



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO. : 90-60-3

BY-LAW AMENDING CONSTRUCTION BY-LAW NO. 90-60 REGARDING APPLICABLE CODES AND OTHER PROVISIONS

DRAFT

ADOPTION PROCEDURE

Notice of motion :	May 5, 2025
Adoption – draft :	May 5, 2025
Publication :	May 9, 2025
Public consultation :	May 28, 2025
Adoption of By-Law :	June 9, 2025
Publication :	June 13, 2025
Coming into force :	June 13, 2025

WHEREAS pursuant to section 356 of the Cities and Towns Act (CQLR, c. C-19), notice of motion of this by-law was given and a draft of this by-law was filed at the regular sitting of the Municipal Council held on May 5, 2025;

WHEREAS copies of this by-law were made available to the public;

WHEREAS the Preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

ARTICLE 1

Articles 2.1, 2.2 and 2.3 of Chapter 2 TECHNICAL PROVISIONS of By-law no. 90-60 entitled: *Construction By-law* are replaced by the following:

“2.1 National Building Code

- a) No building permit required under this By-law shall be issued unless the proposed construction complies with the provisions of the National Building Code of Canada 2020 (NRCC-CONST-56435E) issued by the Canadian Commission on Building and Fire Codes and the National Research Council of Canada, as amended by the Quebec Construction Code, Chapter I - Building, and the National Building Code of Canada 2020 (amended) (hereinafter referred to as the “National Building Code of Canada”).
- b) The use of a building may be changed only if the new use conforms to the provisions of the National Building Code of Canada.
- c) The National Building Code of Canada forms an integral part of this By-Law.
- d) Forthcoming amendments to the National Building Code of Canada form an integral part of this By-Law with no requirement to adopt a new By-Law for each amendment. However, each of these amendments comes into force only after adoption of a resolution by the Municipal Council, preceded by a public notice.

2.2 Quebec Plumbing Code

- a) The construction, installation, extension, maintenance and/or modification of any plumbing system shall be carried out only in accordance with the provisions of the National Plumbing Code of Canada 2015 (NRCC 56193E) issued by the Canadian Commission on Building and Fire Codes and the National Research Council of Canada, as amended by the Quebec Construction Code, Chapter III - Plumbing, and National Plumbing Code of Canada 2015 (amended) (hereinafter referred to as the “Quebec Plumbing Code”).
- b) The use of a building may be changed only if the new use conforms to the provisions of the Quebec Plumbing Code.
- c) The Quebec Plumbing Code forms an integral part of this By-Law.
- d) Forthcoming amendments to the Plumbing Code of Quebec form an integral part of this By-Law with no requirement to adopt a new By-Law for each amendment. However, each of these amendments comes into force only after adoption of a resolution by the Municipal Council, preceded by a public notice.

2.3 National Fire Code of Canada

- a) No building permit required under this By-law shall be issued unless the proposed construction complies with the provisions of the National Fire Code of Canada 2020 (NRCC-CONST-56437E) issued by the Canadian Commission on Building and Fire Codes and the National Research Council of Canada, as amended by the Quebec Safety Code, Chapter VIII - Building, and National Fire Code of Canada 2020 (amended) (hereinafter referred to as the “National Fire Code of Canada”).
- b) The use of a building may be changed only if the new use conforms to the provisions of the National Fire Code of Canada.
- c) The National Fire Code of Canada forms an integral part of this By-Law.

- d) Forthcoming amendments to the National Fire Code of Canada form an integral part of this By-Law with no requirement to adopt a new By-Law for each amendment. However, each of these amendments comes into force only after adoption of a resolution by the Municipal Council, preceded by a public notice.”

ARTICLE 2

Paragraph f) of section 3.2 and section 3.5 of Chapter 3 BUILDING STANDARDS of By-law no. 90-60 entitled: *Construction By-law* are respectively replaced by the following:

“f) Party walls

The different buildings in a row of dwellings must be separated from each other by a firewall or fire separation that complies with the provisions of the National Building Code of Canada and national Fire Code.”

“3.5 Structural System of buildings exceeding two Storeys

Notwithstanding any provision to the contrary, in commercial, industrial, public and mixed-use buildings exceeding two (2) storeys in height, and in residential buildings exceeding three (3) storeys in height: the structural component of the building frame, such as floors, posts, beams, joists, truss and arches, shall be made of concrete and shall comply with the provisions of the National Building Code of Canada applicable to such structural components.”

ARTICLE 3

Chapter 3 CONSTRUCTION STANDARDS of Regulation No. 90-60 entitled: Construction Regulation is amended by adding, after Article 3.10, the following new Article 3.11:

“3.11 Covered Driveway for Automobiles

As a general rule, a covered driveway for automobiles that provides access to the parking garages of a residence is considered part of the garages.

However, a covered driveway for automobiles that provides access to the parking garages of a residence is not considered part of the garages or the floor area of the garages when all the following conditions are met:

- a) The garages are closed and isolated from the driveway;
- b) The roof and walls of the driveway are made of concrete;
- c) The exterior walls of the driveway have open spaces whose total area is at least 25% of the total interior surface area of its surrounding walls. These openings are distributed over at least three exterior walls to ensure cross ventilation;
- d) The driveway is used solely to provide access to the garages.

A covered driveway for automobiles that provides access to the parking garages serving a residence is not considered part of the garages or the floor area of the garages if the exterior walls of the driveway have open spaces whose total area is at least 50% of the total interior surface area of its surrounding walls, and if these openings are distributed over at least three exterior walls to ensure cross ventilation.”

ARTICLE 4

This by-law shall come into force in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk and Director of Legal Affairs