



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO.: 90-61

PERMITS AND CERTIFICATES BY-LAW

Amendments

90-61-1, 90-61-2, 90-61-3, 90-61-4, 90-61-5,
90-61-6, 90-61-7, 90-61-8 and 90-61-9

NOTICE

This consolidation has not been officially adopted by the Municipal Council. It has been compiled December 22, 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.

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Chapter 1
LEGAL, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

1.1 Title and Effect

- a) This Bylaw shall be referred to as the "PERMITS AND CERTIFICATES BYLAW OF THE TOWN OF KIRKLAND".
- b) This Bylaw shall take effect in accordance with the terms of the Law.

1.2 Adoption in Parts

Council hereby declares that it adopts this Bylaw 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1.3 Bylaws Repealed

All provisions of Bylaws No. 225 and 130 regarding permits and certificates are hereby repealed.

1.4 Persons and Area Subject to Application of This Bylaw

Compliance with this Bylaw is incumbent upon both natural and legal persons, and this Bylaw shall apply throughout the area of the Town of Kirkland.

1.5 Violations, Penalties and Recourse

Anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, is liable to the following fine:

- **for a first infraction:** a minimum of **ONE HUNDRED DOLLARS** (\$100.) and a maximum of **ONE THOUSAND DOLLARS** (\$1 000.) if the offender is a physical person or a maximum of **TWO THOUSAND DOLLARS** (\$2 000.) if the offender is a moral person;
- **for a repeated infraction:** a minimum of **TWO HUNDRED DOLLARS** (\$200.) and a maximum of **TWO THOUSAND DOLLARS** (\$2 000.) if the offender is a physical person or a maximum of **FOUR THOUSAND DOLLARS** (\$4 000.) if the offender is a moral person.

Amendment 90-61-1 (December 13, 1992)

1.6 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 Bylaw 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 Bylaw, such provisions shall be considered to have effect during any periods or under any circumstances in which they may apply.
- c) In this Bylaw, use of the masculine shall include the feminine, unless otherwise indicated by the context in which it is used.
- d) In this Bylaw, use of the singular shall include the plural, unless the context indicates otherwise.
- e) All dimensions and measures employed herein are given in the international (metric) system, accompanied at times by 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 Table of Contents, shall form an integral part hereof.
- g) In the event of contradiction between the English and French versions of this Bylaw, the French version shall prevail.
- h) Unless specifically stated otherwise or as a direct result of the context of the provision, the expressions, terms, words and concepts used in this By-law have the same meaning as in the zoning, construction and subdivision by-laws.

Amendment 90-61-1 (December 13, 1992)

1.7 Activities Governed

No certificate of authorization, building permit, certificate of occupancy, subdivision permit or garage sale permit shall be issued for any property anywhere within the Town of Kirkland unless it conforms to the provisions of this Bylaw.

Chapter 2
DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR

2.1 Building Inspector

In the application of this Bylaw, the Town Council of the Town of Kirkland is represented by a municipal officer known as the Building Inspector, whose duties and responsibilities are defined in the following Articles. The Town Council may designate by resolution other persons as needed to assist or replace the Building Inspector.

2.2 Application of Bylaws

Without restricting the scope of responsibilities which he may be entrusted with by the Town Council, the Building Inspector shall see to the application of this Bylaw, and of the ZONING BYLAW, SUBDIVISION BYLAW and BUILDING BYLAW of the Town of Kirkland and, for this purpose, he is authorized to issue statements of offence.

Amendment 90-61-3 (July 22, 2011)

2.3 Study of Applications for Permits and Certificates

The Building Inspector shall

- a) study applications for permits and certificates and, if they comply with this Bylaw and all other applicable bylaws, issue the said permits and certificates; keep a register in which all these issued permits and certificates are recorded in chronological order; keep copies of all applications received, permits, certificates and ordinances issued, reports of tests and inspections carried out and all documents related to the application of this Bylaw and of all other bylaws he is responsible for applying;
- b) keep a register of all permits and certificates issued or refused including the reason for any refusal of a permit or certificate;
- c) keep a register of sums received for permits and certificates;
- d) when required, refer to Council or to the Committee responsible for matters governed by this Bylaw.

2.4 Inspection of Worksites and Buildings

The Building Inspector shall

- a) conduct inspections of work in progress in order to verify that it conforms to the bylaws and to the plans and specifications submitted to support the application for the permit or certificate; also, conduct inspections of existing structures when there is reason to believe that they might not conform to this Bylaw or to any other applicable bylaws;
- b) conduct inspections of cranes, winches, service elevators, lifts, elevators and other similar equipment to ensure that they conform to the bylaws and that they do not pose any hazard to persons or property;

- c) ensure that any property on which there is an excavation that poses a hazard to the public is adequately fenced;
- d) ensure that no construction site or installation encroaches onto the street right-of-way or, where necessary under certain conditions, authorize temporary encroachment or certain operations in the street right-of-way;
- e) conduct inspections of buildings which are, in his opinion, unsuitable for occupancy;
- f) require that tests be conducted on materials to be used or already in use for any structure, and reject or disallow the use of any material which does not meet the requirements of the bylaws;
- g) keep up-to-date reports of inspections, violations and complaints lodged, and any other reference documents;
- h) ensure that all construction operations within the limits of the Town are conducted properly and with regard to public safety.

2.5 Powers of the Building Inspector and Obligations of Property Owners, Tenants and Occupants

- a) The Building Inspector is empowered, upon presenting identification, to visit any premises and enter any building or structure being built, renovated, repaired, transported or demolished, in order to ensure that all provisions of applicable bylaws are complied with.
- b) The Building Inspector is empowered to require any owner at said owner's expense to uncover any work or part thereof which has been covered prior to inspection.
- c) The Building Inspector is also empowered to enter, between 7.00 a.m. and 7.00 p.m., any building for any purpose of inspection when he considers there is reason to believe that the building is in an unsafe or defective condition due to fire or any other cause, or that the building is being used in a manner that contravenes this Bylaw or any other applicable bylaws.
- d) The property owner, tenant or occupant of said building shall be obliged to receive the Building Inspector or his authorized representative.

Amendment 90-61-4 (July 18, 2012)

2.6 Violations

Repealed

Amendment 90-61-3 (July 22, 2011)

Chapter 3 CERTIFICATES OF AUTHORIZATION

3.1 Certificate of Authorization Requirement

- a) Throughout the Town of Kirkland, a certificate of authorization shall be required beforehand in order to:
- change the use or purpose to which a lot or a structure is put,
 - excavate the ground, irrespective of whether the objective is to sell the soil, sand, gravel, rock or any other excavated material, or to modify the configuration of a property through earthmoving,
 - move, repair or demolish a structure, or construct, install, replace or modify a poster, sign or billboard, subject to exclusions provided for in the Zoning Bylaw,
 - install a temporary building,
 - install a fence,
 - install a heat pump,
 - install an above-ground pool.
 - felling a tree, when this operation is permitted by the zoning by-law;
 - installing a parabolic antenna;
 - installing a garden shed which does not rest on a permanent foundation.
 - establish and use a commercial patio
 - the replacement of the cladding of a flat roof;
 - the extension, redevelopment or replacement of the surface coating of a parking area;
 - all structures, undertakings and works that are liable to destroy or alter the vegetation cover of a lakeshore or riverbank, or to expose the soil or affect the stability of the lakeshore or riverbank or encroach on the littoral zone.
 - install a diving board;
 - make any modification to a pool installation, as defined in *Zoning By-law no. 90-58*.
- b) When the project involves the issue of a building permit, said building permit shall act as a certificate of authorization.
- The present paragraph does not apply in the case of a certificate of authorization for the establishment and use of a commercial patio.
- c) Certificates of authorization shall not be required for regular maintenance or minor repairs such as installation of double windows, indoor and outdoor painting, renovation of electrical, plumbing or heating systems (except for systems of heating by wood) or for any repairs defined in Appendix 1 hereof, on condition, however, that no modification to exterior forms, plan, structure or any other basic element of the building is involved.
- d) Certificates of authorization shall not be required for the installation of a garden shed with a floor area of 10 m² (107.6 sq.ft.) or less, provided it is not installed on a permanent foundation.
- e) Exemption from the requirement to obtain a certificate of authorization shall not diminish in any way the obligation to comply with this Bylaw and any other applicable bylaws, nor the obligation to obtain clarification from the Building Inspector in cases of uncertainty.

Amendment 90-61-1 (December 13, 1992); 90-61-2 (July 19, 1998); 90-61-5 (April 17, 2013);

3.2 Application Procedure

- a) All applications for a certificate of authorization must be submitted to the Building Inspector in writing on forms provided by the Town for the purpose, and include the date of the application, the family name, given name and address of the applicant and, where applicable, of his representative, together with the cadastral description and dimensions of the lot or lots concerned, and details on the proposed work, its schedule and its estimated cost.
- b) All applications for a certificate must be signed by the owner of the property contemplated by the work, or by his authorized representative.
- c) All applications for a certificate of authorization for an operation for which a permit, certificate or any other form of authorization is required by virtue of the Law or a bylaw or regulation of any other relevant authority must be accompanied by a copy of all such authorizations unless delivery of the municipal certificate of authorization is prerequisite to the issue of the said permit, certificate or other form of authorization.
- d) Where off-street parking is required, applications for a certificate of authorization must be accompanied by a scale plan of the layout showing:
 - the shape and dimensions of the parking spaces and lanes;
 - the proposed number of projected spaces and the information needed to establish the number of parking spaces required in accordance with the provisions of the Zoning Bylaw;
 - the location of entrances and exits;
 - the design and location of directional signs;
 - the design and location of hedges and fences.
- e) All applications for a certificate of authorization to move a building within its own lot must be accompanied by a location plan at a scale of 1:500 or better indicating, with dimensions, the position of the building before and after the move in relation to the boundaries of the property and, where applicable, to any other buildings on the same lot.
- f) All applications for a certificate of authorization to move a building by using a public street must be accompanied by a location plan for the property onto which the building is to be moved, which meets the requirements described in paragraph e) above.
- g) All applications for a certificate of authorization to move, by using a public street, a building higher than 3.5 metres (11.5'), or which has more than one horizontal dimension exceeding 3.25 metres (10.7'), must be accompanied by the following information:
 - a plan indicating the proposed route,
 - the dimensions of the building and its approximate weight,
 - the proposed date and time of the move,
 - the name of the mover,
 - the probable duration of the move,
 - photographs of the building, of the site onto which it will be moved and its surroundings.
- h) All applications for a certificate of authorization for a sign, poster or billboard must be accompanied by plans showing:

- an elevation of the sign, poster or billboard, at a scale of 1:10 or better, showing its shape, its exact dimensions (indicated directly on the plan), its materials and its colours,
 - its exact location in relation to the property boundaries and to existing or proposed signs and buildings thereon,
 - a plan or description of the alignments and elevations of public streets and roads, the lot and the building,
 - details of how it is secured to the ground or attached to a building,
 - how it is illuminated, where applicable.
- i) All applications for a certificate of authorization to install a heat pump must be accompanied by the following information:
- the make and manufacturer of the heat pump,
 - the number of decibels produced by the heat pump,
 - the location of the heat pump on the property.
- j) All applications for a certificate of authorization to install an above-ground pool must be accompanied by the following information:
- the location of the pool on the property in relation to the property boundaries and to the other structures on the property,
 - the location of the fence that must be installed,
 - the height and material of said fence.
- k) All applications for a certificate of authorization to install an fence must be accompanied by the following information:
- the material of which the fence is made,
 - the height of the fence,
 - the location of the fence on the property in relation to the property boundaries and to the other structures on the property.
- l) Any application for a certificate of authorization to operate a commercial patio must be accompanied by:
- i. a descriptive list of the items to be installed such as: tables, chairs, canopies and separation wall;
 - ii. a plan signed by an architect or an engineer in the case of a commercial patio intended for more than eight clients.
- m) All applications for a certificate of authorization to perform roof cladding replacement work on a flat roof or alteration, transformation or extension work on a parking area shall be accompanied by the following information:
- the materials used for the coating work and where required, the solar reflection index included in the retailer's specifications or an attestation by a qualified professional.
- n) All applications for a certificate of authorization to perform work on a lakeshore or riverbank or in the littoral zone shall be accompanied by the following information:
- the location of the water network accompanied by a report written by a qualified biologist determining the applicable high water mark and buffer strips;

- a description of the work to be performed certified by a qualified professional.
- o) All applications for a permit or certificate of authorization for the exercise of a use, for the construction or alteration of a principal building, or for the completion of work, proposing an encroachment or additional encroachment into a wetland of interest to be protected or restored, or into its protected area, identified on the “Wetlands of Interest” map annexed to the Planning Program, must be accompanied by a wetland characterization study.

Despite the foregoing, a characterization study is not required in the case of the reconstruction of a building with the same footprint or in the cases referred to in paragraph p).

- p) For a property located outside a wetland of interest to be protected or restored, identified on the “Wetlands of Interest” map annexed to the Planning Program, legally occupied and developed in its entirety, all applications for a permit or certificate of authorization for a new usage, a new structure or a new construction, including all reconstruction or extension, completed within the protection area of a wetland must be accompanied by:
- i. a certificate of location of the lot on which the work area targeted by the application is illustrated;
 - ii. the permit or certificate of authorization related to the occupation and development of the property when such was required, or, failing that, an indication of the date or period when these works were carried out;
 - iii. Photographs or any other document demonstrating that the work area targeted by the application has been anthropized and does not constitute a natural space.

Amendment 90-61-5 (April 17, 2013); 90-61-7 (December 16, 2016); 90-61-9 (November 3, 2025)

3.3 Fees

The fees charged for studying applications for a certificate of authorization become payable upon filing of the application and shall be calculated in accordance with the following rates:

OPERATION	FEE
a) Change in the use or purpose to which a lot or property is put, and not requiring a building permit under this Bylaw:	\$ 30.00
b) Excavation or earthmoving work, other than that required for building a structure:	\$ 30.00
c) Moving a principal or ancillary building exceeding 4.8 metres (15.7') in height or exceeding 3.25 metres (10.7') in one of its horizontal dimensions:	
- within its own lot:	\$ 30.00

- requiring use of a public street: \$ 200.00
- d) Moving a principal or ancillary building 4.8 metres (15.7') or less in height or 3.25 metres (10.7') or less in one of its horizontal dimensions:
 - within its own lot: \$ 30.00
 - requiring use of a public street: \$ 100.00
- e) In cases contemplated in paragraph c), fees payable for building permits required for work other than the moving itself, such as construction of new foundations, shall also apply.
- f) Demolition:
 - of a principal building: \$ 200.00
 - of an ancillary building: \$ 200.00
- g) Construction or installation of a temporary or permanent poster, sign or billboard: \$30. plus \$10. per square metre for the area exceeding 3 square metres
- h) Modification to the structure of a poster, sign or billboard: \$ 15.00
- i) Installation of a temporary building for commercial or industrial use: \$ 100.00
- j) Installation of a heat pump: \$ 75.00
- k) Installation of an above-ground pool: \$ 50.00
- l) Erection of a fence: \$ 30.00
- m) Repairs to a structure: \$ 10.00
- n) Felling of a tree: \$ 10.00
- o) Installation of a garden shed otherwise than on a permanent foundation: \$ 30.00
- p) Installation of a parabolic antenna: \$ 75.00
- q) Seasonal operation of commercial patio: \$ 100.00

Amendment 90-61-2 (July 19, 1998); 90-61-5 (April 17, 2013)

3.4 Study of Applications

Upon receiving an application for a certificate of authorization, the Building Inspector shall:

- a) ensure that the application file is complete and that it is completed if necessary; the Building Inspector may request any other details or information necessary to properly understand the application and to ensure that the provisions of the applicable bylaws are fully complied with;
- b) postpone analysis of the application until any information or details missing from the application or from the plans and specifications are provided;
- c) once the application file is complete, study the application to determine whether it conforms to this Bylaw and to all other applicable bylaws.

3.5 Prerequisites

- a) Certificates of authorization shall not be issued for any operation which renders the building or its use non-conforming to this Bylaw, to any other applicable bylaws or to the PLANNING PROGRAM of the Town of Kirkland.
- b) Certificates of authorization shall not be issued for modifications to the use of buildings or parts thereof that would render the new use non-conforming with respect to the Building Bylaw.
- c) Certificates of authorization shall not be issued for moving a building unless the applicant deposits a bond for a sum considered to be sufficient on the basis of a provisional estimate or provides proof of insurance coverage for any damages which might be incurred by the Town as a result of the moving operation in question.
- d) Certificates of authorization for operations for which a permit, certificate or any other form of authorization is required by virtue of the Law or a bylaw or regulation of any other relevant authority shall not be delivered until this required authorization has been issued by such authority, unless delivery of the municipal certificate of authorization is prerequisite to obtaining the said permit, certificate or authorization.
- e) Certificates of authorization shall not be issued without payment of the fees charged for delivering them.

3.6 Delivery or Refusal of Certificates

- a) In the case of applications that are conforming, the Building Inspector shall stamp and sign the plans and specifications in duplicate; one copy of the plans and specifications is retained by the Town for control purposes; the other copy, signed by the Building Inspector, is returned to the applicant with the certificate; this copy shall be made available to the Building Inspector for inspections. The Inspector shall deliver the certificate within a period of sixty (60) days from the time the application file is completed, unless the planned work is important enough to justify a longer period, whereupon the applicant must be advised of the additional time required. In the case of demolition certificates, this period shall be ninety (90) days.
- b) In the event that the application does not conform, the Building Inspector shall refuse to issue the certificate, giving the reasons in writing why the application is non-conforming and citing the relevant Articles of the Bylaw. If possible, he may specify the conditions under which the certificate could be delivered, and this explanation must be attached to the certificate application form; one stamped copy of the documents is then retained by the Town and another delivered to the applicant. The

report justifying the refusal shall be forwarded to the applicant within thirty (30) days from the time the application file is completed.

3.7 Conditions Attached To Certificates, and Obligations of the Town

- a) Work shall not commence prior to delivery of the certificate.
- b) All certificates issued under this Bylaw shall be considered null and void if the work has not commenced within six (6) months or if the work has not been completed within one (1) year from the date of their issue and, in the event thereof, the application must be resubmitted and a new certificate issued in accordance with the provisions of this Bylaw.
- c) As soon as the work authorized by the certificate has begun, it must be continued without interruption; the certificate shall become null and void should the work be interrupted for a period exceeding six (6) months.
- d) Any modifications made to a project for which a certificate of authorization has been issued must be submitted to the Building Inspector in order to verify that it conforms to the bylaws; the certificate shall become null and void if the project is modified such that it no longer conforms to the project description supplied to the Building Inspector in order to obtain the certificate including, but not limited to, any modification that renders the project non-conforming to this Bylaw or to any other applicable bylaws.
- e) Any certificate of authorization which is not issued in compliance with this Bylaw or any other applicable Bylaws shall be null and void, shall not confer any acquired rights, and shall not under any circumstances be used as a defence against the Town of Kirkland or against any of its officials.

3.8 Certificate of authorization for a commercial patio – particular provisions:

- a) A certificate of authorization to operate a commercial patio is issued each year and is valid for the period from April 1 to October 31 following its issuance, a new application must be filed each year;
- b) The certificate of authorization may not be issued. if the applicant has been found guilty, during the three years preceding the application, of two infractions to one or the other of paragraphs c), f), k), l), m) or n) of article 11.7.1 of Zoning by-law 90-58.

Amendment 90-61-5 (April 17, 2013)

Chapter 4 BUILDING PERMITS

4.1 Building Permit Requirement

- a) Throughout the Town of Kirkland, all construction, alteration or extension work on buildings or additions thereto, or any excavation for the purpose thereof is prohibited unless a building permit is first obtained, except in the case of work involving expenditures of less than \$300.
- b) Without restricting the scope of paragraph a, a building permit is required in the following cases:
 - installation of a garden shed on a permanent foundation;
 - building a patio when these works are not carried out at the same time as the erection of the principal building;
 - reconstruction of a driveway.
- c) Exemption from the requirement to obtain a building permit shall not diminish in any way the obligation to comply with this Bylaw and any other applicable bylaws, nor the obligation to obtain clarification from the Building Inspector in cases of uncertainty.

Amendment 90-61-2 (July 19, 1998)

4.2 Application Procedure

- a) All applications for a building permit must be submitted to the Building Inspector in writing on forms provided by the Town for the purpose, and include the date of the application, the family name, given name and address of the applicant and, where applicable, of his representative, together with the cadastral description and dimensions of the lot or lots concerned, and details of the proposed work, its likely schedule and its estimated cost.
- b) All applications for a building permit must be signed by the owner(s) of the property contemplated by the work, or by his (their) authorized representative.
- c) All applications for a building permit must be accompanied in duplicate by a site plan prepared by a land surveyor and any plans, elevations, cross-sections, details, specifications and other documents needed by the Building Inspector to properly understand the proposed construction or use in order to ensure that all provisions of applicable bylaws are complied with; the plans shall be drawn to scale and reproduced by an indelible process.
- d) Notwithstanding the provisions of paragraph c) preceding, in the case of work involving the interior renovation or finishing of basements of single-family dwellings, the building permit application may be accompanied just by a simple sketch drawn to scale illustrating the proposed work, provided that none of this work involves:
 - the removal or construction of a supporting wall or part of a supporting wall,

- the removal or severing of a joist, beam or column,
 - the removal, modification or blocking of a stairway or other means of exit,
 - an increase in the number of bedrooms or washrooms,
 - the modification of an access to or from an exit.
- e) All applications for a building permit must be accompanied by a scale plan showing the layout of parking areas and open areas.
- f) All applications for a building permit must be accompanied by a document showing excavation levels.
- g) All applications for a building permit must be accompanied by a soil study in the case of structures specified in Article 2.8 of Building Bylaw No. 90-60 and in all cases where the nature of the soil is uncertain; the information that must be provided in this study is stipulated in the said Article.
- h) In the case of a shopping centre and/or an office building containing commercial premises, the plans and specifications shall clearly indicate the proposed signage mode and location for each establishment, to allow the Inspector to ascertain that the project complies with all the provisions regarding signs.

Amendment 90-61-1 (December 13, 1992)

4.3 Fees

The fees charged for studying applications for a building permit become payable upon filing of the application and shall be calculated in accordance with the following rates:

- a) Construction, alteration, extension or addition:
- \$5.00 per \$1,000 for the first \$50,000 of estimated work cost;
 - \$3.00 per \$1,000 for the segment of estimated work cost from \$50,000 to \$150,000;
 - \$2.00 per \$1,000 for the segment of estimated work cost from \$150,000 to \$350,000;
 - \$1.00 per \$1,000 for the segment of estimated work cost exceeding \$350,000.
- b) Construction of an in-ground pool: \$50.00
- c) Excavating street to connect services:
in accordance with the actual cost of the work as
established by the Inspector.
- d) Use of water: \$30.00
- e) Reconstruction of a driveway: \$30.00
- f) Installation of a garden shed on a permanent foundation: \$30.00
- g) Installation of a patio after the erection of the principal building: \$30.00

In cases where the fees are related to the estimated cost of the work, the Inspector may revise the applicant's estimate on the basis of his personal experience.

Should the construction work cause damage to municipal property or leave it untidy, the costs of repair and cleaning shall be borne by the applicant.

Amendment 90-61-2 (July 19, 1998)

4.4 Study of Applications

Upon receiving an application for a permit, the Building Inspector shall:

- a) ensure that the application file is complete and that it is completed if necessary; the Building Inspector may request any other detail or information that he may deem necessary to properly understand the application and to ensure that the provisions of the applicable bylaws are fully complied with;
- b) collect the fees required under Article 4.3, which are payable upon filing of the application;
- c) postpone analysis of the application until any information or details missing from the application or from the plans and specifications are provided;
- d) once the application file is complete, study the application to determine whether it conforms to this Bylaw or to any other applicable Bylaws.

4.5 Prerequisites

- a) Building permits shall not be issued for applications that contravene any provision of this or any other applicable bylaw or that contravene the PLANNING PROGRAM of the Town of Kirkland.
- b) Building permits shall not be issued for modifications to the use of buildings or parts thereof that would render the building non-conforming with respect to the Zoning Bylaw or the Building Bylaw.
- c) Building permits for operations for which a permit, certificate or any other form of authorization is required by virtue of the Law or a Bylaw or regulation of any other relevant authority shall not be delivered until this required authorization has been issued by such authority, unless delivery of the municipal permit is prerequisite to obtaining the said permit, certificate or authorization.
- d) Building permits shall not be issued without payment of the fees charged for delivering them.

4.6 Delivery or Refusal of Permits

- a) In the case of applications that are conforming, the Building Inspector shall stamp and sign the plans and specifications in duplicate; one copy of the plans and specifications is retained by the Town for control purposes; the other copy, signed by the Building Inspector, is returned to the applicant with the certificate; this copy shall be kept at the construction site during the period of construction and made available to the Building Inspector for inspections. The Inspector shall deliver the permit within a period of sixty (60) days from the time the application file is completed, unless the planned work is important enough to justify a

longer period, whereupon the applicant must be advised of the additional time required.

- b) All building permits for new construction or for the extension of an existing structure shall be issued in two stages. The Inspector shall first issue a partial building permit for the foundations. Once the location certificate required under Article 5.2 has been submitted to him, the Inspector issues a final building permit to complete the work.
- c) In the event that the application does not conform, the Building Inspector shall refuse to issue the permit, giving the reasons why the application is non-conforming. If possible, he may specify the conditions under which the permit could be delivered, and this explanation must be attached to the certificate application form; one stamped copy of the documents is then retained by the Town and another delivered to the applicant. The report justifying the refusal shall be forwarded to the applicant within thirty (30) days from the time the application file is completed.

4.7 Conditions Attached to Permits, and Obligations of the Town

- a) Work shall not commence prior to delivery of the permit.
- b) All permits issued under this Bylaw shall be considered null and void if the work has not commenced within three (3) months from the date of their issue and, in the event thereof, the application must be resubmitted and a new permit issued in accordance with the provisions of this Bylaw.
- c) As soon as the work authorized by the permit has begun, it must be continued without interruption; the permit shall become null and void should the work be interrupted for a period exceeding six (6) months.
- d) All building permits shall become null and void should the construction not be completed within twenty-four (24) months from the commencement of the work for a public building as defined under the Law, or within twelve (12) months for any other structure.
- e) Building permits shall not be renewed. Should a building permit become null and void for any of the reasons stipulated above in paragraphs b), c) and d), the application must be resubmitted and the fees, calculated in accordance with Article 4.3, must be paid again.
- f) All changes made to the approved plans and specifications must be submitted to the Building Inspector for approval, who will determine whether the changes conform to the bylaws; should the Building Inspector consider that the changes are extensive enough to change the very nature of the project, the applicant shall apply for a new permit in accordance with the provisions of this Bylaw and again pay the fees stipulated in Article 4.3; permits shall become null and void should the project in question be modified to the point of being non-conforming with respect to the project description submitted to the Building Inspector in order to obtain said permit including, without limitation, should modification of the project render it non-conforming with respect to this Bylaw or to any applicable bylaws.
- g) The permit shall be displayed for the entire duration of the construction in a prominent location on the lot where the construction is taking place.

- h) Any permit which is not issued in compliance with this Bylaw or any other applicable bylaws shall be null and void, and shall not under any circumstances be used as a defence against the Town of Kirkland or against any of its officials.

Chapter 5

ALIGNMENT AND LEVEL IN RELATION TO THE STREET

5.1 Alignment and Level

Any person who proposes to erect a new structure, increase the site coverage of an existing structure or move a structure anywhere within the Town of Kirkland must obtain the alignment and level of the street and, where applicable, the level of water supply and sewage system connections, from the Building Inspector.

5.2 Location Certificates

- a) For any new construction, and for any extension of an existing structure, a location certificate prepared by a land surveyor shall be submitted to the Building Inspector as soon as the foundations are laid, in default of which the construction permit, or the certificate of authorization in the case of moving a building, shall become null and void.
- b) Notwithstanding the provisions of paragraph a) above, location certificates shall not be required either for the installation of an ancillary building with a floor area of 10 m² (107.6 sq.ft.) or less, provided it is not installed on a permanent foundation, or for a temporary building.
- c) All location certificates submitted shall have been prepared by a land surveyor who is a member of the Ordre des Arpenteurs-géomètres du Québec and must indicate the exact location of the foundations in relation to the cadastral boundaries of the lot concerned so that the Building Inspector is able to determine whether all provisions of the applicable bylaws have been complied with prior to the pursuance of construction work.

5.3 Certificates of Partial Conformity

Upon presentation of the location certificate demonstrating that the location of foundations conforms to the setback requirements of the applicable bylaws, the holder of the building permit or, where applicable, the certificate of authorization, may upon payment of a fee of \$10.00 obtain from the Building Inspector a certificate of partial conformity to the effect that the location of the foundations is conforming.

Chapter 6

SUBDIVISION PERMITS

6.1 Subdivision Permit Requirement

- a) Throughout the Town of Kirkland, no cadastral operation shall be carried out without first obtaining a subdivision permit.
- b) Any cadastral operation for which no subdivision permit has been issued in conformity with the provisions of this Bylaw shall be null and void, and the Town shall be entitled to undertake any legal recourse at its disposal to prevent the filing or registration of such operation or to obtain the annulment or cancellation of such filing or registration.

6.2 Application Procedure

- a) All applications for a subdivision permit must be submitted in writing to the Building Inspector; they must take the form of a letter, signed by the property owner or his authorized representative, requesting approval of the cadastral operation and certifying that all municipal taxes with regard to the properties contemplated in the plan have been paid; in the case of cadastral operations involving the creation of new streets or roads, the property owner must also undertake, in the same letter, to cede the rights-of-way for the proposed thoroughfares for the nominal sum of one dollar (\$1).
- b) All applications for a subdivision permit must be accompanied by five (5) copies of a plan of the proposed cadastral operation at a scale of 1:250 or better and indicating:
 - the cadastre identified in conformity with the Civil Code, the boundaries of the property contemplated by the cadastral operation and the boundaries of the adjacent properties and the names of their owners;
 - where applicable, the alignment, limits and width of the proposed thoroughfares;
 - the proposed cadastral division, together with the dimensions and area of each of the lots;
 - existing buildings;
 - the date, title, true north and scale, and the seal and signature of the land surveyor who prepared the plan.
- c) For cadastral operations involving subdivision of land, the plan must also show:
 - the relief of the lot expressed by contour lines at intervals of 2 metres (6.6');
 - the natural features of the land such as water courses, ditches, marshes and woods;
 - where applicable, the boundaries of proposed parks and green spaces, as well as their areas;
 - where applicable, existing or proposed servitudes and rights-of-way, among others for electric power transmission and telecommunications lines.

6.3 Fees

- a) The fees charged for studying applications for a subdivision permit become payable upon filing of the application and shall be calculated in accordance with the following rates:
 - per lot, for the first three (3) lots: \$30.00
 - per additional lot: 5.00
- b) The fees shall be payable for all cadastral operations involving subdivisions, new subdivisions or redivisions, equally including annulments, corrections, additions, land assembly, and lot number changes; for the purposes of calculating fees, the value shall be that of any lot or part thereof affected by the operation, whether it be created, annulled or corrected.

6.4 Study of Applications

Upon receiving an application for a permit, the Building Inspector shall:

- a) ensure that the application file is complete and that it is completed if necessary; the Building Inspector may request any other details or information he may deem necessary to properly understand the application and to ensure that the provisions of the applicable bylaws are fully complied with;
- b) postpone analysis of the application until any information or details missing from the application or from the plans and specifications are provided;
- c) once the application file is complete, study the application to determine whether it conforms to the Planning Program of the Town of Kirkland, to this Bylaw and to all other applicable bylaws.

6.5 Delivery or Refusal of Permits

- a) In the case of applications that are conforming, the Building Inspector shall issue the permit.
- b) In the event the application does not conform, the Building Inspector shall refuse the permit or, if applicable, suggest to the applicant the changes necessary to make the application conform; in the latter case, the applicant must re-submit his application following the procedure outlined in Article 6.2. Should it not be possible to make the project conform, the Building Inspector shall refuse the application, giving the reasons for the refusal in writing.
- c) Subdivision permits shall be issued within thirty (30) days from the time the application file is completed; in the event the permit must be refused or returned for study, a report giving the reasons for said refusal or return shall be delivered to the applicant within thirty (30) days from the time the application file is completed.

6.6 Prerequisites

- a) Subdivision permits shall not be issued for applications that contravene this Bylaw, the Subdivision Bylaw, any other applicable bylaws or the PLANNING PROGRAM of the Town of Kirkland.
- b) No subdivision permit shall be delivered unless the fees for its issue have been paid.

6.7 Conditions Attached To Permits, and Obligations of the Town

- a) Subdivision permits shall be null and void unless the final plan authenticated by the Building Inspector is registered in accordance with the requirements of the Civil Code within one hundred and eighty (180) days following the date the permit is issued and the applicant has sent the Building Inspector within thirty (30) days following the registration a copy of the official plan bearing the date of registration.
- b) Delivery of a subdivision permit shall not oblige the municipality to accept the transfer of proposed streets appearing on the plan, nor to decree the opening of these streets, nor to accept responsibility for cost of their construction or maintenance, nor to assume liability for them nor to provide public utilities.
- c) Any permit which is not issued in compliance with this Bylaw or any other applicable bylaws shall be null and void, and shall not under any circumstances be used as a defence against the Town of Kirkland or against any of its officials.

Chapter 7

CERTIFICATES OF OCCUPANCY

7.1 Certificate of Occupancy Requirement

Except for a house, dwelling or apartment, no building or part of a building which has been newly erected or moved or for which the purpose has been changed shall be occupied prior to obtaining a “Certificate of authorization – Use”.

Amendment 90-61-6 (July 16, 2014)

7.2 Application Procedure

- a) Application for a “Certificate of authorization – Use” may not be filed until construction, moving or alteration work has been substantially completed;
- b) All applications for a “Certificate of authorization – Use” must be submitted to the Building Inspector;
- c) All applications for a “Certificate of authorization – Use” must be submitted with the following documents, all duly approved:
 - i. Copy of the lease contract, if need be;
 - ii. Copy of letters patent or Quebec Enterprise Number (NEQ);
 - iii. Application form; and
 - iv. A \$50 fee.

Amendment 90-61-6 (July 16, 2014)

7.3 Prerequisites

- a) A “Certificate of authorization – Use” shall not be delivered for structures or changes in purposes or use that contravene this By-Law or any other applicable By-Laws;
- b) No “Certificate of authorization – Use” shall be delivered unless the fees for its issue have been paid.

Amendment 90-61-6 (July 16, 2014)

Chapter 8 GARAGE SALE PERMITS

8.1 Garage Sale Permit Requirement

Throughout the Town of Kirkland, garage sales for which a permit has not been first issued are prohibited.

8.2 Application Procedure

- a) All applications for garage permits must be submitted to the Building Inspector in writing within five (5) working days prior to the date of the event, and must include the following information:
- applicant's name, given name, address and telephone number;
 - the specific location on the property where the sale is to take place;
 - the date and times during which the sale is to take place;
 - the manner in which the sale is to be advertised.

8.3 Fees

The fees for a garage sale permit shall be fifteen dollars (\$15), and are payable upon filing of the application.

8.4 Posting of Permits

Garage sale permits shall be prominently posted for the entire duration of the sale on the property where the sale is to take place.

8.5 Restriction

No more than one permit shall be issued per calendar year for the same dwelling.

**APPENDIX 1
DEFINITIONS**

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

ADDITION OF A BUILDING:

Construction of an additional building, attached to the existing building or otherwise, on a property already occupied by a building.

ALTERATION:

A modification, other than a repair, made to a structure with the effect of changing its shape, volume or appearance, whether it be interior or exterior.

BUILDING INSPECTOR, or INSPECTOR:

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

CADASTRAL OPERATION:

A cadastral division, subdivision, new subdivision, redivision, annulment, correction (including replacement of a lot number), addition or assembly carried out in accordance with the Act Respecting the Cadastre (R.S.Q. ch. C-1) or Articles 2174 and 2174 a) of the Civil Code.

CADASTRAL OPERATION PERTAINING TO SUBDIVISION:

Cadastral operation involving the creation of one or more new lots or properties for the purpose of accommodating one or more new uses.

EXTENSION:

Action aimed at increasing the volume of an existing structure or ground floor area of the structure; by association, "extension" shall also be taken to mean the product of such action.

FRONTAGE:

Continuous line (straight, interrupted or curved) which separates the lot or property from the adjacent thoroughfare.

GARAGE SALE:

Non-commercial sale of excess goods which have been used for domestic purposes or acquired for same by the occupants of the property on which the goods are displayed in numbers or quantities not exceeding the normal requirements of said occupants.

PUBLIC BUILDING:

Public building as defined under the Act Respecting Safety in Public Buildings.

REPAIR:

Replacement of certain deteriorated elements with identical elements or of the same kind; for example, replacement of asphalt shingles on a gabled roof with new asphalt shingles constitutes a repair; replacement of the same asphalt shingles with metallic cladding constitutes an alteration. In addition, replacement of the roofing material with a flat roof constitutes an alteration. As a further example, replacement of some parts

of deteriorated wooden windows constitutes a repair; replacement of one or more wooden windows with metal windows, or cladding them in metal, constitutes an alteration.

SIGN:

Any written message, pictorial representation, emblem, flag or other figure or any light with similar characteristics which is:

- a structure or part of a structure, or is attached to, painted on or represented on, in any manner whatsoever, a building or independent support;
- used to notify, inform, promote, announce, advertise, make known or attract attention;
- designed specifically to attract attention to the outside of a building.

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 Act Respecting Roads (RSQ 1964, chap. 133) or by the Office des autoroutes, provided adjacent properties enjoy right of access to it.

STRUCTURE:

Organized assemblage of materials and comprising, without limitation, buildings, posters, signs, billboards, reservoirs, gasoline pumps, fences, swimming pools, etc.

THOROUGHFARE:

Any area or structure used for vehicular and pedestrian circulation including roads, streets or lanes, sidewalks or footpaths, and public spaces and public parking areas.

WETLAND CHARACTERIZATION STUDY:

A study to determine the exact delineation of a wetland and its protection area, carried out by an expert in the field and respecting the requirements set out in Appendix 2 of this By-law. For the purposes of this By-law, the delineation of a wetland of interest to be protected or restored and its protection area resulting from a characterization study takes precedence over that of a wetland of interest to be protected or restored and its protection area appearing on the "Wetlands of Interest" map annexed to the Planning Program.

WETLAND PROTECTION AREA:

An area of land 30 meters wide that borders a wetland of interest to be protected or restored, as identified on the "Wetlands of Interest" plan annexed to the Planning Program.

Amendment 90-61-7 (December 1, 2016); 90-61-9 (November 3, 2025)

APPENDIX 2 – WETLAND CHARACTERIZATION STUDY

This document outlines the minimum requirements for a wetland characterization study that must be submitted in accordance with the provisions of the Permits and Certificate By-Law No. 90-61 and the Site Planning and Architectural Integration Program By-Law No. SPAIP-2022-55.

Such a study aims to determine the exact boundaries of a wetland and its protection area in order to assess whether any constructions, uses, works, and, if applicable, activities such as excavation, backfill, displacement of humus or non-invasive native vegetation, or cadastral operations fall within this boundary. In such cases, the study specifically aims to identify the composition of the wetland and its protection area.

The following sections specify the requirements and basic elements that must be included in a wetland characterization study, as well as any additional information to be provided.

1 – REQUIREMENTS

PRODUCTION

The characterization study must be carried out by an expert in the field, in accordance with best practices and must be signed by the person or persons who conducted the field surveys and observations.

NORMATIVE REFERENCE

The characterization study must comply with the standards of the Ministry of the Environment, the Fight Against Climate Change, Wildlife and Parks (hereinafter referred to as the MELCCFP), as outlined in the document *Guide for Identifying and Delineating Wetlands in Southern Quebec* (hereinafter referred to as the “MELCCFP Guide”). This document is available at the following address (French):

<https://www.environnement.gouv.qc.ca/eau/rives/guide-identif-dellimit-milieux-humides.pdf>

SURVEY METHODOLOGY

The surveys must be conducted during the vegetative period, which runs from May 1 (or two after the final spring thaw) to October 15 (or the first autumn frost).

The validity of these surveys is five years.

The surveys must cover all wetlands present on the site subject to the applicant’s request. When a wetland extends onto adjacent properties, it may be necessary to include a portion of those properties in the survey to ensure the study covers at least 10% of the total area of the wetland.

The surveys must minimally include one survey station per wetland and one survey station per protection area.

For a wetland larger than 3,000 m², additional survey stations must be planned. A minimum of one station in the wetland and one station in the protection area must be provided for every additional 3,000 m² of wetland present on site.

2 – BASIC ELEMENTS

MANDATORY CONTENT

Every characterization study must include the following elements:

1. Cartographic data related to the delineation of:
 - a. Wetlands to be protected or restored and their protection areas, as identified in the “Wetlands of Interest” map annexed to the Planning Program;
 - b. Waterways and other adjacent wetlands, as identified in the “Ecologically Significant Areas” map annexed to the Planning Program;

The professional responsible for the study using field surveys must validate this data. If the data gathered during field surveys differ from the reference data, the study must provide an explanation and justification for the discrepancies;

2. The dates of the field surveys;
3. The mapped locations of the survey stations;

4. The *Wetland Identification and Delineation Form*, completed for each survey station, available in Appendix 5 of the MELCCFP Guide. Each form must include information on vegetation, soil, and hydrological indicators in accordance with the MELCCFP Guide;
5. The type or types of wetland (pond, marsh, swamp, or bog) and their riparian, isolated, or partially riparian or isolated character. The riparian character signifies that the wetland is fed by the waterway (floodplain of the waterway) and is thus an integral part of the waterway. The isolated character signifies that the wetland is fed through precipitation, snowmelt, or groundwater. A wetland that is hydrologically connected by a waterway but drains into it is considered isolated;
6. Indication of the formation of a wetland complex when there is a presence of multiple wetlands;
7. The type or types of terrestrial environments (forest stand, shrubby fallow land, grassy fallow land, anthropogenic elements, etc.) on the site subject to the characterization study;
8. At least one representative photoshoot per survey station, including at least one photograph of the wetland and one photograph of the terrestrial area (protection area);
9. The location and a photograph of each flow bed that has at least one of the following characteristics:
 - a. The flow bed is connected to a wetland on the site subject to the characterization study;
 - b. The flow bed runs through the protection area of a wetland;
10. A site plan prepared by an expert, showing at minimum
 - a. The property limits;
 - b. The limits recorded by the expert in charge of the study related to:
 - i. The wetland;
 - ii. The protection area;
 - iii. The littoral limit, if applicable;
 - iv. The bank, if applicable;
 - v. The boundaries of floodplains, if applicable;
 - c. The existing location of uses, building, and lots;
11. A plan showing at minimum:
 - a. The projected location of uses, buildings, works, excavation, backfill, movement of humus or non-invasive native vegetation, and cadastral operations;
 - b. The limits of the work area.

ADDITIONAL CONTENT

When the mandatory content of the study demonstrates that the uses, buildings, works, or activities are located within a wetland of interest to be protected or restored, or within its protection area, the characterization study must include the following elements:

1. For all homogenous stands (terrestrial and wetland environments):
 - a. Their surface area;
 - b. The occurrence of dominant, co-dominant and secondary species for each stratum (herbaceous, shrub, and tree);
 - c. The absolute and relative coverage percentage of each plant species;
 - d. A description of the drainage type and slope;
 - e. The nature of the soil (hydromorphic or not);
 - f. The thickness of peat, if applicable;
 - g. The hydrological indicators;

- h. The presence of the water table within the first 30 centimeters, if applicable;
2. For homogeneous tree or shrub stands (terrestrial and wetland environments, excluding herbaceous stands):
 - a. The average height of the stands;
 - b. The age of tree stands;
 - c. A description of the successional stage (climax stage);
 - d. The structure (even-aged or uneven-aged);
 - e. The percentage of canopy cover;
3. For wetlands:
 - a. Indication concerning the applicability of a mosaic effect between wetlands;
4. For aquatic environments:
 - a. The cartographic data from the “Ecologically Significant Areas” map annexed to the Planning Program. It is important to validate the status of all flow beds present, even if the map in the Planning Program does not indicate the presence of waterways.
 - b. The limit of the shoreline, the bank, and, if applicable, flood zones, when there is a watercourse on the site covered by the study, as defined in article 4 of the *Regulation respecting activities in wetlands, bodies of water and sensitive areas* (chapter Q-2, r. 0.1);

To this effect, the characterization study must also indicate the section and year of the flood recurrence levels for the identified flood zones;
5. In cases of environmental loss:
 - a. The location and surface area of natural environments preserved or affected by homogeneous stand (temporary or permanent encroachment);
 - b. The projected canopy loss due to the implementation of the uses, buildings, works, or activities involving excavation, backfill, or displacement of humus or non-invasive native vegetation.

3 – ADDITIONAL INFORMATION TO BE PROVIDED

1. The geospatial data in Shapefile format (in NAD 83, MTM zone 8) related to:
 - a. The boundaries of a wetland, along with data concerning adjacent lands within a distance of at least 30 meters on either side of the site under study;
 - b. The boundaries of the protection area of a wetland covered by the characterization study;
 - c. The location of survey stations.

Bibliography

Lachance, D., G. Fortin and G. Dufour Tremblay (2021). *Guide for Identifying and Delineating Wetlands in Southern Quebec – December 2021 version*, Québec, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Direction adjointe de la conservation des milieux humides, 70 p. + annexes, [Online], <https://www.environnement.gouv.qc.ca/eau/rives/guide-identif-dellimit-milieux-humides.pdf>.

Amendment 90-61-9 (November, 2025)