



PROVINCE OF QUEBEC  
TOWN OF KIRKLAND

**BY-LAW NO.: 90-60**

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**CONSTRUCTION BY-LAW**

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Amendment

90-60-1, 90-60-2 and 90-60-3

**NOTICE**

This consolidation has not been officially adopted by the Municipal Council. It has been compiled on June 20, 2025, in order to facilitate the reading of the texts. The official text is to be found in the text of the original by-law and each of its amendments.

## Table of Contents

### Chapter 1

#### **DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS**

1.1	Title and Coming into Force	1-1
1.2	Adoption by Parts	1-1
1.3	Repeals	1-1
1.4	Persons and Area Subject to Application of this By-Law	1-1
1.5	Activities Covered	1-1
1.6	Compliance With Other Laws, Regulations or Servitudes	1-2
1.7	Violations, Penalties and Recourse	1-2
1.8	Interpretation	1-4
1.9	Application of the By-Law	1-4
1.10	Permits and Certificates	1-4

### Chapter 2

#### **TECHNICAL PROVISIONS**

2.1	National Building Code	2-5
2.2	Plumbing Code of Quebec	2-5
2.3	National Fire Prevention Code	2-5
2.4	Construction Site Installations	2-6
2.5	Construction Site Proceedings	2-6
2.6	Inspections	2-7
2.7	Tests and Inspections	2-7
2.8	Certificate of Location of the Foundation	2-7
2.9	Street Accesses and Obstruction of Ditches	2-7
2.10	Unoccupied, Unfinished or Unused Constructions and Burnt Buildings	2-8
2.11	Other Responsibilities of the Owner	2-8
2.12	Other Responsibilities of the Constructor	2-9
2.13	Responsibilities of the Building Inspector	2-9
2.14	Sector of Mixed Landfill	2-9

### Chapter 3

#### **BUILDING STANDARDS**

3.1	Climatic data	3-1
3.2	Additional provisions	3-1
3.3	Incinerators	3-3
3.4	Heating and Ventilation Systems	3-3
3.5	Structural System of Buildings Exceeding Two Storeys	3-4
3.6	Storm Drainage and Sewer Systems	3-4
3.7	Protection Against Backflows	3-4
3.8	Water Supply	4.1
3.9	Provisions Regarding Snow Removal on Roofs	4.1
3.10	Fire Protection System	4.1

3.11 Covered Driveway for Automobiles 4.1

**Table of Contents** (continued)

**Chapter 4**  
**NON-CONFORMING STRUCTURES AND ACQUIRED RIGHTS**

4.1 Non-Conforming Structure 4-1  
4.2 Acquired Rights 4-1  
4.3 Repairs, Improvement or Extensions to Non-Conforming Structures 4-1  
4.4 Replacement of the Use of a Non-Conforming Structure 4-1  
4.5 Termination of Acquired Rights to Non-Conforming Structures 4-1

**Appendix 1**  
**DEFINITIONS** A-1

**DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS**

**1.1 Title and Coming into Force**

- a) This By-Law may be referred to as the "Building By-Law of the Town of Kirkland".
- b) This By-Law shall come into force according to Law.

**1.2 Adoption by Parts**

Council hereby declares that it adopts this By-Law part by part, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts contained herein.

**1.3 Repeals**

This By-Law repeals By-Law Number 130, entitled "BUILDING BY-LAW", together with all its amendments. These By-Laws shall nevertheless remain in force and shall be applied in full with respect to any case in which any natural or legal person is in violation, on the date the present By-Law comes into force, of one or more of the provisions of these By-laws; furthermore, the repeal of these By-Laws shall not have effect with respect to permits legally issued under its provisions, nor shall the repeal affect acquired rights existing prior to the present By-Law coming into force.

**1.4 Persons and Area Subject to Application of this By-Law**

Compliance with the provisions of this By-Law is incumbent on both natural and legal persons under public or private Law and said By-Law shall apply to the entire area within the limits of the Town of Kirkland.

**1.5 Activities Covered**

- a) Anywhere within the limits of the Town of Kirkland, no structures shall be erected, moved, repaired, modified, enlarged, installed, demolished or used, the use of no structures shall be changed, no dwelling units shall be sub-divided unless they conform to the provisions of this By- Law.
- b) This By-Law applies to the design, construction and occupancy of new buildings, and to the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings.
- c) Where a building or any part thereof is altered, this By-Law applies to the parts of the building that are altered; when more than 50% of the floor area of a building is altered, the whole building shall be made to conform to this By-Law, unless the part which is being altered is totally independent from the rest of the building with regard to the safety standard and requirements of this By-Law, in which case only the part which is being altered shall be made to conform.

- d) This By-Law applies where a building is relocated either within or into the municipality.
- e) When the whole or any part of a building is demolished, this By-Law applies to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies remaining after demolition are corrected.
- f) When a building is damaged by fire, earthquake or other cause, this By-Law and the appropriate regulations in the Fire Prevention By-Law apply to the work necessary to reconstruct damaged portions of the building.
- g) When an unsafe condition exists in or about a building, this By-Law and the appropriate regulations in the Fire Prevention By-Law apply to the work necessary to correct the unsafe condition.
- h) When the use of a building or any part thereof is changed, this By-Law applies to all parts of the building affected by the change.
- i) This By-Law does not apply to:
  - public works located on a street or on a public transit right of way;
  - public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings;
  - flood control and hydro electric dams and structures;
  - mechanical or other equipment and appliances not specifically regulated in this By-Law;
  - ancillary buildings not greater than 10 m<sup>2</sup> in building area provided they do not create a hazard.
- j) When a building or part thereof is moved, this By-Law applies to any part of the building, be it moved or not.
- k) This By-Law applies to any prefabricated or temporary building other than those used for construction sites.

## **1.6 Compliance With Other Laws, Regulations or Servitudes**

Compliance with this By-Law shall not diminish the obligation of complying with any other Law or Regulation in force including, in particular, the Civil Code of the Province of Quebec and any other Law or By-Law governing the matters governed by this By-Law.

## **1.7 Violations, Penalties and Recourse**

- a) Commits an infraction to this By-Law:

- whoever fails to comply with any order or notice issued by the Building Inspector, or who allows a violation of this By-Law to continue;
  - whoever works or authorizes or allows work to proceed on a project for which a permit is required when no valid permit exists for the work being done;
  - whoever deviates from the accepted plans and specifications forming a part of the building permit, or omits or fails to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained in writing the approval of the Inspector to do so;
  - whoever, having authority in the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a building causes, allows or maintains any unsafe condition;
  - whoever excavates, undertakes work on, over or under public property, or erects or places any construction or work, or stores any material thereon without approval having first been obtained in writing from the appropriate government authority;
  - whoever allows the property boundaries of a building lot to be so changed as to place a building or part thereof in contravention of this By-Law, unless the building or part thereof is so altered, after obtaining the necessary permit, so that no contravention will occur as a result of the change of the property or accepted grades;
  - whoever knowingly submits false or misleading information.
- b) Without prejudice to other recourses available to the Town, any natural or legal person, owner, tenant or occupant who contravenes any of the provisions contained in this By-Law shall be in violation hereof and liable for a fine with or without costs, and in default of immediate payment of said fine or said fine and costs as the case may be, shall be liable for imprisonment to be set by the Court entertaining jurisdiction and at its discretion; however, the said fine shall not be less than one hundred dollars (\$100) nor shall it exceed three hundred dollars (\$300) in any case, and the length of imprisonment shall not exceed a period of two (2) months in any event; the said imprisonment shall, however, be terminated prior to the expiry of the term set by the said Court, on payment of the said fine or the said fine and costs as the case may be; every day that the violation persists shall constitute a separate violation, and the penalty levied for such violation may be applied for each day that the violation continues.
- c) The provision of paragraph b) limiting to 300\$ the fine for an infringement to the present By-Law does not apply in the case of the demolition of an immovable appropriate to constitute cultural property or situated in a territory identified as appropriate to constitute a historic or natural district if such appropriate is subject to a prohibition of demolition according to paragraph 4 of article 412 of the Cities and Towns Act; in such a case, the maximum fine is twenty-five thousand dollars (25,000\$).
- d) In addition to obtaining recourse by imposing penalties, the Town may, before the Courts entertaining jurisdiction, exercise any legal recourse against any natural or legal person, owner, tenant or occupant, to enforce compliance with the provisions of this By-Law, including, among others, for purposes of preventing or halting the use of land or buildings or the building of structures not compliant with the provisions of this By-Law or, if necessary, procuring the demolition of any structure built in violation of the present By-Law.

## **1.8 Interpretation**

- a) Unless specifically stated otherwise, or unless the context indicates a different interpretation, the expressions, terms and words defined in Appendix "1" of this By-Law shall be given the meaning and application assigned to them in the said Appendix "1".
- b) Irrespective of the tenses employed in any of the provisions contained in this By-Law, such provisions shall be considered to have effect during any periods or under any circumstances in which they may apply.
- c) In this By-Law, use of the masculine shall include the feminine and vice-versa, unless otherwise indicated by the context in which it is used.
- d) In this By-Law, use of the singular shall include the plural and vice-versa, unless the context indicates otherwise.
- e) All dimensions and measures employed herein are given in the international (metric) system, accompanied at times with their equivalents in English dimensions and measures given between parentheses; equivalences in English dimensions and measures are given for purposes of information only; dimensions or measures of the metric system shall prevail in the event of any contradiction between the two systems.
- f) All plans, appendices, tables, charts, diagrams, graphs, symbols and all forms of expression other than the text proper and contained herein, with the exception of the Preamble and Table of Contents, shall form an integral part hereof.
- g) In case of contradiction between the French version and the English version of this By-Law, the French version shall prevail.

## **1.9 Application of the By-Law**

- a) Administration of this By-Law is entrusted to the Building Inspector of the Town of Kirkland.
- b) For the purposes of this By-Law, the Building Inspector may be represented by an assistant, by the Assistant Building Inspector or by any other person so designated by Council.
- c) Unless expressly indicated otherwise, the persons contemplated by the preceding paragraph are referred to in this By-Law by the terms "Building Inspector" or "Inspector".
- d) The duties and role of the Inspector are defined in the Permits and Certificates By-Law of the Town of Kirkland.

## **1.10 Permits and Certificates**

Some of the activities listed in Article 1.7 above are subject to the issue of a permit or certificate of authorization by the Inspector; the conditions governing the issue of permits and certificates are stipulated in the Permits and Certificates By-Law of the Town of Kirkland.

## Chapter 2

### TECHNICAL PROVISIONS

#### 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.”

## **2.4 Construction Site Installations**

- a) A building permit gives the right to the contractor to install and maintain on the site, during the undertaking of the work, cranes, service elevators, offices, hangars, workshops and any other tools and devices necessary for the undertaking of the work. These tools and devices must be removed within thirty (30) days following the end of work. When work is undertaken less than 2 m (6.6') from the street line, or when the Inspector sees fit, the construction site must be enclosed on the side of the street and all measures must be taken to ensure the protection of the public. The owner is responsible for any accident or damage to person or public or private property resulting from the work.
- b) Any excavation of more than 2 m (6.6') in depth must be enclosed with a fence, of a solid type, of at least 1.2 m (3.9') in height in order to ensure at all times the protection of the public.
- c) The Town may require from any holder of a building permit, at the expense of the latter, a protective cage around certain trees for the entire duration of the work.

## **2.5 Construction Site Proceedings**

- a) Prior to commencing the work, every owner shall give notice in writing to the Inspector, listing the name, address and telephone numbers of:
- the constructor or other person in charge of the work;
  - the engineer or architect reviewing the work, and
  - any inspection or testing agency hired to monitor the work.

Moreover, during the course of the construction, the owner must also inform the Inspector in writing of any change in or termination of employment of such persons, immediately that such change or termination occurs.

- b) To allow inspections on the site of the work, the owner must inform the Inspector:
- of intent to do work that has been ordered inspected during construction;
  - of intent to begin the work, at least twenty-four hours prior to doing so;
  - when a foundation wall has been placed and before any backfilling of the excavation is carried out;
  - when the masonry work related to the construction of a fireplace has reached the stage at which the dimensions of the firebrick and backing masonry can be readily determined by the Inspector;
  - of intent to cover work that has been ordered to be inspected prior to covering;
  - within ten days after work has been completed, so that a final inspection can be made.
- c) Every owner shall give such other notice to the Inspector as may be required by the provisions of this By-Law.
- d) When required by the Inspector, every owner shall uncover and replace at his own expense any work that has been covered contrary to an order issued by the Inspector.

- e) No excavation or other work may be undertaken on public property, and no building may be erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the appropriate government authority.

## **2.6 Inspections**

- a) The building permit must be posted on the site, in a conspicuous place visible from the street, during the entire execution of the work. Every owner shall allow the Inspector to enter any building or premises at any reasonable time for the purpose of administering and enforcing this By-Law.
- b) The plans and specifications on which the issue of the building permit was based must be available continuously at the site of the work for inspection during working hours, by the Building Inspector or his representative.

## **2.7 Tests and Inspections**

Every owner shall make or have made at his own expense tests or inspections as necessary to prove compliance with these requirements and shall promptly file a copy of all such tests or inspection reports with the Inspector. The owner shall also keep a copy of such tests or inspection reports at the site of the work, for inspection by the Inspector, during the construction period and for such a period there-after as required by the Building Inspector.

## **2.8 Certificate of Location of the Foundation**

As required by Chapter 5 of the Permits and Certificates By-Law, every owner shall file with the Inspector, upon completion of a foundation, a certificate of location prepared by a Quebec Land Surveyor; this requirement is mandatory in the case of a new building and shall be provided, upon the request of the Inspector, in the case of an addition or improvement to an existing building.

## **2.9 Street Accesses and Obstruction of Ditches**

- a) Prior to construction of a building, the owner requiring entry to a public road shall submit to the Inspector for approval a sketch in duplicate showing the location and width of such an access.
- b) If a culvert is required, it shall be supplied and installed by the owner to the specified diameter (min. 300mm) and at the grade set by the Inspector.
- c) During the construction no building materials or debris may be deposited in a ditch and it shall be the responsibility of the owner to maintain existing drainage facilities during construction.
- d) Should the owner of an existing building require any alteration to the existing access to the public road, or a second access, he shall follow the procedure outlined above.

## **2.10 Unoccupied, Unfinished or Unused Constructions and Burnt Buildings**

- a) Any unoccupied, unfinished or unused construction must be suitably closed or barricaded in order to prevent any accident.
- b) All excavation and all foundations of an unfinished, dem-olished, burnt or moved construction must be surrounded with a fence, of a solid type, of 1.2 m (3.9') in height in order to ensure public safety.
- c) Any burnt construction must be demolished, the foundations demolished or filled entirely, and the site must be cleared within three (3) months following the fire, unless the property owner has decided to restore the construction; in this case, the renovation work must be started within six (6) months following the fire; furthermore, during the period between the fire or the demolition and the beginning of the restoration work, the construction must be suitably closed or barricaded, or if it is necessary, surrounded with a fence, conforming to the provisions of paragraph b).
- d) If, within forty-eight (48) hours from notification a property owner does not conform to a notice given by the Inspector relating to the provisions of paragraph a), b) or c), the protective work required will be done by the Town at the expense of the property owner and even so the Town does not give up its recourses as allowed in Article 1.7 of the present By-Law.

## **2.11 Other Responsibilities of the Owner**

- a) Every owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of work undertaken on his behalf.
- b) No owner shall deviate from the provisions of this By-Law or from the conditions of the permit or omit work required by the provisions of this By-Law or the conditions of the permit without first obtaining from the Inspector permission in writing to do so.
- c) No owner shall carry out any work at variance with or not indicated on the documents filed with the application for a building permit, without first obtaining from the Inspector permission in writing to do so.
- d) Every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed should occupancy occur prior to the completion of any work being undertaken that requires a permit.
- e) When required by the Inspector, every owner shall provide a letter to certify compliance with this By-Law and the requirements of any permits required.
- f) The granting of a permit, the approval of the drawings and specifications or inspections made by the Inspector shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with this By-Law.

- g) When a building or part thereof is in an unsafe condition, the owner shall forthwith take all necessary action to put the building in a safe condition.

#### **2.12 Other Responsibilities of the Constructor**

- a) Every constructor shall ensure that all construction safety requirements of this By-Law are complied with.
- b) Every constructor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the appropriate government authority.
- c) Every constructor is responsible jointly and severally with the owners for any work actually undertaken.

#### **2.13 Responsibilities of the Building Inspector**

The duties and responsibilities of the building Inspector are defined in the Permits and Certificates By-Law.

#### **2.14 Sector of Mixed Landfill**

In the sector of mixed landfill, as shown on the ZONING PLAN, any construction or development will be subject to the following conditions:

- that geotechnic readings be taken by a qualified person or firm to determine and identify the presence of underground gases, the possibility of instable soil, the soil's aggressiveness due to the presence of sulphates and/or the presence of dangerous substances;
- that, following readings made in conformity with the preceding paragraph, recommendations be made in respect to the appropriate measures to be taken to render the site suitable for construction;
- that recommendations made in pursuance of the preceding paragraph be applied;
- that the whole project and file related to the geotechnic readings be referred to the Québec Environnement Department, (Ministère de l'Environnement du Québec, Direction des substances dangereuses) so that a written permission from the Deputy Minister of the Environnement of Québec be obtained in conformity with section 65 of the Environnement Quality Act.

Chapter 3  
**BUILDING STANDARDS**

**3.1 Climatic data**

The climatic data to be considered for the design of buildings for the purpose of the National Building Code are the following:

a)	January 2 1/2 per cent Design Temperature	-23° C
b)	January 1 per cent Design Temperature	-26° C
c)	July 2 1/2 per cent Design Drybulb Temp.	30° C
d)	July 2 1/2 per cent Desing Wetbulb Temp.	23° C
e)	Annual Total Degree-days below 18° C	4470° C
f)	Maximum Fifteen-minute Rainfall	23 mm
g)	Maximum One-day Rainfall	76 mm
h)	Annual Total Precipitation	970 mm
i)	Maximum Snow Load on the Ground	2.7 KN/m <sup>2</sup>
j)	Wind Effects:	
	Probability 1/10	.31 KN/m <sup>2</sup>
	Probability 1/30	0.37 KN/m <sup>2</sup>
	Probability 1/100	0.44 KN/m <sup>2</sup>
k)	Earthquake R-factor (Zone 2)	0.04 (Acceleration ratio, A)

**3.2 Additional provisions**

Notwithstanding any provision of the National Building Code to the contrary,

a) *Unit masonry for foundation walls*

Unit masonry shall not be used for foundation walls, unless the building has no basement.

b) *Special foundations*

In the case where a building is to be built on:

- land reclaimed from a river or a lake,
- soil containing gypsum or other similar material,
- a swamp or marsh,
- any other soil which differs from a reliable construction soil, a study must be made by a firm specializing in soil testing; such study shall describe the condition of the soil at the precise location of the planned construction and shall prescribe the appropriate methods of construction with regard to the soil condition.

c) *Foundations of ancillary buildings*

Any ancillary building with a floor area of more than 10 m<sup>2</sup> (107.6 square feet) must be built or installed on a concrete slab or on a permanent footing under frost-level.

d) *Exterior chimneys*

Prefabricated chimneys or smoke-stacks installed on the exterior of a building are prohibited on the front facade of any building, except for the section which normally protrudes from the roof.

e) *Semi-detached buildings*

Any two semi-detached buildings must be built simultaneously. It is not permitted to build only one semi-detached building.

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.

g) *Thickness of the plywood used for the roof*

In the case of a building intended for residential purposes, the plywood used for the roof shall have a thickness of 12.7mm (1/2") or more.

h) *Smoke detectors*

In any new building containing a residential occupancy, ionisation type smoke detectors, of the single station type, the alarm signal of which is audible within the bedrooms when intervening doors are closed, shall be installed at the ceiling at a point situated between such bedrooms and the remainder of the dwelling units (for example, in the corridors leading to such bedrooms); the smoke detectors must be equipped with a visual indicator that they are in operation condition, and must be of a type approved by the Underwriters Laboratories of Canada as well as by the Atomic Energy Board of Canada.

i) *Thickness of thermal insulation*

Notwithstanding any provision to the contrary, the minimum thickness of thermal insulation required in any exterior wall is 7.6cm (3") and the minimum thickness of thermal insulation required in any ceiling adjacent to an attic is 15.2cm (6").

j) *Exits*

Every house, every dwelling unit and every apartment must be provided with two separate and independent exits, any of which may

- be or open onto an exterior stair,
- pass through an attached or built-in garage,
- pass through a room or dwelling unit which is not under the direct control of the dwelling unit served by such exit.

k) *Minimum height of the first floor*

The minimum floor-to-ceiling height for any first floor is 2.45 metres (8.0').

l) *Aluminium wiring*

The use of aluminium wiring for electrical entries and circuits is prohibited in all buildings.

m) *Obligatory elevator*

Any apartment building of four storeys or more in height shall be provided with an elevator capable of accommodating at least one passenger.

### **3.3 Incinerators**

The construction, installation, alteration or use of any incinerator of any kind is prohibited anywhere within the limits of the Town of Kirkland.

### **3.4 Heating and Ventilation Systems**

- a) Notwithstanding any other provision to the contrary or incompatible, no building shall have as its principal heating system a solid fuel burning furnace.

a.1) Notwithstanding any provision to the contrary or incompatible, any secondary heating system utilizing solid fuel, the installation must be certified EPA (Environment Protection Agency) or CAN/CSA B415.1 (Performance Testing of Solid-Fuel-Burning Heating Appliances).

- b) Notwithstanding any other provision incompatible or to the contrary, buildings containing more than one apartment or dwelling unit must be heated by a central heating system using a fuel other than a solid fuel, or by individual electrical heating systems in each apartment or dwelling unit.

- c) Notwithstanding any other provision incompatible or to the contrary, in the case where a mechanical ventilation system is required according to the National Building Code, such ventilation system shall be of a full-time operation type, or shall be connected to the electrical switch controlling the lighting system of the room.

### **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.

### **3.6 Storm Drainage and Sewer Systems**

- a) Notwithstanding any other provision to the contrary, every landsite shall be equipped with a drainage system or slope in such a way that storm water will drain towards the public thoroughfare.
- b) Any private sanitary sewer shall be connected to a public sanitary sewer.
- c) Any private storm sewer shall be connected to a public storm sewer or, if this is technically impossible, as authorized by the Inspector.
- d) Any private subsoil drain shall be connected to a storm sewer.
- e) Any private sanitary sewer discharging solids, liquids or gases which might damage or deteriorate the public sewer system or which might prevent it from operating properly, shall be equipped with a treatment system, to be paid by the owner, which intercepts the effluent prior to its discharge in the public sewer, and which treats such effluent in order to eliminate any risk of damage to the public sewer system;
- f) In the case where a treatment system installed according to paragraph e) is not efficient, an interception system of the said solids, liquids or gases shall be installed.
- g) In the cases covered by paragraphs b), c) and/or d), waste water which is at a temperature in excess of 76.7°C (170°F) shall be cooled to less than 76.7°C before it is discharged in a public sewer.
- h) Garbage grinding or reducing units may not be installed or used on a plumbing system which discharges in the public sewer.
- i) A subsoil drain shall not be connected other than to a storm sewer; the connection shall be made outside the building; the subsoil drain shall extend inside the building and be equipped with a clean-out.

### **3.7 Protection Against Backflows**

- a) In order to prevent backflows, any connection to a public sanitary, storm or combined sewer shall be equipped with a back water valve, in compliance with the provisions of the Quebec Plumbing Code. This requirement applies to existing as well as to new buildings.
- b) Such back water valve shall be installed on the main horizontal branch, between the last plumbing fixture and the connection with the public sewer; if this is not possible, back water valves shall be installed on all horizontal branches serving fixtures installed lower than street-level; the back water valve for the storm sewer shall be installed between the catch-basin and the connection with the public sewer.

- c) Any back water valve shall be maintained in good working condition by the owner.

### **3.8 Water Supply**

- a) Any private water supply system shall be connected to the public water supply network.
- b) Any water meter shall be so located as to permit unobstructed access thereto for recording and maintenance purposes.
- c) All taping into the domestic supply line before the meter is prohibited; however, if the meter is a very large unit, the Town may approve a bypass allowing the maintenance of the meter without disrupting service. If such a bypass is permitted by the Town, it must be sealed by the Town and the Town must be advised when such seal has to be broken because of malfunction of the meter.

### **3.9 Provisions Regarding Snow Removal on Roofs**

Any risk of snow falling from a roof or part thereof, which might cause public harm or damage, shall be prevented and avoided, either by the installation of a snow retention system, or by periodic removal of the snow from the roof, to be paid by the proprietor in either case.

### **3.10 Fire Protection System**

- a) Two separate lines, from the Town's water main to the building, are required for domestic water supply and fire protection water supply.
- b) Any fire hose connection included in the fire protection system of a building shall be connected after the alarm system.

### **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.

**NON-CONFORMING STRUCTURES AND ACQUIRED RIGHTS**

**4.1 Non-Conforming Structure**

A non-conforming structure shall be considered to be any structure which contravenes one or more of the provisions of this By-Law but which existed when this By-Law came into effect, or the construction of which was not completed when this By-Law came into effect but for which a construction permit, in conformity with the provisions of the By-Laws repealed herein, had been issued prior to this By-Law coming into effect provided that such permit remains valid.

**4.2 Acquired Rights**

A non-conforming structure shall not enjoy acquired rights unless it existed before the date any building By-Law in the Town of Kirkland came into effect, or unless a permit was already legally issued for it under a building By-Law predating the present By-Law.

**4.3 Repairs, Improvement or Extensions to Non-Conforming Structures**

- a) A structure which is non-conforming to this By-Law may be repaired, improved, or even extended, but only insofar as it does not become more non-conforming as a result.
- b) A structure which is non-conforming to this By-Law may be extended, but only insofar as the extension is made in conformity with this By-Law.
- c) A non-conforming structure which has been modified to render it conforming shall not be rendered non-conforming again.

**4.4 Replacement of the Use of a Non-Conforming Structure**

A non-conforming use of a structure shall not be replaced other than by a conforming use.

**4.5 Termination of Acquired Rights Pertaining to Non-Conforming Structures**

- a) Should a structure non-conforming to this By-Law be burned, demolished or damaged in any other way, to a point where it has lost more than 50% of the value ascribed to it by the valuation role, it shall not be rebuilt, restored or reused other than in conformity to this By-Law.
- b) Should a non-conforming use of a structure be abandoned, ceased to function or been interrupted for a period of twelve (12) consecutive months, or in the event that it is replaced by a conforming use, the owner of the acquired right pertaining to this non-conforming use shall be presumed to have relinquished it, and any subsequent use of the same property or structure shall conform to this By-Law.

## **APPENDIX 1 DEFINITIONS**

Unless the context implies otherwise, the words or expressions defined hereunder shall be given the meaning attributed by the said definition.

### **BUILDING:**

A structure built on-site or otherwise, with a roof supported by walls or columns and whose purpose is to shelter people, animals or objects; for the purposes of this Bylaw, a mobile home shall be considered to be a building.

### **BUILDING INSPECTOR or INSPECTOR:**

Officer appointed by the Town Council of Kirkland to represent it in the application of this Bylaw, or his authorized representative.

### **LOT:**

Basic land division identified and delimited on a cadastral plan drawn and registered in compliance with the provisions of the Civil Code. The word "lot" shall mean "property" where the text lends itself to this interpretation.

### **MODIFICATION:**

Alteration, other than a repair, brought to a structure with the result of modifying its shape, its volume or its appearance, be it on the inside or on the outside.

### **MUNICIPALITY:**

The municipality of the Town of Kirkland. Where the text lends itself to either interpretation, the word "municipality" shall mean "municipal corporation" or "municipal territory".

### **PROPERTY:**

A lot or a grouping of contiguous lots, making up a single unit of land area eligible for a single principal use.

### **REPAIR:**

Any replacement of some deteriorated components by identical or similar components; for example, replacing asphalt shingles of a roof with new asphalt shingles constitutes a repair; replacing the same asphalt shingles with metal roofing constitutes a modification; also for example, replacing some deteriorated components of a wood window constitutes a repair; replacing one or several wood window(s) with metal window(s), or lining wood windows with metal constitute a modification.

**STREET:**

Street or road opened up by means of a municipal bylaw, resolution or minutes, or a road maintained by the Department of Transport under the Law Respecting Roads (Revised Statutes 1964, chap. 133) or by the Office des autoroutes, provided there is a right of access to it from adjacent properties.

**STREET, WIDTH OF**

Width of the right-of-way of the street.

**STREET RIGHT-OF-WAY:**

Area of land other than a private street, which is owned by the municipality or another public entity for the purpose of establishing a street or other public passageway; also refers to the limits or perimeter of this land area.

**STRUCTURE:**

Organized assembly of materials and including, without limiting the general nature of the definition, buildings, posters, signs, billboards, reservoirs, gasoline pumps, fences, swimming pools, etc.

**TOWN:**

The Town of Kirkland.

**USE:**

Purpose for which a building, structure, premises, property or part thereof is used or occupied, intended or prepared for such, and, by extension, the said building, structure, premises, property or part thereof.