

MUNICIPALITY OF PONTIAC

M.R.C. OF THE COLLINES-DE-L'OUTAOUAIS

BYLAW 608-2016

BYLAW 608-2016 PERTAINING TO THE OCCUPATION AND MAINTENANCE OF BUILDINGS

WHEREAS according to section 145.41 of the Act respecting Land Use Planning and Development (*RLRQ c A-19.1*), the Municipality is authorized to establish standards and provisions pertaining to the occupation and maintenances of buildings;

WHEREAS a notice of motion of the present bylaw has duly been given at a regular Council meeting held on July 12, 2016;

It is

Moved by : Inès Pontiroli
Seconded by : Brian Middlemiss

CONSEQUENTLY, IT IS RESOLVED THAT THE COUNCIL DECREES AND RULES THE FOLLOWING:

CHAPTER 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

1. **TITLE OF THE BYLAW**
The bylaw is entitled «Bylaw 608-2016 pertaining to the occupation and maintenances of buildings».
2. **SUBJECTED TERRITORY**
The bylaw applies to the entire territory of the Municipality of Pontiac.
3. **PRECEDENCE RULES**
In case of incompatibility between two regulatory provisions, the specific provision prevails over the general provision.
In case of divergence between two provisions, the more restrictive one shall apply.
None of the provisions in the present by-law shall have the effect of exempting an individual from the enforcement of a federal or provincial Act.
4. **TERMINOLOGY**
For the interpretation of the by-law, unless the context indicates otherwise, all terms have the meanings assigned to them in *bylaw number 176-01 pertaining to the Administration and interpretation of planning regulations*.

CHAPTER 2 ADMINISTRATIVE PROVISION

5. **IMPLEMENTATION OF THE BYLAW**
The designated civil servant is responsible for the implementation of the by-law.
6. **POWERS AND DUTIES OF THE DESIGNATED CIVIL SERVANT**
The powers and duties of the designated civil servant are defined in *bylaw number 176-01 pertaining to the Administration and interpretation of planning regulations*.
7. **DUTIES OF THE OWNER OR THE OCCUPANT**
The owner or occupant of a building must:

- 1° Ensure its maintenance and its good condition;
- 2° Respect the standards, the measures and requirements pertaining to the occupation and the maintenance of a building in the present bylaw;
- 3° Allow the designated civil servant to enter a building without disturbing the execution of his duties ;
- 4° To provide any information pertaining to the implementation of the present bylaw et any related documents;
- 5° To carry out or having it carried out, a test, an analysis or a verification of a material, an equipment or an installation and to provide an attestation of conformity, of the security and the proper function, issued by a competent authority within 21 days in order to ensure the compliance to the present bylaw.

CHAPTER 3

STANDARDS AND MEASURES PERTAINING TO THE OCCUPATION AND THE MAINTENANCE OF A BUILDING

8. GENERAL PROVISION

It is prohibited to deteriorate or to allow deteriorating a building because of a lack of maintenance or abusive or inappropriate use of any kind.

9. SPECIFIC PROVISIONS

Without restraining the scope of section 8, the following are considered as affecting the integrity of the building:

- 1° a crack in a foundation threatening the solidity of the building;
- 2° any twisted beam, collapsed joists, mildew and rot, or tilted wall ;
- 3° any part of a staircase, including the stairs, damaged or affected by rot ;
- 4° any frame or balcony or porch structure damaged with peeling paint or equipped with a railing that does not adequately protect the occupants ;
- 5° broken window panes or rotten window frames;
- 6° any rain gutter causing soil erosion or affected by rust or corrosion ;
- 7° any roof without roofing, partly or totally, or that is damaged;
- 8° any exterior wall of a main or secondary building that does not have compliant exterior cladding or with exterior cladding that is damaged, rotten or affected by corrosion, any non-permeable building envelop;
- 9° in a general way, the presence of vermin, rodents, insects or visible mildew as well as conditions that promotes their proliferation ;
- 10° filthiness, deterioration or the clutter of a main building, an accommodation, a balcony or a secondary building ;
- 11° the presence of dead animals or animal or human excrements;
- 12° the condition of a building affecting the health or the security of the residents or the public because of its use or its condition ;
- 13° excessive accumulation of old material, newspapers, clothes, litter, etc. (Diogenes Syndrome) ;
- 14° the absence of heating means ;
- 15° the presence of stagnant water, humidity in the building causing mildew;
- 16° toxic fumes, in a building located on a condemned land, gas leak, fuel, carbon monoxide, radon or other chemical products such as formaldehyde, VOC ;
- 17° ventilation problems (dirty ventilation system).

CHAPTER 4

SANCTIONS, RECOURSES AND INTERVENTIONS

10. SANCTIONS AND RECOURSES

Anyone violating provisions of articles 7, 8 and 9 of the present bylaw commits an offence and is liable to a fine:

- 1° for a natural person, from \$ 200 to \$ 500 for a first offence and from \$ 1, 000 to \$ 2, 000 for a repeated offence, ;
- 2° for a legal person, from \$ 400 to \$ 1, 000 for a first offence and from \$ 2, 000 to \$ 4, 000 for a repeated offence;

11. INTERVENTIONS FROM THE MUNICIPALITY

The Municipality can:

- 1° If an offender does not collaborate, request the necessary expertise and do the appropriated remedial actions on the faulty buildings in order to comply with the present bylaw.

- 2° Recover the cost incurred for the work which constitute a prior claim on the building, in the same way and equal to the debts mentioned in paragraph 5° of section 2651 of the Quebec Civil Code.
- 3° When necessary, ask the Superior Court to remedy to all derogatory situations with the present bylaw.


CHAPTER 5
FINAL DISPOSITIONS

12. ENTRY INTO EFFECT

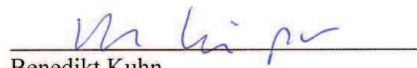
The present by-law will enter into effect following the procedures provided by the Law.

Carried

GIVEN IN PONTIAC this August 16, 2016



Roger Larose
Mayor



Benedikt Kuhn
Director General

Notice of motion: July 12, 2016
Adoption: August 16, 2016
Resolution #: 16-08-2874