

**ADMINISTRATIVE COMPILATION
BYLAW 03-24****BYLAW 03-24 CONCERNING THE OCCUPANCY AND
MAINTENANCE OF BUILDINGS**

Adopted by the Municipal Council on February 13, 2024
Entry into force on February 15, 2024

Name and/or number of bylaw, politic, resolution	Date of Council's approval	Coming into force	Status
608-2016	August 16, 2016	August 23, 2016	Repealed and replaced

PREFACE

The reader is hereby advised that any errors or omissions that may be identified in the text below do not affect the enforceability of the regulations and amendments referred to therein, as sanctioned in their original version.

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC

**BYLAW 03-24 CONCERNING THE OCCUPANCY
AND MAINTENANCE OF BUILDINGS**

REGULAR meeting of the Council of the Municipality of Pontiac, held on February 13, 2024, at 7:30 p.m., at the Luskville Community Centre, at which meeting were present:

The Mayor, Mr. Roger Larose

The Council Members:

Diane Lacasse

Caryl McCann

Garry Dagenais

Serge Laforest

Council members being a quorum.

WHEREAS, pursuant to sections 145.41 and 145.41.1 to 145.41.5 of the Act respecting land use planning and development (RLRQ, chapter A-19.1), any local municipality may provide for the adoption of a bylaw concerning the occupancy and maintenance of buildings, which allows a municipality to control dilapidated or dilapidated buildings located on its territory;

WHEREAS under sections 4, 6, 55 and 59 of the Municipal Powers Act (RLRQ, chapter C-47.1), any local municipality may provide for any prohibition and may adopt bylaws relating to sanitation and nuisances;

WHEREAS under sections 127 to 147 of the Cultural Heritage Act (RLRQ, chapter P-9.002), following the designation of a heritage immovable or site, any local municipality may establish, by resolution, conditions relating to the conservation of the heritage values of the immovable or site in question. These conditions are in addition to municipal bylaws and may apply to the entire building;

WHEREAS several buildings in the Municipality of Pontiac have not been sufficiently maintained and that this dilapidation causes prejudice to neighbouring properties that comply with the bylaws;

WHEREAS a notice of motion of the present bylaw was duly given at the regular council meeting held December 12, 2023;

THEREFORE, it is moved by Councillor Diane Lacasse and seconded by Councillor Garry Dagenais.

AND RESOLVED THAT Council decrees and adopts the following:

CHAPTER 1 : GENERAL PROVISIONS

SECTION 1 The preamble forms an integral part of the present bylaw.

SECTION 2 - TITLE

This bylaw is entitled " Bylaw 03-24 concerning the occupancy and maintenance of buildings ".

SECTION 3 - VALIDITY

The Council adopts the present bylaw as a whole and also chapter by chapter, section by section, article by article, paragraph by paragraph, subparagraph by subparagraph and indent by indent. If any chapter, section, article, paragraph, subparagraph or indent of the present bylaw is declared null and void by an authorized body, the remainder of the bylaw shall continue to apply to the fullest extent possible.

SECTION 4 - SCOPE OF APPLICATION

The present bylaw establishes standards to control dilapidated or dilapidated buildings located on the territory of the Municipality of Pontiac and to compel building owners to maintain them.

This bylaw applies to any building or part of a building, as well as their accessories, including but not limited to warehouses, balconies, garages, carports and sheds hereinafter referred to as "buildings".

SECTION 5 - PRECEDENCE

In the event of any inconsistency between a provision of the present bylaw and a provision of any other municipal bylaw, the more restrictive provision shall apply.

SECTION 6 - TERMINOLOGY

In addition to the definitions contained in the zoning bylaws, the following definition applies for the purpose of interpreting the present bylaw. If a word or term is not specifically provided for hereinafter or in the zoning bylaws, it has the meaning commonly attributed to that word or term.

CHAPTER 2 - MAIN BUILDING AND MAINTENANCE REQUIREMENTS

SECTION 7 - GENERAL REQUIREMENTS

All parts of a main building must be strong enough to withstand the stresses to which they are subjected, and must be repaired or replaced as necessary, to prevent any cause of danger or accident.

All parts of a main building must be kept in good condition so that they can be used for their intended purpose and must be maintained in such a way that they do not appear dilapidated or in an apparent and continuous state of disrepair.

SECTION 8 - SPECIAL REQUIREMENTS

Without restricting the scope of the preceding section 7, the following special requirements apply:

a) Exterior walls:

Brick or stone siding and cladding, as well as stucco, wood or other materials, must be maintained in good condition and repaired or replaced as necessary to prevent air or water infiltration and keep them looking clean.

b) Foundation walls :

Foundation walls must always be maintained in a condition as to prevent air or water infiltration or the intrusion of vermin or rodents.

Parts of foundation walls in contact with the ground must be treated to prevent water infiltration into cellars and basements.

The part of the foundation walls visible from the outside must be maintained in a state that keeps it clean.

c) Roofs :

All roofing components, including skylights, metalwork, gutters, rainwater pipes, etc., must be maintained in good condition and repaired or replaced as necessary to ensure that roofs are watertight, prevent water infiltration into the interior of buildings and maintain a clean appearance.

Eaves must be kept in good condition, repaired as necessary to maintain a clean appearance.

d) Exterior doors and windows:

Exterior doors and windows must be maintained to prevent air, rain or snow infiltration.

Frames must be caulked, and all moving parts must be perfectly joined and function normally.

Doors and windows and their frames must be repaired or replaced when damaged or defective. Any broken glass must be replaced without delay.

e) Balconies, galleries, walkways, stairs, etc. :

Balconies, galleries, walkways, exterior or interior staircases and, in general, any construction projecting from the main building must be maintained in good condition, repaired or replaced as necessary to keep them looking clean.

CHAPTER 3 - REQUIREMENTS FOR ACCESSORY BUILDINGS AND THEIR MAINTENANCE

SECTION 9 - GENERAL REQUIREMENTS

Accessory buildings :

- a) which do not offer sufficient stability to withstand the combined forces of live loads, roof loads and wind pressure loads;

or

- b) constitute a danger to persons or property in any way;

- must be modified, repaired or demolished.

SECTION 10 - MAINTENANCE OF ACCESSORY BUILDINGS

To comply with the present bylaw :

- a) An accessory building must be maintained in good condition and repaired as necessary to keep it looking clean;
- b) The exterior walls and roof of an accessory building must be watertight;
- c) Any condition likely to cause the presence of vermin or rodents must be eliminated from an accessory building and, when infested, appropriate measures must be taken to destroy them and prevent their reappearance.

CHAPTER 4 - PROCEDURAL AND PENAL PROVISIONS

SECTION 11 - COMPETENT AUTHORITY

The administration and enforcement of this bylaw are the responsibility of the officials responsible for issuing permits and certificates, who constitute the competent authority.

The competent authority is responsible for enforcing this bylaw and issuing statements of offence.

SECTION 12 - POWERS AND DUTIES OF THE COMPETENT AUTHORITY

The powers and duties of the competent authority are :

- a) To investigate any complaint and to take the necessary measures to put an end to any violation of the present bylaw;
- b) to visit and examine any immovable or movable property, as well as the interior or exterior of any house, building or edifice, to determine whether the present bylaw is being followed. The competent authority must, upon request, identify himself and exhibit the certificate issued by the Municipality attesting to his status;

- c) require that tests be carried out on materials and functional or structural elements of construction or on the condition of foundations;
- d) to establish a file for each building inspected and record all related information;
- e) to serve notices of non-compliance and issue or revoke all permits, authorizations and certificates arising from the application of this bylaw;
- f) to perform any other duty for the enforcement of the present bylaw.

SECTION 13 - REFUSAL OF ACCESS TO DESIGNATED OFFICIALS

It is an offence to refuse access to a property or building to a competent authority acting in accordance with the present bylaw.

SECTION 14 - NOTICE OF NON-COMPLIANCE

Any notice of non-compliance sent pursuant to this bylaw must be addressed to the owner's residence or place of business on the territory of the Municipality of Pontiac. If the owner has neither a residence nor a place of business on the territory, the notice may be sent by registered mail to the address shown on the assessment roll.

In addition to providing a description of the building in question, this notice must clearly and precisely indicate the following elements:

- 1) the nature of the contravention;
- 2) the measures to be taken to remedy it;
- 3) the time allowed for compliance.

SECTION 15 - COMPLIANCE PERIOD

The deadline for compliance is determined by the competent authority based on the importance of the work, and for the same reasons, it may grant an additional deadline.

SECTION 16 - VIOLATION

Failure to comply with a notice of nonconformity within the prescribed time constitutes a violation of this bylaw.

SECTION 17 - FAILURE TO COMPLY WITH NOTICE OF NON-COMPLIANCE

If, upon expiry of the compliance period(s), the person in question has not carried out the work required to bring the building into compliance with the standards and measures set out in this bylaw, as well as the deadline for doing so, the competent authority may report the contravention to the Council and recommend that legal action be taken. If the work is required to correct a dangerous situation, the competent authority will immediately take the appropriate legal action.

SECTION 18 - PERMITS

When a permit is required to carry out compliance work, it must be obtained in accordance with the procedure set out in the applicable bylaws.

SECTION 19 - OWNER'S LIABILITY

The owner of an immovable is responsible for any violation of section 16 of the present bylaw.

SECTION 20 - STATEMENT OF OFFENCE

In the event of a breach of any of the provisions of the present bylaw, the competent authority is authorized to issue a statement of offence.

SECTION 21 - PENALTIES AND LEGAL RECOURSE

- 21.1 Anyone who contravenes to sections 13 and 16 of the present bylaw, whether a natural person or a legal entity, commits an offence and is liable to a fine as follows, each day constituting a separate and distinct offence:

Enforcement of section 13 - REFUSAL OF ACCESS TO DESIGNATED OFFICIALS		
Sanction	Penalty for individual	Penalty for legal entities
1 st	\$300	\$600
2 nd	\$300	\$600
3 rd and more	\$300	\$600

Enforcement of section 16 – VIOLATION		
Sanction	Daily penalty for individual	Daily penalty for legal entities
1 st	\$300	\$600
2 nd	\$300	\$600
3 rd and more	\$300	\$600

- 21.2 In addition to the recourses provided for in the present article, the Council may, for the purpose of enforcing the provisions of the present bylaw, exercise any other recourse of a civil or penal nature including, in particular, all recourses provided for in the Act respecting land use planning and development (R.S.Q., c. A-19.1) or in the Environmental Quality Act (R.S.Q., c. Q-2).

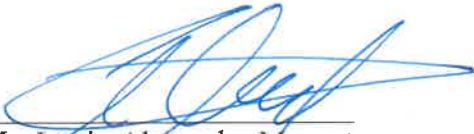
- 21.3 In the event of a repeat offence under sections 13 and 16, all fines will be doubled for both individuals and legal entities.

SECTION 22 - REPEAL

This bylaw repeals and replaces bylaw 608-2016.

SECTION 23 - COMING INTO FORCE

This bylaw comes into force in accordance with the provisions of the Law.



Mr. Louis-Alexandre Monast
Assistant Director General,
Clerk and Secretary-treasurer



M. Roger Larose
Mayor

<u>Notice of motion :</u>	January 23, 2024
<u>Tabling of the draft bylaw</u>	December 23, 2024
<u>Adoption of the bylaw :</u>	February 13, 2024
<u>Resolution:</u>	24-02-5190
<u>Date of publication</u>	
<u>And coming into force :</u>	February 15, 2024