUTION

Anyone who contravenes a condition of this By-law or allows such contravention is committing an offence and is subject to the imposition of a fine of between \$500 and \$1,000 if a private individual, or a fine of between \$1,000 and \$2,000 if a legal entity.

The City may, for the purposes of enforcing the provisions of this By-law, concurrently or alternatively with those specified in this By-law, exercise all appropriate remedies, whether civil or criminal in nature.

CHAPTER 2. PROVISIONS PERTAINING TO CONSTRUCTIONS

SECTION 1. MATERIALS TESTING AND BUILDING INSPECTIONS

12. GENERAL PROVISIONS

When the Competent Authority so requires, any material of any nature whatsoever, used for construction or repair work, and any assembly of materials, must be tested and inspected for purposes of determining their properties and characteristics. All devices and operations and any new material and/or construction procedure may also be tested to determine their effectiveness.

All tests and inspections shall be carried out in compliance with the requirements of Articles 13 and 14.

13. MATERIALS TESTING

All tests shall be carried out by an approved laboratory, in accordance with all instructions provided by the Competent Authority.

Certified reports of all tests shall be submitted to the Competent Authority.

All tests are carried out at the owner's or builder's expense.

14. BUILDING INSPECTIONS

When the Competent Authority has reason to believe that part of a building or construction is not sufficiently strong, he may require an inspection or calculation verification (or both) to be carried out for any part of the building or the structure he may designate.

All inspections and calculations shall be carried out by an architect, engineer or technologist and a written report shall be submitted to the Competent Authority. All costs incurred for any test or calculation are at the owner's expense.

Should the owner fail to undertake any inspection or calculation, the Competent Authority may have them carried out at the owner's expense.

Should any inspection or calculation reveal weaknesses in a structure, the owner shall make the structure conform to all requirements of this By-law.

SECTION 2. PLUMBING AND VENTILATION

15. GENERAL PROVISIONS

Plumbing installations must conform to the Plumbing Chapter of Québec Construction Code in force.

Notwithstanding Article 4 and the present Article, the application and supervision of the Plumbing Chapter of the Québec Construction Code falls under the jurisdiction of the Régie du bâtiment du Québec.

16. CONNECTION TO THE PUBLIC NETWORK

Notwithstanding the preceding paragraphs, any connection or modification of an existing connection to an aqueduct or drainage or waste sewers must be made in accordance with the provisions of By-Law regarding the administration of water supply and sewer services in force.

17. OPEN DRAINAGE DITCHES

Construction of open drainage ditches is prohibited except in the following cases:

- 1° On properties owned by Transport Canada and operated by that Ministry or its agent;
- 2° On properties of Canadian National and Canadian Pacific and their subsidiaries and on which a railway line is operated. Tenants of Canadian National and Canadian Pacific are not entitled to this exemption.

18. WATER METERS

Any building occupied for non residential purposes, either in part or in full, shall be equipped with one or more water meters in compliance with agglomeration by-law number RCG07 031. This requirement applies to existing buildings located on the Dorval territory, and their owners shall take all the necessary measures in order to facilitate the installation of one or more water meters. The installation, location and configuration of the water meters shall respect all the requirements of by-law number RCG07 031.

From the date this by-law comes into force, any new water connection intended for residential purpose shall also be equipped with a water meter in order to calculate the water consumption of the building. It shall be installed inside the building at a location allowing easy access and proper reading. The water meter is provided and permanently owned by the city.

In compliance with the application of this article, the competent authority can request that a water meter be installed during the construction of a building.

19. BATHROOM VENTILATION

All bathrooms must be mechanically ventilated at the rate of 2 PCM per square foot and shall be vented by means of a fan controlled by a switch in the case of dwelling units or shall operate continuously in premises occupied by any other type of use.

20. REQUEST FOR DRAWINGS

The City may require that drawings be submitted of a building's interior plumbing system or details of the operating specifications of a device that uses water from the drinking water distribution network.

21. INSTALLATION OF PLUMBING FOR PUBLIC USE

A plumbing system installed inside a building or a facility destined for public use must be maintained in a hygienic, safe condition and in good working order at all times.

22. SUMP PUMP

The installation of a sump pump is compulsory except when the connection with the drainage sewer system can be made with gravity only.

SECTION 3. RESISTANCE AND SECURITY MEASURES

23. IMMUNIZATION MEASURES TAKEN IN LOW FLOW ZONES

Buildings, structures and installations that are permitted within a low flow zone, as prescribed in the Zoning By-law, must be constructed in accordance with the following immunization measures, adapting them to the targeted infrastructures, as required:

- 1° All openings (windows, air vents, access doors, garages, etc.) must be above the 100-year flood line;
- 2° All ground level floors must be above the 100-year flood line;
- 3° Relief drains must be equipped with check valves;
- 4° A study must be carried out on all structures or parts of structures built below the 100-year flood line, to demonstrate the ability of these structures to withstand said flood, and including all calculations pertaining to the waterproofing system, the stability of the

structures, the required armature, the available pumping capacity to evacuate infiltrated water and the compression and tension strength of the concrete.

- 5° Any backfilling must be limited to protecting the land closest to the building or structure in question and must not extend to the whole of the land where the construction of said building or structure is proposed; the average slope, from the top of the fill adjacent to the protected building or structure to the bottom of the slope, must not be less than 33 1/3% (ratio of 1 to 3 vertical to horizontal)

24. UNOCCUPIED OR UNCOMPLETED CONSTRUCTION AND DAMAGED, DILAPIDATED OR PARTIALLY DEMOLISHED BUILDINGS

Any unoccupied or uncompleted construction and any damaged, dilapidated or partially demolished buildings shall be repaired, demolished or adequately closed or boarded up in order to prevent accidents, within forty-eight (48) hours of notification by the Competent Authority.

25. DANGEROUS EXCAVATIONS AND UNUSED FOUNDATIONS

Any excavations left open or unused exposed foundations of buildings that have succumbed to fire or that have been demolished, moved or not fully completed must either be backfilled to ground level or enclosed by a solid fence at least 1,80 m in height and made of painted or dyed wood plank or painted plywood panels. In cases where excavations are backfilled, construction materials or demolition debris shall not be used for that purpose.

SECTION 4. PROVISIONS PERTAINING TO THE PROHIBITION OF ARMoured BUILDINGS

26. GENERAL PROVISIONS

It is prohibited to build, modify or transform a building with material which, when assembled, has the effect of creating walls and roofs resistant to firearm projectiles, explosives, vehicular impacts and assaults. It is also prohibited to erect a watch tower, on a building or anywhere else on the lot.

27. CATEGORIES OF BUILDINGS EXEMPTED

The following buildings, parts of buildings or uses are exempted from the application of Article 25:

- 1° Banks, Credit Unions or other financial institutions, jewellery stores;
- 2° Commercial enterprises requiring armoured buildings intended for the storage and transport of funds;

- 3° Any establishment under the authority of the government or municipality and any penal institution;
- 4° Any commercial or industrial establishment containing a research center using a substance or a procedure requiring a specific level of protection as deemed by law, a by-law, code or standard in force for this type of establishment, substance or procedure;
- 5° A security vault or a secure room intended for the storage of collections, artefacts, works of art or archival documents within a museum, an archive centre or a library.

28. ARMOUR OR FORTIFICATION MATERIALS PROHIBITED

Without limiting Article 25, the assembly, installation and maintenance of the following materials or products to shield or fortify a building or property are prohibited:

- 1° Armoured plates made of metal or any material of great resistance, applied on either side of a wall or roof of a building;
- 2° Laminated glass or any other type of glass or bullet proof material located inside windows and doors of a building;
- 3° Bullet proof shutters or protective shutters located around doors and windows of a building and which offer great resistance to explosives and impacts;
- 4° Armoured or reinforced doors resistant to firearm projectiles, explosives, vehicles and assault equipment;
- 5° Grills and bars installed in a window or a door other than those installed in cellar or basement windows. The above-mentioned restriction does not apply to the doors and windows of commercial establishments.

29. NON-CONFORMING BUILDINGS

Any building already constructed contrary to the provisions of articles 25, 26 and 27 of the present By-law must be reconstructed or modified to conform to the By-law within 6 months of the date of the notice or infraction.

SECTION 5. SAFETY AND MAINTENANCE OF CONSTRUCTIONS

30. HAZARDOUS CONSTRUCTIONS AND CONSTRUCTIONS WHICH HAVE LOST AT LEAST HALF OF THEIR VALUE

When a construction is in a condition that may pose a danger to people or when it has lost half its value due to age, fire or explosion, a judge of the Superior Court sitting in the district

where the construction is located may, at the City's request made at the Court Hearing, require the owner of the construction or any other person responsible for it to carry out the work needed to ensure the safety of such persons or, in the absence of any other effective remedy and if the owner has been informed, to proceed with demolition of the construction by the deadline he sets, and order that unless this deadline is met, the City may carry out this work or undertake this demolition at the expense of the owner of the construction.

In cases of exceptional emergency, the judge may authorize the City to carry out this work or to undertake this demolition immediately and to claim the cost from the owner.

When the owner of the construction or the person who is responsible for the construction is unknown, cannot be found or is uncertain, the judge may authorize the City to carry out the work immediately and to claim the cost from the owner, should it be able to identify or find him.

The judge may also at any time require those who occupy the construction to evacuate it by the deadline he sets.

SECTION 6. PROVISIONS PERTAINING TO WATER RETENTION

31. SCOPE OF APPLICATION

Any person or company intending to build or extend an industrial, commercial, institutional, residential or other construction on private property must draw up a plan to control stormwater, using the method mentioned in the present By-law. The same regulations will apply to future parking projects as well as to modifications to existing parking lots/establishments.

Lots with an impervious surface area of less than 1,000 m² are exempted from this By-law. Area refers to surfaces composed of concrete and asphalt, roofs of buildings and surfaces where such facilities are provided.

32. MAXIMUM CAPACITY ALLOWED IN THE NETWORK

Each construction project, when finished, must be subjected to a rainfall frequency rate of one-in-50 years and must not add to the water going into the City's sewer network or drainage ditch beyond the natural maximum flow permitted, which is 10 litres a second per hectare.

33. CALCULATION OF REQUIRED VOLUMES

The volume required for the retention of stormwater on private property is calculated by using the City's designated form which refers to the intensity-duration-frequency (IDF) curves of rain registered in Dorval by Environment Canada, at a rain frequency over a 50-year period.

The following runoff coefficients (r) shall be used with the rational method:

Type of surface	Runoff coefficient
Interlocking concrete pavement	0.90
Bituminous concrete	0.95
Cement concrete	1.00
Grass	0.50
Building roof	0.95
Areas earmarked for future expansion	0.95

34. STORAGE OF REQUIRED VOLUMES

Various methods can be employed for the temporary collection of rainwater on a private property, namely:

- 1° On building roofs;
- 2° On paved surfaces;
- 3° In surface basins;
- 4° In underground pipes;
- 5° In underground reservoirs.

Ditches and surface reservoirs filled with crushed stone are prohibited. Underground reservoirs made of crushed stone are authorized only if they are equipped with a device preventing the contamination of stone and can be serviced.

Collection of runoff on paved surfaces used by automobiles for parking and circulation shall not exceed a depth of 150 mm above catch basin covers.

Collection of runoff on paved surfaces used by trucks for purposes of loading and unloading shall not exceed 450 mm above catch basin covers.

Surface collection basins shall be designed and placed so as to consider aesthetics and safety and shall be no wider than 7.60 m.

They shall be located entirely on private property and not encroach upon street rights-of-way, shall be at least 4.60 m from the paved surface, and shall under no circumstances be closer than 1 m to a street or other right-of-way.

Sod shall be used on all basin slopes.

The outer walls of the basins shall be made of the following materials only:

- 1° Prefabricated concrete wall block;
- 2° Pressure-treated ties;
- 3° Minimum 450 mm-size pebble;
- 4° Reinforced concrete poured in situ.

Basins shall be designed such that the runoff collection does not exceed a depth of 450 mm above the bottom of the basin with a surrounding freeboard of 150 mm for a one-in-50-years rainfall.

Trees and/or shrubs may be planted on the bottom, on the slopes or around the perimeter of the basins. 100 mm to 150 mm-size natural gravel, minimum 300 mm-size pebble, or sod shall be laid in the bottom of the basin.

Underground reservoirs may be made of reinforced concrete pipes, galvanized corrugated sheet metal with interior and exterior bituminous coating, reinforced concrete, or CSA-, BNQ, or ULC-approved fibreglass or plastic.

When fibreglass or plastic reservoirs are used, they shall be mounted on and securely anchored to a concrete slab to prevent any heaving.

35. **CONTROL DEVICES**

Vortex flow controllers and orifice plates available on the market, controlled-flow roof drains and electric pumps with generators for backup in the event of power outages are all devices that can be used for limiting the outflow of rainwater noted in Article 31 hereof.

Vortex flow controllers shall be installed in sewer manholes with a diameter of at least 1.2 m and not in catch basins, such that the clearance between the controller and the bottom of the manhole is no less than 300 mm.

The controllers shall be securely installed and attached to the inside of the manholes by means of stainless steel angle irons, bolts, cables etc. or by supports resistant to various corrosive agents.

The capacity of electric pumps used as control devices shall not exceed the maximum permitted outflow stipulated in Article 31 hereof.

36. **MAINTENANCE OF INSTALLATIONS**

All collection and control installations, and private drainage networks, shall be constantly maintained in a good state of repair by the owner. The owner shall take all necessary precautions to ensure that the control devices are at all times kept free of any debris including ice and snow. The City may require that the owner have the necessary

maintenance or corrective work done. The owner shall carry out this work within 30 days of receiving written notice from the City.

SECTION 7. SOLID-FUEL HEATING

37. INSTALLATION OF A SOLID FUEL APPLIANCE

The installation, inside a building, of any appliance or fireplace that burns solid fuel is prohibited, unless the appliance or the fireplace is recognized as having an emission rate into the atmosphere of no more than 2.5 g/hr for fine particulate matter.

This article does not apply to an appliance used for cooking food, for commercial purposes, installed in a building where a commercial use is authorized.

For the purposes of this article, installation includes replacement.

CHAPTER 3. PROVISIONS PERTAINING TO ACQUIRED RIGHTS AND NON- CONFORMING CONSTRUCTIONS

38. DEFINITION OF NON-CONFORMING CONSTRUCTIONS

Constructions are non-conforming when they do not conform to one or more provisions of this By-law.

39. DEMOLITION OF NON-CONFORMING CONSTRUCTIONS

Non-conforming constructions that are demolished are no longer protected by acquired rights.

40. ALTERATIONS TO NON-CONFORMING CONSTRUCTIONS

Non-conforming constructions may be altered or enlarged if the proposed alteration or enlargement conforms to all provisions of this By-law and the Zoning By-law.

41. REPAIRS TO NON-CONFORMING CONSTRUCTIONS

Non-conforming constructions may be maintained and repaired.

42. REPLACEMENT OF NON-CONFORMING CONSTRUCTIONS

Non-conforming constructions may not be replaced by another non-conforming construction.

43. RECONSTRUCTION OF BUILDINGS

Reconstruction or restoration of buildings destroyed, made hazardous or which have lost at least half of their value stated on the assessment roll due to a fire or any other cause shall be carried out in compliance with the by-laws in effect at the time of the said reconstruction or restoration.

CHAPTER 4. FINAL PROVISIONS

44. REPLACEMENT

For all legal purposes, the present By-law shall replace Building By-Law No. RCM-1391G-2007 and its amendments.

45. COMING INTO FORCE

This By-law shall come into force as provided by Law.

APPROVED _____ MAYOR

APPROVED _____ CITY CLERK